

BOROUGH OF HATBORO
COUNCIL MEETING
MONDAY, NOVEMBER 24, 2008

PRESENT

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

ABSENT

Fire Marshal Bob Stauch , Assistant Secretary Hegele

CALL TO ORDER

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

INVOCATION

Mayor Hawkes gave the invocation for the November 24, 2008 meeting of the Borough Council.

CHECK PRESENTATION

Senator Stewart Greenleaf presented a check for the Intoxilyzer Grant for the Hatboro Police Department in the amount of \$7500.00.

MINUTES

President Zygmunt stated due to some changes that are necessary to the September 22, 2008 minutes and the October 27, 2008 minutes and the fact that the Borough Secretary, Diane Hegele, would be out of the office until the beginning of December that Council would entertain approving those minutes at the December Council meeting.

PRESIDENTS REPORT

President John Zygmunt advised that the Treasurer's Report would be moved to item 12 on the Agenda as Council needed to decide on 1 or 2 items on the Warrant List before they approved the bills. President Zygmunt also advised after spending some time reviewing the budget, as far as where it is going and where it has been, that he is impressed with the Council over the course of the last three years has managed since the actual 2006 numbers through the Budget for 2009 an overall increase in those Budget periods of 6.8%. This rolls off as 2.2%, -.1 %, 4.1% and the upcoming Budget is 2.7%

increase in spending. President Zygmunt advised that he feels it speaks volumes as to the discipline of Council.

BOROUGH MANAGER/CHIEF OF POLICE REPORT

Borough Manager/Chief of Police James Gardner would again like to thank Senator Greenleaf and his staff for their assistance with planning the DCED Grant for the new Intoxilyzer for the Hatboro Police Department. Borough Manager/Chief Gardner advised that they do have training scheduled this month for about six of the officers that were previously trained on other breath machine. The other officers will complete their training next year. Borough Manager/Chief Gardner advised that when they obtained that Grant it was when Warminster Hospital closed. This kept the officers out of town for longer periods of time to have to travel to Abington Hospital. Now that the Hatboro Police Department has the Intoxilyzer the officers do not have to leave the town. Borough Manager/Chief Gardner advised he would also like to acknowledge Senator Greenleaf for all of his assistance in the past. He has always had a commitment to Public Safety and also being instrumental with the Fire House Grant.

Borough Manager/Chief Gardner then advised that he wanted to acknowledge the local Police Departments in Montgomery County and the Montgomery County Sheriffs Department, the Emergency Management Staff and the Public Works Department for the clean up job they did after the Phillies victory celebration out on York Road. He advised he especially wanted to acknowledge the outside agencies, as Hatboro could not have done it without them.

Borough Manager/Chief Gardner stated that he would like to thank the Fire Police for the work at the parade. Borough Manager/Chief Gardner stated he is not aware of exactly how many parades there have been but he believes that it was one of the smoothest parades that Hatboro has had. Borough Manager/Chief Gardner advised that during the Parade there were really no calls. Borough Manager/Chief Gardner also wanted to thank the residents of Hatboro and also the motorists who were patient with the traffic details and parking restrictions. Borough Manager/Chief Gardner also stated he wanted to thank the businesses along York Road and the Chamber of Commerce for assisting in bagging all of the meters.

Borough Manager/Chief Gardner stated he wanted to report that for the Loller project, there is paving that needs to be done for the restoration of the YMCA building, primarily on the neighbors lot. Borough Manager/Chief Gardner advised the contractor is going to come and mill and repave it. Borough Manager/Chief Gardner advised that it is tentatively scheduled for Wednesday, November 26, 2008 but it is dependant on the asphalt due to the weather. Borough Manager/Chief Gardner advised that he and Planner/Assistant Manager Hartey have been going through the punch list with the Architect and Contractor and this is the last item on the punch list. Borough

Manager/Chief Gardner advised once this work is complete that there will be a final bill submitted.

Borough Manager/Chief Gardner advised that as of 5:00 p.m. November 24, 2008 the Borough of Hatboro owns the former Wachovia building. Borough Manager/Chief Gardner stated he would like to thank Solicitor Adrian Meyer for putting it all together.

Borough Manager/Chief Gardner advised that the new tube has been installed in the Swimming Pool sliding board. Borough Manager/Chief Gardner advised that due to the cold temperatures they can not caulk it. Borough Manager/Chief Gardner stated that they would come back in March to seal the tube. Borough Manager/Chief Gardner stated that the contractors also advised him that they ordered another part that will give the slide more support. Borough Manager/Chief Gardner also stated that the contractor advised there would be required maintenance for the caulk to insure it stays sealed.

