

**BOROUGH OF HATBORO
COUNCIL MEETING
MONDAY, APRIL 26, 2010**

PRESENT – President Reymer, Vice President Guent, Councilpersons Fleming, LaSorsa, Ostrander, Tompkins and Zygmunt. Mayor Hawkes, Borough Manager Ryan, Chief of Police Gardner, Public Works Superintendent Thomas, Building Codes/Zoning Officer Fugate, Fire Marshal Reading, Treasurer Lutz, Solicitor Pionzio and Engineer Dougherty.

ABSENT – None.

CALL TO ORDER – President Reymer called this April 26, 2010 Council Meeting to order at 7:04 p.m..

INVOCATION – In lieu of an Invocation, Mayor Hawkes requested a moment of silence in remembrance of former Borough employee Beth Ide.

PLEDGE OF ALLIGENCE – The Pledge of Allegiance was led by Council.

President Reymer noted the meeting is being recorded by herself and the Borough Secretary.

TREASURER'S REPORT – Councilperson Fleming reported \$1,477.38 interest earned in March. This interest was earned on 16 accounts held at TD Bank, at a rate of 0.50%. The total balance of all accounts is \$4,561,296.84.

PRESIDENT'S REPORT – President Reymer stated there was an Executive Session held prior to this evening's meeting to discuss matters of litigation and personnel.

President Reymer noted candidates had been interviewed for vacancies on the Vacancy Board and Shade Tree Commission. President Reymer noted the resignation of Administrative Assistant Amy Wack, and introduced Borough Manager Tommy Ryan.

MAYOR'S REPORT – Mayor Hawkes noted legislative efforts as to gun show firearm purchases.

MANAGER'S REPORT – Chief Gardner thanked Council for their support during his tenure as Borough Manager. Councilwoman Guent thanked Chief Gardner for his outstanding service to the community.

Borough Manager Ryan noted he will present two revitalization grant applications to Montgomery County on April 27.

CHIEF OF POLICE REPORT – Chief Gardner thanked all observing a moment of silence in remembrance of Beth Ide. Chief Gardner recalled Mrs. Ide's many years of faithful service to Hatboro, and stated his thoughts are with the Ide family at this time.

Chief Gardner noted a PennDOT study of the intersection of Montgomery and Penn did not warrant a four-way stop sign. He noted Public Works had installed additional signage at this location.

Chief Gardner noted the Borough and PennDOT were working to address the condition of thermoplastic lane markings at York Road.

Councilman Zygmunt inquired as to sight lines at the intersection of Montgomery and Penn. Chief Gardner noted the Pennsylvania Motor Vehicle Code restricts parking within a certain distance to an intersection, and noted additional restrictions are addressed by municipal ordinance.

SOLICITOR'S REPORT – Solicitor Pionzio noted outstanding temporary and permanent easements for the Williams Lane Road Improvement Project. She stated that, while she remains hopeful these easements will be obtained without condemnation proceedings, she recommends the Borough authorize condemnation proceedings in the event this is required. The consensus of Council was to schedule a Special Meeting at 7:00 p.m. on May 3 at Borough Hall. Borough Manager Ryan will arrange for the required public notice.

DEPARTMENT SUPERVISORS' REPORTS

1. **Superintendent's Report** – President Reymer noted the Public Works Report was submitted to Council in advance of tonight's meeting, and that copies of the Report were available on the press table.
2. **Fire Marshal Report** – President Reymer noted the Fire Marshal Report was submitted to Council in advance of tonight's meeting, and that copies of the Report were available on the press table.
3. **Code Enforcement Report** – President Reymer noted the Code Enforcement Report was submitted to Council in advance of tonight's meeting, and that copies of the Report were available on the press table.

PRIVILEGE OF THE FLOOR FOR AGENDA VOTING ITEMS

- Mr. Larry Phillips inquired as to the Manor Road Stormwater Feasibility Study. It was noted that this study would be discussed at the May meeting.
- Mrs. Barbara LaSorsa inquired as to the use Borough-owned vehicles. President Reymer noted three Borough employees presently utilize Borough-owned vehicles.
- Mrs. Sandra Zygmunt inquired as to employee authorization to use Borough-owned vehicles. Chief Gardner stated the use of a Borough-owned vehicle is noted in his employment contract; Mr. Ryan noted similar language is found in the employment contract for the Superintendent of Public Works.
- Mrs. Zygmunt requested the names of candidates for consideration to the Vacancy Board and Shade Tree Commission. President Reymer noted this information will be provided at the time this agenda item is considered.
- Mr. Steve Mauch expressed his concern with the tenor of the debate on the Mayor's use of a Borough-owned vehicle. He encouraged all Council members to work together on this issue. Councilman LaSorsa expressed concern with the potential loss of funds to community organizations should the Mayor not continue officiating marriages. Mayor Hawkes confirmed he does not charge a fee for this service, but does accept a donation that is remitted to the Borough.

