

**BOROUGH OF HATBORO
COUNCIL MEETING
MONDAY, JULY 27th, 2009**

PRESENT

President Zygmunt, Vice President LaSorsa, Councilpersons Ostrander, Guenst, Reymer & Rich, Mayor Hawkes, Borough Manager/Chief Gardner, Assistant Secretary Hegele, Superintendent Thomas, Building Code Official/Zoning Officer Fugate, Borough Engineer Dougherty, & Borough Solicitor Pionzio.

ABSENT

Councilman Tompkins & Treasurer Lutz were absent this evening.

CALL TO ORDER

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

INVOCATION

Mayor Hawkes gave the invocation for the July meeting of Council.

MINUTES

President Zygmunt stated Council is in receipt of the June 22nd, 2009 Council Meeting Minutes. Vice President LaSorsa made a motion to approve the June 22nd, 2009 Council Meeting Minutes. Councilperson Guenst stated she wanted the minutes to reflect her comments concerning the vote on use of Daren Miller for professional services. Councilperson Guenst stated she felt there was a conflict of interest with Daren Miller. Councilperson Guenst stated she wanted noted in the record how much Mr. Miller was being paid and how many hours of work. Mr. Miller is being paid an hourly rate of \$50.00 per hour and was approved for 100 hours. President Zygmunt asked Solicitor Pionzio about a statement of conflict of interest and if there would have to be proof to make that kind of statement. Solicitor Pionzio stated that Ms. Guenst is entitled to her opinion one way or another, if someone wanted to challenge that then they could. President Zygmunt stated he was challenging Councilperson Guenst statement. Solicitor Pionzio stated he was certainly able to do that. Solicitor Pionzio stated that Councilperson Guenst was entitled to her opinion, as was President Zygmunt was entitled to his opinion. Councilperson Guenst stated this would be included in the minutes. Councilperson Ostrander stated she would not be voting since she was not at the meeting. This motion was seconded by Councilman Rich approving the June 22nd, 2009 Council Meeting Minutes as amended with Councilperson Ostrander abstaining because she was not present at the June 22nd, 2009 meeting.

PRESIDENT'S REPORT

President Zygmunt stated he had nothing to report tonight.

BOROUGH MANAGER/CHIEF OF POLICE REPORT

Borough Manager/Chief of Police stated he had several items to report; the light at County Line and York Road is scheduled to go live between the hours of 3:00 AM to 7:00 AM Tuesday, July 28th.

Borough Manager/Chief Gardner thanked everyone involved for their work at the car show Saturday night, while there may not have been a lot of cars; the crowd was large.

Borough Manager/Chief Gardner stated that recently the Borough was notified there are 6 streets missing from the Borough Liquid Fuels allocation. Borough Manager/Chief Gardner is working on getting them added, which will increase revenue and needs to be done by ordinance. Borough Manager/Chief Gardner stated Assistant Secretary Hegele is working with Penndot and was able to secure an extension from the 9-1-09 deadline to 10-1-09.

MAYOR'S REPORT

Mayor Hawkes thanked everyone for the great job with the Car Show; it was outstanding this year. Mayor Hawkes stated that thanks to the group Mayors Against Illegal Guns taking out full-page ads in the Inquirer the bill was defeated. Mayor Hawkes stated recently that there was a meeting with State Representative Murt's office to discuss dangerous intersections involving state highways, discussed was Penn/Montgomery, York/Summit (the Northern Gateway), the pedestrian crossing at York/Williams and York/Byberry. Mayor Hawkes stated the signage issue at York/Byberry has been resolved. Mayor Hawkes also stated research is currently being done on the Quiet Zone request recently received. Mayor Hawkes reported that the School Lane traffic light is operational. Borough Engineer Dougherty stated there were some minor issues that will be repaired by tomorrow. President Zygmunt stated the light is stated of the art, and this light will be the same type of light used in town as part of the resignalization project.

TREASURERS REPORT

1. CASH BALANCES & INVESTMENT INCOME REPORT

Vice President LaSorsa gave the monthly treasurers report in Treasurer Lutz's absence. Vice President LaSorsa stated the interest earned in July 2009 was \$2601.97. This was for all 14 accounts at TD Banknorth at a rate of 0.595%. Total account balance is \$4,846,029.37. Councilperson Ostrander made a motion to approve the Treasurer's report for the month of June 2009. This motion was seconded by Councilperson Guent and approved by Council unanimously.

2. APPROVAL OF WARRANTS LIST

President Zygmunt stated Council is in receipt of the warrant list and manual checklist. 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 July 2009. This motion was seconded by Councilman Rich 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 July 2009. Councilperson Guenst stated she had a question about the Solicitors billing, she stated we are almost close to 80% of what was budgeted. Councilperson Guenst also requested a breakdown of the \$1000.00 Right to Know billing which she would like to review.