Borough Manager/Chief Gardner stated that the Fire House Grant has been submitted. Borough Manager/Chief Gardner stated that he wanted to acknowledge Planner/Assistant Manager Mike Hartey and the consultants for getting that Grant application completed.

MAYORS REPORT

Mayor Norman Hawkes advised that he would concur in congratulating and thanking everyone for the wonderful job they did on the parade.

SOLICITORS REPORT

Solicitor Adrian Meyer stated that the hearing for the Scheiber matter, which was scheduled for Friday, November 21, 2008, has been continued to an unknown date in the future.

Solicitor Adrian Meyer stated that he would like to thank Borough Manager/Chief Gardner and Council President Zygmunt for helping with the settlement of the former Wachovia building.

SUPERINTENDENTS REPORT

President Zygmunt advised that the Public Works Department 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 Reading stated he had nothing additional to report.

President Zygmunt advised that there was another correction in the Agenda. President Zygmunt advised that the bid tabulations that were received on November 24, 2008 for the West Monument Avenue Bridge are to be added under Administration and Contracts but he would like everyone to be aware in case of comments that Council would be discussing it under privilege of the floor.

OPEN PUBLIC HEARING

President Zygmunt advised that he was then opening a public hearing for the UMHJSA Pretreatment Ordinance, which would be the Borough of Hatboros Ordinance Number 983. Borough Manager/Chief of Police Gardner stated that the Pretreatment Ordinance is basically that there are EPA regulations that the Sewer Authority is required to enforce and follow regarding sewage coming into the plant and the pretreatment of that sewage coming out of the plant. The Sewer Authority has the enforcement responsibility and the overall responsibility to make sure that the provisions are carried out, however they need Upper Moreland Township and the Borough of Hatboro to adopt this Ordinance which will give the Sewer Authority the authority to do what they need to do. Borough Manager/Chief of Police Gardner advised that before Council tonight is a discussion about this Ordinance, which the UMHJSA need passed. President John Zygmunt asked Solicitor Adrian Meyer if he had anything to add. Solicitor Adrian Meyer advised nothing other than what Borough Manager/Chief Gardner indicated, which is in order to enforce any violation of any of the rules that UMHJSA needs an Ordinance out of the municipalities. President Zygmunt then asked if anyone from the audience had any comment. There was no comment from the audience. President Zygmunt then asked if anyone on Council had any comment. There was no comment from the audience. President Zygmunt stated they would close the public hearing on the UMHJSA Pretreatment Ordinance.

President Zygmunt stated that he would like to open a public hearing for the UMHJSA Extension of Existence Ordinance, which would be the Borough of Hatboro's Ordinance Number 984. President Zygmunt advised this basically extends for one year beyond the Ordinance that was passed in 2007. President Zygmunt advised that in 2007 the Borough of Council approved a 25year extension through December 15, 2032. President Zygmunt advised that in order to get in sync with the Ordinance the Upper Moreland Township just passed that Hatboro need to ad a year to there Ordinance. President Zygmunt stated that they advertised the Ordinance extending the existence of the Authority to December 15, 2033. Solicitor Meyer advised that it is just strictly amending an Ordinance. There was no comment from the audience. . President Zygmunt then stated that they would close the public hearing on the UMHJSA Extension of Existence Ordinance.

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.

COUNCIL/COMMITTEE REPORTS

A. **FIREBOARD**-Vice President LaSorsa (Chairman) & Mayor Hawkes
Vice President LaSorsa stated that he had one item on the agenda for this evening, which is to update and discuss the Firehouse Grant Application. Vice President LaSorsa advised that if Council had any questions regarding the Application that they could ask Planner/Assistant Manager Hartey now. Council advised they were fine with the application. Vice President LaSorsa then stated that he would like to thank Planner/Assistant Manager Hartey, The Omni Group and the Fire Company for all of their hard work. Councilman Tompkins asked if we have a time frame for a reply or an acknowledgement of submission? Planner/Assistant Manager Hartey advised they are hoping to hear something by the end of the year.

B. ZONING, PLANNING & HISTORIC PRESERVATION COMMITTEE-

Councilman Tompkins (Chairperson) & Guent. Councilman Tompkins advised that he had two items for the agenda tonight. First would be the escrow release for 237 Jacksonville Road, which is Stoveworks 1. Councilman Tompkins the release is in the amount of \$310,470. Councilman Tompkins asked Engineer Dougherty if there was anything regarding the project that he would like to comment on. Engineer Dougherty stated that he had no comments at that time. Councilman Tompkins advised that this is the second escrow release and that it now brings Stoveworks to almost 50% of the original amount escrowed. Vice President LaSorsa made a motion to approve the escrow release for Stoveworks 1. This motion was seconded by Councilperson Guent and approved by Council unanimously.

