

BOROUGH OF HATBORO
COUNCIL MEETING
MONDAY, SEPTEMBER 22nd, 2008

PRESENT

President Zygmunt, Vice President LaSorsa, Councilpersons Guent, Ostrander, Tompkins, Reymer & Rich, Mayor Hawkes, Borough Manager/Chief Gardner, Planner/Assistant Manager Hartey, Assistant Secretary Hegele, Superintendent Thomas, Fire Marshal Stauch, Assistant Fire Marshal Reading, Borough Solicitor Meyer & Borough Engineer Dougherty.

ABSENT

Treasurer Lutz was absent this evening.

CALL TO ORDER

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

INVOCATION

Mayor Hawkes gave the invocation for the September 22nd, 2008 meeting of Borough Council.

MINUTES

President Zygmunt stated Council is in receipt of the minutes of the July 28th, 2008 Community Relations Committee minutes. Vice President LaSorsa made a motion to approve the July 28th, 2008 Community Relations Committee minutes. This motion was seconded by Councilperson Guent and approved by Council unanimously.

President Zygmunt stated Council is in receipt of the minutes of the August 25th, 2008 Council meeting. Vice President LaSorsa made a motion to approve the August 25th, 2008 Council meeting minutes. This motion was seconded by Councilman Tompkins and approved by Council unanimously.

PRESIDENT'S REPORT

President Zygmunt stated he had nothing 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 this Police Department Report. Borough Manager/Chief Gardner stated he had two items to report on this evening, the first item was a recent request from the Chamber to change the Parade Route for the 2008 Holiday Parade. Borough Manager/Chief Gardner stated that the Chamber would like to have the parade go Southbound this year and he has staging concerns in the northern neighborhood, there is not enough room on York Road to stage and with local vehicular traffic it becomes a pedestrian concern also. Councilperson Ostrander stated there was not enough time to do what is needed. Councilperson Guenst stated it was an error. Borough Manager/Chief Gardner stated he needed to talk to his predecessors who were involved years ago when the parade did proceed south. Councilman Tompkins asked where the parade would end if it went south, at Newington or at Warminster Road.

Borough Manager/Chief Gardner stated the second item he wanted to report on was a recent email he received from the Center for Municipal Solutions concerning a recent study by the Neilson Company. The Neilson Company are predicting that 20 million United States households will ditch their landlines by the end of 2008 meaning 1 and 5 will be wireless, meaning more cell towers will be needed.

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. There was none.

TREASURER'S REPORT

1. CASH BALANCES & INVESTMENT INCOME REPORT

President Zygmunt reported Treasurer Lutz was absent this evening. Vice President LaSorsa reported the interest earned in August was \$9,968.58. This was for al 14 accounts at Commerce Bank at a rate of 2.10%. Total account balance is \$5,553,283.01. Councilperson Guenst made a motion to approve the Treasurer's Report for the month of August 2008. This motion was seconded by Councilman Tompkins and approved by Council unanimously.

2. APPROVAL OF WARRANTS LIST

President Zygmunt stated that Council is in receipt of the warrant list and manual checklist. President Zygmunt stated that Council has had the opportunity in advance to review the warrant list and direct any questions to the Chief of Department Head. Vice President LaSorsa made a motion to approve the warrant list and manual checklist for the month of September. 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 September 2008. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

MAYOR'S REPORT

Mayor Hawkes thanked Borough Manager/Chief Gardner and the Hatboro Police Department for the good job recently at the Abington Bank \$2.00 per gallon gas promotion at York & Byberry. Borough Manager/Chief Gardner stated the event went well and there were no problems.

SOLICITOR'S REPORT

Solicitor Meyer reported he reviewed the cell tower ordinance.

Solicitor Meyer reported he reviewed the Upper Moreland Hatboro Joint Sewer Authority Resolution and Ordinance.

Solicitor Meyer reported he obtained documents regarding advertisement of contracts and other matters as requested by the Montgomery County District Attorney and copy of the Statement of Financial Interests Form.

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 room. 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. Fire Marshal Stauch reminded everyone that October was Fire Prevention month and that everyone should check the batteries in their smoke detectors. Fire Marshal Stauch also stated that if anyone needed a smoke detector and could not afford one to contact Borough Hall and his office can get one for them.

10. COUNCIL/COMMITTEE REPORTS

A. PUBLIC SAFETY COMMITTEE – Mayor Hawkes (Chairman) & Councilperson Ostrander

Mayor Hawkes stated he had nothing to report this evening.