ADMINISTRATION – President Reymer presented the following items:

December 31, 2009 Meeting Minutes – Councilman Zygmont motioned to approve the December 31, 2009 Meeting Minutes as prepared by the Assistant Borough Secretary, second by Councilman Tompkins.

Councilwoman Ostrander and Councilwoman Guenst stated meeting minutes should be prepared as a summary of meeting actions, and not as a transcript of meeting discussions. Councilman Zygmont and Councilman Tompkins stated Members should not edit minutes as prepared by staff.

On the motion:	LaSorsa	AYE	Fleming	NAY
	Tompkins	AYE	Guenst	NAY
	Zygmont	AYE	Ostrander	NAY
			Reymer	NAY

Motion failed to carry, 3-4.

Council discussed how to best address the meeting minutes to be approved, and the consensus was to direct Borough Manager Ryan to review the meeting audio tapes and to prepare minutes for consideration at a future meeting.

Councilman Tompkins motioned to table all meeting minutes and to direct Borough Manager Ryan to review the meeting audio tapes and to prepare minutes for consideration at a future meeting, second by Councilwoman Ostrander:

On the motion:	Fleming	AYE	Zygmont	NAY
	Guenst	AYE		
	LaSorsa	AYE		
	Tompkins	AYE		
	Ostrander	AYE		
	Reymer	AYE		

Motion carried, 6-1.

Ordinance 996: Industrial Pretreatment Program for the Upper Moreland Hatboro Joint Sewer Authority – Council considered an Ordinance as to pretreatment standards for the processing of sanitary waste.

Councilman Tompkins motioned to approve Ordinance 996, an Industrial Pretreatment Program for the sanitary waste, second by Councilman Zygmont, all ayes. Motion carried 7 – 0.

Release of Letter of Credit for Commerce Bank – Borough Manager Ryan noted this Applicant had requested the release a Letter of Credit posted as a performance bond for a land development at 256 South York Road. Borough Manager Ryan noted the improvements have been completed to the satisfaction of the Borough.

Councilman Tompkins motioned to approve the release of a Letter of Credit for the Commerce Bank land development, second by Councilman LaSorsa, all ayes. Motion carried 7 – 0.

Resignation of Borough Manager James Gardner – Council considered the resignation of Borough Manager James Gardner, effective this date.

Councilman Tompkins motioned to accept the resignation of Borough Manager James Gardner effective April 26, 2010, second by Councilman Zygmunt:

On the motion:	Fleming	AYE	Guenst	NAY
	LaSorsa	AYE		
	Tompkins	AYE		
	Ostrander	AYE		
	Reymer	AYE		
	Zygmunt	AYE		

Motion carried, 6-1.

Appointment of Thomas Ryan as Borough Manager – Council considered the appointment of Thomas Ryan to the position of Borough Manager.

Councilwoman Guenst motioned to appoint Thomas Ryan to the position of Borough Manager, to serve at the will of Council, second by Councilwoman Fleming, all ayes. Motion carried 7 – 0.

Appointment of Thomas Ryan as Borough Secretary – Council considered the appointment of Thomas Ryan to the position of Borough Secretary.

Councilwoman Guenst motioned to appoint Thomas Ryan to the position of Borough Secretary, replacing James Gardner, to serve at the will of Council, effective April 26, 2010, second by Councilwoman Fleming, all ayes. carried 7 – 0.

Appointment of Thomas Ryan as Chief Administrator for the Uniform and Non-Uniform Pension Plans – Council considered the appointment of Thomas Ryan to the position Chief Administrator of the Uniform and Non-Uniform Pension Plans.

Councilwoman Fleming motioned to appoint Thomas Ryan to the position of Chief Administrator of the Uniform and Non-Uniform Pension Plans, replacing James Gardner, to serve at the will of Council, effective April 26, 2010, second by Councilwoman Guenst:

On the motion:	Fleming	AYE	Zygmunt	NAY
	Guenst	AYE		
	LaSorsa	AYE		
	Tompkins	AYE		
	Ostrander	AYE		
	Reymer	AYE		

Motion carried, 6-1.