Councilman Tompkins stated that the second item on the agenda is to consider a waiver or reduction of fees for 400 N York Road. Councilman Tompkins stated that the applicant had previously challenged the Borough's Flood Plain Ordinance and now the matter would need to go before the Zoning Hearing Board. The applicant is requesting a waiver or a reduction in fees. Councilperson Guent made a motion to approve the waiver or reduction of fees for 400 N York Road. This motion was seconded by Councilperson Ostrander. President Zygmunt asked if there was any discussion. Councilman Tompkins stated that the Borough's fee schedule is the fee shedule and that it reflects real cost to the Borough. Councilperson Guent agreed. Council voted unanimously motion denied.

FINANCE, BUDGET AND INSURANCE COMMITTEE-

Vice President LaSorsa (Chariman) & Reymer. Vice President LaSorsa stated that he had one item for the agenda and that was to consider the approval of the Preliminary 2009 Operating Budget. Councilperson Ostrander made a motion to approve the Preliminary 2009 Operating Budget. This motion was seconded by Councilperson Reymer. Councilman Tompkins asked if they were discussing the Budget named Workshop Version Final. Coucilperson Guent stated that it can not be the final

version as they still needed to discuss the Union Library. Vice President LaSorsa stated that the Union Library would be discussed at the December 8th meeting. Vice President LaSorsa advised Borough Manager/ Chief Gardner that the Borough would need to advertise the Preliminary 2009 Operating Budget. Borough Manager/Chief Gardner advised that Borough Hall would display it for public inspection. Borough Manager/Chief Gardner also advised that at some point the Borough needed to advertise the Tax Ordinance. The motion to approve the Preliminary 2009 Operating Budget was approved unanimously by Council. President Zygmunt then stated to Solicitor Meyer that the Borough needed to advertise a Tax Ordinance for 2009. President Zygmunt stated that the Borough's budget has been built with no increase in tax. President Zygmunt asked Solicitor Meyer if it was possible to advertise the Tax Ordinance in time to vote on it at the December 15th Committee Meeting. Solicitor Meyer stated that yes the Borough had time to advertise. The Tax Ordinance has to be advertised no more than six days but no less than seven days before the voting meeting. Solicitor Meyer stated that he would take care of the Tax Ordinance advertisement.

ADMINISTRATION & CONTRACTS COMMITTEE-President Zygmunt (Chairman) & Tompkins. President Zygmunt stated the first item on the agenda is to consider the change order for the Pennypack Creek Channel Maintenance Project. President Zygmunt then asked Engineer Dougherty to explain the background of the project. Engineer Dougherty stated that Gilmore and Associates did a survey in 2007 to support a Grant Application for the Pennypack Creek Channel Project. Engineer Dougherty advised that the Grant was not awarded until early to mid 2008. Engineer Dougherty advised that Gilmore put the bid document out based on the 2007 survey. However, when the contractor actually did the work it turned out that there was less material there that needed to be removed as was estimated in 2007. Engineer Dougherty advised the reasons why is that there is a sanitary sewer line that runs across the creek that is a bit higher than what was represented on the original design drawings from the mid 1980's. Engineer Dougherty stated that also it looks as though some of the material simply washed away. Engineer Dougherty stated that there was roughly 40% to 50% left from what was originally estimated. Engineer Dougherty stated that in the bid contract documents, which Engineer Dougherty stated is standard language in almost all construction documents, if a single line item represents more than 5% of the total contract price and the quantity of that line item changes more than 20% than the contractor can re-evaluate the unit price for that item. Engineer Dougherty stated that the contractor for the Pennypack Creek Channel Maintenance Project has submitted a change order to increase the price to make up for the difference in the economies scale for that particular work item. President Zygmunt stated that with the change order the contractor still comes in lower than any other bidder. Engineer Dougherty agreed. Councilperson Tompkins stated that the contractor is still coming in under or at the original contract. Borough Manager/Chief Gardner stated that the contractor is actually

coming in lower than his original bid. Councilman Tompkins made a motion to approve the Change Order for the Pennypack Creek Channel Maintenance Project. This motion was seconded by Vice President LaSorsa and approved by Council unanimously.

President Zygmunt stated the next item on the agenda was to consider the Hometown Streets revision of Safety Survey Requirements from Penndot. President Zygmunt stated that approximately \$20,000 was paid for all the ramps because the Borough has to re-engineer all the intersections. Engineer Dougherty advised that this is due to a detail and standard change by Penndot. Vice President LaSorsa made a motion to approve the Hometown Streets revision of Safety Survey Requirements from Penndot. This motion was seconded by Councilperson Guent and approved by Council unanimously.