B. PUBLIC WORKS COMMITTEE – Councilman Rich (Chairman) & Guenst

Councilman Rich stated he had two items on his agenda tonight; the first item is to consider the County Line Road Signalization Maintenance Agreement Resolution #2008-09. Vice President LaSorsa made a motion to approve Resolution #2008-09, County Line Road Signalization Maintenance Agreement Resolution. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

Councilman Rich stated the second item on his agenda was an update on the Eaton Park Tennis Courts. Borough Manager/Chief Gardner met with Councilman Rich, Superintendent Thomas and Foreman Sine regarding the tennis courts. Borough Manager/Chief Gardner stated that Public Works agrees with the Parks and Recreation Committee that the Tennis Courts be removed. Borough Manager/Chief Gardner stated that Public Works could perform the work during the regular hours at an estimated cost of \$5810.00. Borough Manager/Chief Gardner also stated that Public Works could also for an additional cost of \$1800.00 do electrical modifications to provide additional lighting at the Pavilion. President Zygmunt stated Parks & Recreation has an operating line item that should have sufficient funds to cover the expenditures; therefore the costs would not have to be expended from the Capital Budget. Councilperson Guenst made a motion to approve the expenditure of the removal of the tennis courts and do the lighting work for the pavilion at a cost of approximately \$5810.00 and \$1800.00 respectfully. This motion was seconded by Councilperson Reymer and approved by Council unanimously.

C. ZONING, PLANNING and HISTORIC PRESERVATION COMMITTEE – Councilman Tompkins (Chairman) & Guenst

Councilman Tompkins stated he had two items on his agenda tonight; the first item was to update Council on the Jacksonville Road Lighting Standard. Councilman Tompkins stated that next month there would be a presentation and resolution for consideration.

Councilman Tompkins stated the second item on his agenda was the consideration of Resolution #2008-10, Endorsement of Phase 1 of the Route 611-263 Corridor Study. Councilman Tompkins stated this was a preliminary draft and update to comments received. Hatboro comments included Miller Meadow ad still being able to serve as host to Community events. Councilman Tompkins stated that this includes sidewalks throughout, traffic calming, gateway and lane diet with green areas. Councilman Tompkins stated Phase 1 was a report and concept and Phase 2 was implementation, there is no actual work in Phase 1, only ideas for implementation and anything done would be in conjunction with other municipalities. Councilman Tompkins also stated the County still needs to review and could possibly help fund costs associated.

Councilperson Guenst asked about bike routes. Councilman Tompkins stated that with the lane diet he is not sure. Councilman Tompkins stated the signage would be the same. Councilman Tompkins stated he had one paper copy, that he would leave that copy at Borough Hall, he stated that he had an electronic version available. President Zygmunt turned the meeting over to Vice President LaSorsa and he read a prepared statement.

President Zygmunt read a statement, "I would prefer that we did not consider the resolution this evening. I think tabling the resolution until the October meeting (where we can have a public presentation of the items contained in the study) is appropriate. I do not feel there was sufficient time to address the issue, no opportunity for public input, etc. I do not believe that we should be passing phase one to get phase two without addressing the sidewalk and traffic issue in public. We were put in the position of scheduling this for a vote based on 1 getting the information to review timely, and 2 that the issues previously brought up were addressed. As of this morning, there were several council members who did not review the first or second draft. Is anyone ready to answer resident issues about passing this? I would think it a better route to allow for reaction to the document before we vote to pass it. This is the second time this has been a rush to review this document with a surprise in the process. This project is setting a horrible track record for this. Who is paying for the implementation of the concepts in the end and do they bear any relationship to anything that the Borough is going to fund? My reaction this morning was "shock". I have a much more level head about it now. Let's have someone from DVRPC come to the October Committee meeting to describe what the "vision" is here. If this is all a pipe dream, it is not worth expending the energy on. If it is a real plan, are you ready to deal with possible negative public reaction to it. I question this: If this was not available two weeks ago, how did Cheltenham and Abington vote on it already? Do their council people vote on things without reading them? I think this speaks volumes about how the packet process should be allowed to work in almost every instance."

President Zygmunt asked for a motion to table this matter until the October meeting. Vice President LaSorsa stated he has concerns. President Zygmunt stated he had comments, which he provided in June; he wants to see what the Group is talking about. Vice President LaSorsa made a motion to table Resolution #2008-10 until the October meeting. This motion was seconded by Councilman Rich; with Councilman Rich, Vice President LaSorsa and President Zygmunt voting in favor and Councilpersons Tompkins, Guenst, Ostrander & Reymer voting nay.