Councilperson also stated that there are 11.5 hours on the general bill of items that Christian does not need to review. Borough Manager/Chief Gardner stated that this was already handled, past practice in the office was the solicitor received the same packet information as Council, Assistant Secretary Hegele is already making sure that only certain information goes into Solicitor Pionzio packet. Borough Manager/Chief Gardner stated he already took action on this matter. President Zygmunt stated the YTD \$15,000 in Engineering needs to be reclassified, several projects are included in general engineering services that have to be reclassified to Capital Funds, which the staff is already working on correcting. Vice President LaSorsa stated he had concerns too with the YTD numbers and he like John has spoke with Borough Manager/Chief Gardner and Assistant Secretary Hegele. This motion was seconded by Councilman Rich and approved by Council unanimously.

SOLICITORS REPORT

Solicitor Pionzio reported that the Jacksonville Road Meters Ordinance would need action by Council tonight to authorize the advertising. Vice President LaSorsa made a motion to approve advertisement of this Ordinance. This motion was seconded by Councilperson Guenst and approved by Council unanimously.

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. Mr. Bill George, President Greater Hatboro Chamber of Commerce thanked the Borough and everyone involved for his or her assistance with the Car Show. Mr. George stated on the agenda this evening for approval was an event request for the Hatboro Haunts to be held in October. Mr. George stated this is a nice addition to Hatboro and like the car show helps to fund other events, like the Holiday Parade. Mr. George on Saturday at the Car Show the Chamber distributed 2500 cards promoting the Hatboro Haunts.

COUNCIL/COMMITTEE REPORTS

A. ZONING, PLANNING & HISTORIC PRESERVATION COMMITTEE - Councilman Tompkins

President Zygmunt stated the first item on the agenda was to approve Escrow Release #3 for Stoveworks in the amount of \$174,494.00. Vice President LaSorsa made a motion to approve the escrow release. This motion was seconded by Councilman Rich and approved by Council unanimously.

President Zygmunt stated the second item on the agenda was to approve Resolution #2009-18, Stoveworks Conditional Preliminary Plan Approval. Vice President LaSorsa made a motion to approve Resolution #2009-18. This motion was seconded by Councilperson Guent and approved by Council unanimously.

B. ADMINISTRATION & CONTRACTS COMMITTEE - President Zygmunt

President Zygmunt stated the first item on the agenda was approval of Payment Request to Bray Brothers for the Commuter Lot Project in the amount of \$158,267.16. Vice President LaSorsa made a motion to approve the payment to Bray Brothers for the commuter lot. This motion was seconded by Councilperson Guent and approved by Council unanimously.

President Zygmunt stated the second item on the agenda was approval for change order #4 for commuter lot to Bray Brothers in the amount of \$4,292.06. Councilperson Guent made a motion to approve the change order #4 to Bray Brothers for the commuter lot. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

President Zygmunt stated the third item on the agenda was approval of the July employee ratification list. Councilperson Guent made a motion to approve the ratification list for July. This motion was seconded by Councilperson Ostrander and approved by Council unanimously.

President Zygmunt stated the last item on the agenda was approval of Change order #1 for the Park Avenue Stormwater CDBG Project. Borough Engineer Dougherty stated that he did not have all the numbers but a water line was not where it was thought to be and was not marked correctly during the PA One Call process. The contractor had to re-route the line causing extra work. Borough Engineer Dougherty stated Aqua did replace two water mains at their cost because of this. Vice President LaSorsa made a motion to approve the change order for the Park Avenue CDBG Stormwater project. This motion was seconded by Councilperson Guent and approved by Council unanimously.

C. PARKS AND RECREATION COMMITTEE – Councilperson Guerst (Chair)
& LaSorsa

The first item on the agenda was approval of the Event Request Form for Hatboro Haunts. Vice President LaSorsa made a motion to approve the Hatboro Haunts Event Request Form. This motion was seconded by Councilperson Reymer and approved by Council unanimously.

The second item on the agenda was the approval of the Fee Waiver request for the Hatboro Haunts. Vice President LaSorsa made a motion to approve the fee waiver for Hatboro Haunts. This motion was seconded by Councilperson Guerst and approved by Council unanimously.

The last item on the agenda was the approval to purchase furniture and safety equipment for the pool. Vice President LaSorsa made a motion to approve the purchase of safety equipment in the amount of \$1027.00. The remaining balance for proceeds from the Spring Festival will be used to purchase chairs and chaise lounges. This motion was seconded by Councilperson Reymer and approved by Council unanimously.