President Zygmunt advised the next item on the agenda was to consider the bids for the West Monument Avenue Bridge Project. Engineer Dougherty advised that they had a bid opening on Friday November 21, 2008 where the Borough received seven bids ranging from \$158,742.00 to \$317,510.00. The apparent low bidder is Bill Angski Company Incorporated. Engineer Dougherty stated that they check their references and they received very good references from the people that they spoke to. Councilperson Guent made a motion to approve the bid for \$158,742.00 from Bill Angski Company Inc. for the repairs to the W. Monument Avenue Bridge. This motion was seconded by Councilperson Ostrander. Councilperson Guent asked when they would be starting the project? Engineer Dougherty stated that it typically takes about a month after the bid was awarded to get all of the contract documents in place. Then there is about a two month lead time on getting all of the lumber. Councilperson Guent then asked how long they estimated for the completion of the project? Engineer Dougherty stated that it was ninety to one hundred and twenty days per the contract. Councilperson Guent then asked if the W. Monument Bridge would be closed for that entire time period? Engineer Dougherty stated no, that the bridge should remain open for some of the time. There is no reason that the bridge needs to be closed while the contractor is awaiting lumber. President Zygmunt asked if there would be a plan and or notification of changes in traffic? Engineer Dougherty advised yes there is a detour plan included in the contract and the contractor is required to maintain those signs. Engineer Dougherty also advised that there are several notifications that will need to go out such as Fire Company, School District and Upper Moreland Township. The motion was approved by Council unanimously.

President Zygmunt advised the next item on the agenda is the Employee Ratification list for the month of November 2008. Vice President LaSorsa made a motion to approve the November 2008 list. This motion was seconded by Councilperson Guent and approved by Council unanimously.

President Zygmunt advised the next item on the agenda is the approval of the UMHJSA Extension of Existence Ordinance 984. Vice President LaSorsa made a motion to approve the UMHJSA Extension of Existence Ordinance 984. This motion was seconded by Councilperson Reymer and approved by Council unanimously.

President Zygmunt advised the next item on the agenda is the approval of the UMHJSA Pretreatment Ordinance 983. Vice President LaSorsa made a motion to approve the UMHJSA Pretreatment Ordinance 983. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

PUBLIC RELATIONS AND COMMUNITY RELATIONS COMMITTEE-

Councilperson Reymer(Chairperson) & Guerst. Councilperson Reymer stated that as we all know the Quilt will be travelling to Brussels. Councilperson Reymer stated that she has been in contact with Ambassador Volker and they would like to put a NATO display in the cabinet in Borough Hall while the Quilt is in Brussels.

TREASURER'S REPORT-

1. CASH BALANCES & INVESTMENT INCOME REPORT

Treasurer Lutz reported the interest earned in October was \$\$6539.41. This was for all 14 accounts at Commerce Bank at a rate of 1.50%. Total account balance is \$4,910,304.03. Vice President Vince LaSorsa made a motion to approve the Treasurer's Report for the month of October 2008. This motion was seconded by Councilman Tompkins and approved by Council unanimously.

2. APPROVAL OF WARRANT LIST

Treasurer Lutz stated that there was one check that was made out to United Auto Discount that is in order for payment. Mr. Lutz stated that it varies from the warrant list but did confirm with Colleen Cannon that the check is in order. Vice President LaSorsa made a motion to approve the revised Warrant List. This motion was seconded by Councilperson Guerst and approved by Council unanimously.

3. PAYMENT OF BILLS & RATIFICATION OF TRANSFERS

Vice President LaSorsa made a motion to authorize the payment of bills and ratification of transfers for the month of November 2008. This motion was seconded by Councilperson Guerst and approved by Council unanimously.