Councilperson Guenst made a motion to approve Resolution #2008-10. President Zygmunt asked for discussion. Councilperson Reymer stated she did read the document. Councilperson Guenst stated she also read the document. Councilperson Ostrander stated as chair of the pedestrian safety committee she was in favor of this. Councilperson Guenst stated that this is just ideas in a format for the public to review. Vice President LaSorsa stated this is

eliminating one lane on York Road, asked where the funding coming from is and where is the commitment. Vice President LaSorsa asked if anyone has been notified, shouldn't the residents who are affected have some say. President Zygmunt stated he has a real problem with the last paragraph of the resolution and the fact that the public has not been notified properly. Councilperson Reymer stated it is a public document, which can be made available in Borough Hall, and there was a public meeting in February. Councilperson Reymer stated that tonight Council is only approving Phase 1, this approval tonight will allow the group to proceed to Phase 2. Councilperson Reymer stated there is not much information to share with the public at this time since the concept is still in planning phases; the project is actually a few years down the road. Councilperson Reymer stated that Council should not stand in the way of this project. President Zygmunt stated changes were made June 25th and now this report, which he did not find out about until this past weekend. President Zygmunt feels residents along York Road will be made to install sidewalks in front of their homes and they will be upset with Council for implementing this plan without giving the public the opportunity to come in and comment. Councilperson Guenst applauded Councilman Tompkins for his effort with this and President Zygmunt is only putting scare tactics out there.

Mr. Hart, 173 Earl Lane asked about the third lane and what direction it would be southbound or northbound. Borough Manager/Chief Gardner stated it would be a center turn lane. Mr. Hart stated no will come up York Road, it is bad enough now. President Zygmunt stated it was designed for traffic calming. Councilman Tompkins stated it is for traffic safety. Borough Manager/Chief Gardner stated he did not have exact numbers/data with him tonight; accidents have been more severe, due to wet conditions, speed or alcohol.

Councilman Tompkins stated tonight's vote was not for sidewalks. This motion was seconded by Councilperson Reymer; with Councilman Rich, Vice President LaSorsa and President Zygmunt voting nay and Councilpersons Tompkins, Guenst, Ostrander & Reymer voting in favor. The motion passes.

PARKS AND RECREATION COMMITTEE - Councilperson Guenst (Chairperson) & LaSorsa

Councilperson Guenst stated she had nothing on her agenda tonight.

FINANCE, BUDGET AND INSURANCE COMMITTEE - Vice President LaSorsa (Chairman) & Reymer

Vice President LaSorsa stated he had nothing on his agenda tonight.

PUBLIC RELATIONS AND COMMUNITY RELATIONS COMMITTEE

- Councilperson Reymer (Chairperson) & Guenst

Councilperson Reymer stated she had nothing on her agenda tonight.

ADMINISTRATION & CONTRACTS COMMITTEE - President Zygmunt (Chairman) & Tompkins

President Zygmunt stated he had several items on his agenda for this evening; the first was to consider the Employee Ratification for the month of September 2008. Vice President LaSorsa made a motion to approve the September 2008 Employee Ratification Listing. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

President Zygmunt stated the second item on his agenda was to consider the appointment of Ms. Luann Kline to the Planning Commission. Vice President LaSorsa made a motion to approve the appointment of Ms. LuAnn Kline to the Hatboro Borough Planning Commission. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

President Zygmunt stated the third item on his agenda was the discussion of a change of meeting date for the October committee meeting. President Zygmunt asked Council if there was availability to have a special meeting later this week instead. President Zygmunt explained that the purpose of the special meeting or change of meeting date was for the approval and swearing in of a new patrol officer. Borough Manager/Chief Gardner stated that the Civil Service Commission has submitted a list and an offer is out to a candidate. Borough Manager/Chief Gardner stated that the candidate has met all conditions and is taking his state certification exam this Thursday and he is confident he will pass and will know also on Thursday the results. Borough Manager/Chief Gardner stated that he may lose this candidate to another municipality and he would like to move the meeting in order to make the appointment official. After a discussion it was agreed a special meeting would be held on Friday, September 26th at noon in Borough Hall. Borough Manager/Chief Gardner will notify the candidate. Assistant Secretary Hegele will advertise the special meeting.

President Zygmunt stated the fourth item on his agenda was to consider Resolution #2008-11, Enterprise Fire Company Renovation and Improvement Resolution. Vice President LaSorsa made a motion to approve Resolution #2008-11, Enterprise Fire Company Renovation and Improvement Resolution. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

President Zygmunt stated the last item on his agenda was to consider Resolution #2008-12, Enterprise Fire Company Renovation and Improvement Resolution to Borough Authority. Vice President LaSorsa made a motion to

approve Resolution #2008-12, Enterprise Fire Company Renovation and Improvement Resolution to Borough Authority. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

EMERGENCY SERVICES AND PEDESTRIAN SAFETY – Councilperson Ostrander (Chairperson) & Rich

Councilperson Ostrander stated he had nothing on her agenda tonight.