OLD BUSINESS

President Zygmunt asked Borough Manager/Chief Gardner to update Council on the Pennvest Project. Borough Manager/Chief Gardner stated that he was recently notified that the project was denied to all municipalities involved. Borough Manager/Chief Gardner contacted the Managers from Upper Moreland and Horsham who received the same information. Councilperson Guerst stated a lot of expense was put into this. Borough Manager/Chief Gardner stated PEC is upset, they put a lot of work into this project. President Zygmunt stated PEC did the design and build portion but Pennvest does not accept this. President Zygmunt stated this was short notice, having our lawyers and engineers jumping through hoops to get something together. Borough Manager/Chief Gardner stated that the Upper Moreland Township Manager did not return his call; however Mr. Mike McGee from Horsham Township did and stated that while storm water is a priority in Horsham, and speaking for himself (not on behalf of Council) he believed this particular project is dead. The consensus of Council was that no one would like to see more fees on this program, too much money already lost.

There was no other old business to come before Council this evening.

NEW BUSINESS

Councilperson Ostrander thanked Mayor Hawkes for updating everyone. Councilperson Ostrander stated Borough Manager/Chief Gardner sent a letter to Penndot and she will report back when there is more information.

Vice President LaSorsa thanked everyone who submitted letters of interest for the Economic Development committee. He stated he was impressed with this new committee it is made up of a group of people who are going to get things done. Councilperson Reymer stated she requested to be on this committee. Vice President LaSorsa stated other members of Council requested this committee prior. Vice President LaSorsa stated meetings for this committee would have to be advertised if there were more than 3 Councilpersons in attendance. Councilperson Ostrander stated Councilperson Reymer did ask and she is a member of Public Relations and Finance. Vice President LaSorsa stated others asked first. Vice President LaSorsa stated he chooses a group of results oriented individuals and the committee is people he chose.

Councilperson Ostrander stated in May she along with other members of Council received an email from the President of Council regarding a meeting being held in Horsham regarding the base and Bill 111. Councilperson Ostrander stated the email asked for a vote. Councilperson Ostrander stated she did not respond to the email because she was in fear of breaking the sunshine law. President Zygmunt stated he simply sent out an email asking if anyone would like to attend a meeting. President Zygmunt stated that he got the email from Bill Whiteside and he had 48 hours to get an answer so he shot out an email, he was not looking for a vote. President Zygmunt stated Council did not send anyone and he did not pursue the matter any further when Councilperson Ostrander voiced her concern over the Sunshine Law. Vice President LaSorsa stated he attended on his own as a resident, at no direction of Council and he did not say anything. Councilperson Ostrander stated that other members of Council did respond to the email. President Zygmunt referred to Solicitor Pionzio who stated she would like to see the documents in order to give a well-reasoned opinion. Solicitor Pionzio stated that in the future the Manager could poll the group by doing it in piece meal to get an answer. Solicitor Pionzio stated she would rather review. President Zygmunt stated he did not feel this was a sunshine law violation, maybe it was more ignorance and he will accept that. Councilperson Ostrander stated the documents stated the record indicates the Borough was in support therefore there was a vote to support. Vice President LaSorsa stated Bill Whiteside was inferring the Borough was in support. President Zygmunt stated he called Mr. Whiteside and told him that no one from the Borough would go, this is just accusations that are just not true and he does not understand why this is coming up and being made an issue. Vice President LaSorsa stated he did not even speak at the meeting. Solicitor Pionzio stated she will review, but this is probably Mr. Whiteside's perception only, not conclusive.

Mrs. Sandy Zygmont, 645 South York Road asked "what would you be saying if President Zygmont decided not to tell everyone?", she stated members of Council grown that they do not get information. President Zygmont stated he agrees with Mrs. Zygmont. He stated that when he finds out something and doesn't tell everyone you say you are not getting information. Now when you told something, you have an issue with that. He stated that Councilperson Ostrander is just grandstanding.

PRIVILEGE OF THE FLOOR

Mr. Ed Henry, Bonair Avenue asked if there were any updates from the DEP on the Raymark Property. Borough Manager/Chief Gardner stated he updated Council last month. He spoke with Sharon Fang, still awaiting answer from legal department for SEPTA with regards to access to the property for testing.

Mr. Battis, 320 W. Moreland Avenue asked if the pool fence has been paid for. Borough Manager/Chief Gardner stated yes, it was on the warrant list for this evening. Mr. Battis asked if money was deducted for the gate key issue for the back fence. Borough Manager/Chief Gardner stated that he held the final payment until the maintenance bond and punch list was done, he was now comfortable with releasing the final payment. The issue Mr. Battis was referring was not a part of the original contract, but will be corrected.

Councilperson Reymer requested an executive session for this evening. President Zygmont stated that it was not her prerogative and this request should have been made earlier, not at the meeting. Councilperson Guent stated she could not stay either. If she had advance notice she could have stayed. President Zygmont stated there would not be an executive session tonight.

ADJOURNMENT

President Zygmont adjourned the July 27th, 2009 Council meeting at 8:00 P.M.

Respectfully submitted,

Diane C. Hegele
Assistant Borough Secretary
Open Records Officer