OLD BUSINESS

Assistant Manager/Planner Hartey stated that he wanted to present what he would like to see happen with the 2005 Grant from the County in the amount of \$349,000.00, which was originally earmarked for the Hometown Streets Project. Assistant Manager/Planner Hartey advised that the County would allow the Borough to use this money towards bike racks, benches, trash receptacles for York Road. Assistant Manager/Planner Hartey asked for permission from Council to work with Engineer Dougherty in putting together bid packages and also to advertise the bid packages. Assistant Manager/Planner Hartey also advised that he is putting together a presentation for the December 8th meeting to get into more detail of the plan. Assistant Manager/Planner Hartey stated he would like to see black benches that would match the light poles that are already along York Road to keep everything uniform. Assistant Manager/Planner Hartey advised that this Grant expires March 1, 2008. Assistant Manager/Planner Hartey would also like permission from Council to have the Public Works Department do the installation when the material comes in. Assistant Manager/Planner Hartey stated that because of the lead time for the materials and also obtaining the bids that there may be some invoices and checks that will go out before the actual materials arrive and the work is done. Vice President LaSorsa asked how much things like benches cost? Assistant Manager/Planner Hartey stated anywhere from \$1500.00 to \$2000.00. Councilperson Guent asked if the Borough was allowed to purchase benches that would not be installed on York Road? Assistant Manager/Planner stated that the benches had to be installed on York Road. President John Zygmunt stated that if anyone has any input he suggests they speak with Assistant Manager/Planner Hartey as soon as possible. President Zygmunt stated that this come before Council again at the December 8th Council Meeting which is a voting meeting. Councilperson Guent asked if they could also put flowerpots along York Road. Assistant Manager/Planner Hartey stated that the only issue with the flowerpots is the maintenance. Councilperson Reymer suggested incorporating another organization to help with the maintenance of the flowerpots. Assistant Manager/Planner Hartey advised that Main Street has also been discussing flowerpots. Councilman Tompkins stated that maybe the Borough can buy the flowerpots and that Main Street can maintain them. Councilman Tompkins stated that he also spoke with the County regarding pre-purchasing the decorative light poles for the traffic signal upgrade out of this Grant. Councilman Tompkins stated that the request was denied due to the fact that they are not on the six month PennDOT list. President Zygmunt stated that they would look for the documentation from Assistant Manager/Planner Hartey in their packets for the December 8th meeting. Treasurer Lutz asked if there was going to be adequate CYA documentation from the suppliers in case any of the materials were damaged? Assistant Manager/Planner Hartey stated absolutely. Councilperson Reymer asked if the Public Works Department would be submitting an invoice for the labor for the installation of all of the materials. Superintendent of Public Works Thomas stated that as soon as they knew exactly what needs to be done they could submit an invoice. Councilperson Reymer then asked if Public Works

labor would be covered under the Grant. Assistant Manager/Planner Hartey stated that in order for reimbursement to happen the work would have to be done and it is unlikely that the Borough would even have all of the materials by then. Councilperson Tompkins asked if the Borough did the work themselves then wouldn't that be billable hours against the Grant? Assistant Manager/Planner advised that they could not submit those billable hours before this Grant deadline but possibly against another one. Councilperson Tompkins then advised that, assuming the Borough gets an extension on the next Grant, the next deadline would not be until February of 2010. Assistant Manager/Planner Hartey stated that he intended on asking permission from Council at the December 8th meeting to prepare a letter to ask for a year extension on the Hometown Streets Grant, which is in the amount of \$250,000.00. Assistant Manager/Planner Hartey advised that the letter has to be in by January in order to qualify for that year extension. Assistant Manager/Planner stated that the County is okay with getting invoiced and receiving cancelled checks before the material is even here. President Zygmunt stated lets just see what we can do about getting the materials here and having the installation done by February 28th.

NEW BUSINESS

There was no new business to come before Council tonight.

PRIVILEGE OF THE FLOOR

Mr. Ron Battis asked regarding the 2005 Grant for York Road, would brackets for large street signs be acceptable as part of the use for that Grant. Councilman Tompkins advised that most of the street signs along York Road are actually part of the traffic signal arms and also something that is not in the time frame to be done before this Grant expires.

Mr. Battis then stated that he really thought congratulations were in order to Superintendent of Public Works, Butch Thomas for the clean up of the tree behind the pool which they had completed in two and a half days even during horrible weather conditions and only using there existing equipment.

Mr. Chris Gowan then stated then on behalf of the Fire Company he really wanted to thank Assistant Manager/Planner Hartey, Borough Manager/Chief Gardner and Council for all of the hard work that they did for the Grant application. Mr. Gowan stated that he knows that it took a lot of time.

Mr. Gowan then stated as a resident of the Borough, he wanted to know if they had ever considered putting recycle bins along York Road? He advised just a thought with the new trash receptacles that will be going on York Road. Assistant Manager/Planner Hartey advised that is something that they certainly have

considered and it goes hand in hand and there should be a recycling receptacle with every trashcan.

ADJOURNMENT

President Zygmunt adjourned the November 24th, 2008 Council meeting at 7:57 P.M.

EXECUTIVE SESSION

President Zygmunt stated there would be a brief executive session this evening to discuss a personnel matter.

Respectfully submitted,
Amy Wack
Administration