OLD BUSINESS

President Zygmunt stated there was one item under Old Business, the discussion of the Borough Hall Lighting Plan. Planner/Assistant Manager Hartey reviewed the location and types of lights that can be considered. Councilperson Guenst asked where the money would be coming from to pay for this work. President Zygmunt stated it would be from the GOB-Loller Building Project. Councilman Tompkins asked if the floodlights would be installed, when and would it be after seeing what was needed. Councilperson Guenst reminded Council that we now have a neighbor; Victorian Village and we need to remember not to have lights shining into residences. Vice President LaSorsa made a motion to approve the Borough Hall lighting plan using Public Works for installation of the lighting style “Providence” at a cost of \$7,763.48. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

NEW BUSINESS

There was no new business to come before Council tonight.

PRIVILEGE OF THE FLOOR

Mr. Chuck McElroy, Vice President, Enterprise Fire Company thanked Council, Chief Gardner and Planner/Assistant Manager Hartey for all their help with the Enterprise Fire Company Renovation Project.

Mr. Dan Sulkowski, 49 Horsham Road. Mr. Sulkowski stated he was in attendance tonight to discuss the Victorian Village Project. Mr. Sulkowski stated he heard there are only 9 units sold, he also heard that the buildings could be sold as subsidized housing. Councilman Tompkins stated the project is zoned specifically for 55 plus. Mr. Sulkowski asked if it could be 55 plus subsidized. Councilperson Guenst asked Mr. Sulkowski where he got his numbers from, he replied Borough Hall. Councilman Tompkins stated that the lack of sales could be attributed to the fact that the developer just received his final documents 2 weeks ago and until he had these particular documents he could not sell any units. Borough Manager/Chief Gardner stated the Borough does not have hard numbers so he is not sure who gave him the information/numbers. Mr. Sulkowski asked what happens to the residents of

Academy Road and Horsham Road when this project goes subsidized. Councilperson Guenst stated that Moreland Towers is subsidized. Mr. Sulkowski stated he does not live near there, he is concerned and is protecting his way of life and investment, he fought hard at the beginning of the project and lost, subsidized housing will mean the area will go downhill fast. Mr. Sulkowski is not confident the developer has the appropriate funding. Councilperson Guenst reminded Mr. Sulkowski that he should not disparage the developer in anyway. Mr. Sulkowski asked about traffic calming. Borough Manager/Chief Gardner stated the traffic calming is in the developer's escrow and has not yet been finalized. Councilman Tompkins stated Council looked at options for the property and this project seemed to be the best fit. Borough Solicitor Meyer stated the Condo documents were not in place till late. Mr. Sulkowski knows there are concerns and they are growing. Councilperson Guenst asked for Mr. Sulkowski and others to give it more time. President Zygmunt stated Council couldn't tell the owner what to do, they can only hold them to what the zoning states. President Zygmunt stated no one predicted the real estate market would be like today. Councilperson Guenst stated she knows the developer can weather the storm; he is not concerned he has the assets to weather this storm. Mr. Sulkowski stated the zoning overlay allows the developer to sell. Councilperson Guenst stated it is not good to surmise anything.

Mr. Pat Joyce, 45 Horsham Road. Mr. Joyce asked about the gum trees along the fence behind his property, he stated the trees are dropping balls. Borough Engineer Dougherty stated he did take a branch off before the meeting tonight and will have a Landscape Architect look at. Councilman Tompkins stated he would get back to Mr. Joyce once he hears back from Borough Engineer Dougherty. Borough Engineer Dougherty stated that the gum tree is on the approved tree list for the Borough.

Mr. Ron Battis, 320 W. Moreland Avenue. Mr. Battis stated Borough Council has a few problems to solve, maybe 40. President Zygmunt stated about 130. Mr. Battis stated Borough Hall looks beautiful, the firehouse is progressing, which is great in our current financial market, the tennis courts at Eaton Park will soon be history. Mr. Battis wanted to commend all of Council for their good work and taking on one project at a time. Mr. Battis thanked Council.

ADJOURNMENT

President Zygmunt adjourned the September 22nd, 2008 Council meeting at 8:17 P.M.

EXECUTIVE SESSION

President Zygmunt stated there would be an executive session this evening to discuss Real Estate, Legal and Personnel matters.

Respectfully submitted,

Diane C. Hegele
Assistant Borough Secretary