Appointment of Thomas Ryan as Open Records Officer – Council considered the appointment of Thomas Ryan to the position of Open Records Officer.

Councilwoman Guenst motioned to approve a Resolution to appoint Thomas Ryan to the position of Open Records Officer, effective April 27, 2010, second by Councilwoman Fleming.

Council Tompkins noted the Resolution should be amended to reflect the resignation of the current Open Records Officer.

After general discussion, it was agreed to table this matter for consideration at a future meeting, and the above motion was withdrawn.

Councilman Tompkins motioned to table a Resolution to appoint Thomas Ryan to the position of Open Records Officer, second by Councilman Zygmunt:

On the motion:	Fleming	AYE	Guenst	NAY
	LaSorsa	AYE		
	Tompkins	AYE		
	Ostrander	AYE		
	Reymer	AYE		
	Zygmunt	AYE		

Motion carried, 6-1.

Appointment to the Vacancy Board – President Reymer stated Council had considered three individuals for appointment to the Vacancy Board – Mr. Dave Rich, Mr. Scott Johnson and Mr. Bob Ehram. President Reymer noted all the candidates had duly filed a Statement of Financial Interests.

Councilwoman Fleming motioned to appoint Mr. Scott Johnson to the Vacancy Board, second by Councilwoman Guerst.

Councilman Zygmunt stated his opposition to this selection, noting Mr. Johnson serves as chairman to the local Democrat party organization. Mr. LaSorsa stated he does not support this selection for same reason.

Mrs. Zygmunt stated she believes Mr. Rich to be a better selection for this appointment.

On the motion:	Fleming	AYE	LaSorsa	NAY
	Guenst	AYE	Tompkins	NAY
	Ostrander	AYE	Zygmunt	NAY
	Reymer	AYE		

Motion carried, 4-3.

Appointment to the Shade Tree Commission – President Reymer stated Council had considered one individual, Ms. Brandy McKeever, for appointment to the Shade Tree Commission. President Reymer noted this candidate had duly filed a Statement of Financial Interests.

Councilwoman Fleming motioned to appoint Ms. Brandy McKeever to the Shade Tree Commission, second by Councilman Tompkins, all ayes. Motion carried 7 – 0.

Mayor Use of Borough-owned Vehicle – Council considered the use of a Borough-owned vehicle by Mayor Hawkes.

Councilman Zygmunt motioned to authorize the Borough Mayor’s use of a Borough-owned vehicle for the purpose of officiating marriages and for the provision of emergency services support, second by Councilman Tompkins.

Councilman Zygmunt stated the annual revenue generated by the Borough Mayor’s officiating marriages exceeds the annual expenses to maintain his vehicle. Councilman Zygmunt and Councilman LaSorsa noted

the net revenue generated, and the contributions to local organizations that are made possible by this revenue, substantiate the Borough providing a vehicle to the Mayor.

On the motion:	LaSorsa	AYE	Fleming	NAY
	Tompkins	AYE	Guenst	NAY
	Zygmunt	AYE	Ostrander	NAY
			Reymer	NAY

Motion failed to carry, 3-4.

Mayor Hawkes asked Borough Manager Ryan to notify Borough staff that, absent standing commitments, he will no longer officiate marriages.

Councilman LaSorsa expressed concern with the impact the loss of funding will have on local organizations.

FINANCE & COMMUNITY RELATIONS – Councilwoman Fleming presented the following items:

Warrant List and Manual Check List – Council considered accounts payable for March, 2010.

Councilman Tompkins motioned to approve the Warrant List, as presented and revised April 26, 2010, second by Councilman LaSorsa, all ayes. Motion carried 7 – 0.

Councilman LaSorsa motioned to approve the payment of bills and transfers, second by Councilman Tompkins, all ayes. Motion carried 7 – 0.

Resolution 2010-12: Sale of Wachovia Property, 212 South York Road – Council considered a resolution authorizing the sale of a Borough-owned property at 212 South York Road.

Councilman LaSorsa motioned to approve Resolution 2010-12, authorizing Borough officials to proceed as to the sale of 212 South York Road, Lot #2, conditioned upon final plan approval of this subdivision, second by Councilwoman Guenst, all ayes. Motion carried 7 – 0.

Special Project Fund requests – Council considered requests for support as received from various community organizations.

Councilman Zygmunt motioned to table consideration of requests for support to the May Council Meeting, second by Councilwoman Ostrander:

On the motion:	Fleming	AYE	Guenst	NAY
	Ostrander	AYE	LaSorsa	NAY
	Zygmunt	AYE	Reymer	NAY
			Tompkins	NAY

Motion failed to carry, 3-4.

Councilman Tompkins and Councilwoman Fleming each presented a list of projects for proposed funding. General discussion on the projects followed, after which Council decided to award the following funds:

1. \$2,400.00 to the Hatboro YMCA for a gymnastics landing mat;
2. \$2,349.13 to the Hatboro Boy Scouts of America Troop 3 for recording headsets;
3. \$3,000.00 to the Hatboro Little League for a shed and scoreboard support;

4. \$510.00 to the Hatboro Boy Scouts of America Troop 81 for camping equipment; and,
5. \$1,500.00 to the Hatboro Cub Scouts Pack 17 for a pinewood derby track.

Councilman LaSorsa motioned to approve funding for the five (5) above-noted projects, second by Councilman Zygmunt, all ayes. Motion carried 7 – 0.

PARKS, RECREATION & PUBLIC FACILITIES – Councilwoman Guerst presented the following items:

Authorization to Bid District Court Fit-Out – Borough Manager Ryan noted the plans and specifications for the District Court fit-out project were ready to bid.

Councilman LaSorsa motioned to authorize the District Court fit-out project be let to bid, second by Councilman Tompkins, all ayes. Motion carried 7 – 0.

Additional Parking Spaces at Borough Hall – Council considered a proposal to construct additional parking spaces at Borough Hall, as offered by Thomas Pileggi.

Councilman Tompkins motioned to not authorize the construction of additional parking spaces at Borough Hall until such time as the Borough identifies parking demands as may be required by the lease of the second floor office area at Borough Hall, second by Councilwoman Fleming, all ayes. Motion carried 7 – 0.

Miller Meadow Landscape Architectural Services – Council considered a proposal for landscape architectural services at Miller Meadow.

Councilman Zygmunt motioned to approve the proposal for landscape architectural services as submitted by Catherine Ann Farnen, LLC, dated March 26, 2010, in the amount of \$468.00, second by Councilman Tompkins, all ayes. Motion carried 7 – 0.

PUBLIC SAFETY – There was no report.

COMMUNITY & ECONOMIC REDEVELOPMENT – There was no report.

OLD BUSINESS

- Council discussed the post of Assistant Borough Secretary. Councilman Tompkins recommended the Borough retain this position in the event the Borough Secretary is unavailable to sign an urgent document, and for similar scenarios. Councilman Zygmunt stated this position expedites the processing of paperwork. President Reymer stated she does not believe the position is required to be retained.

Councilman Tompkins motioned to extend the appointment of Assistant Borough Secretary Diane Hegele to December 31, 2010, second by Councilman Zygmunt:

On the motion:	Fleming	AYE	Ostrander	NAY
	Guerst	AYE	Reymer	NAY
	LaSorsa	AYE		
	Tompkins	AYE		
	Zygmunt	AYE		

Motion carried, 5-2.

- There was general discussion regarding the membership of the Fire Board. It was noted that membership is established by Borough Ordinance. In specific, Fire Chief Fred Zollers stated this Board includes three at-large members, two members of the Enterprise Fire Company, and two Members of Borough Council.

NEW BUSINESS

- Council considered a request to repair a pothole at the driveway of the Enterprise Fire Company. Fire Chief Zollers confirmed the pothole affects the ingress and egress of emergency vehicles. The consensus of Council was that this condition constituted an emergency condition, and as such the matter should not be deferred to the Committee Meeting.

Councilman Tompkins motioned to authorize the Public Works Department to provide the required pothole fix at the driveway of Enterprise Fire Company, second by Councilwoman Fleming, all ayes. Motion carried 7 – 0.

- Mr. Robert Hegele inquired as to the December 31, 2009 Special Meeting. President Reymer confirmed the topic of ethics was addressed at this Special Meeting.
- Mrs. Barbara LaSorsa, Miss Cassandra Zygmont and Mr. Hegele thanked Mayor Hawkes for his service to the community by way of officiating marriages.
- Mrs. Zygmont inquired as to the expense incurred to review the matter of the Mayor's use of a Borough-owned vehicle. Solicitor Pionzio noted much of this review was conducted by the Borough Manager.

ADJOURNMENT

There being no further business, this Council Meeting was adjourned at 9:05 p.m..