

**BOROUGH OF HATORO
COUNCIL MEETING
MONDAY, MAY 19th, 2014**

PRESENT

President Zygmunt, Vice President Tompkins, Councilpersons Palmer, Hegele, Harbaugh, Rich & Sheedyt; Mayor Hawkes, Borough Manager Zollers, Assistant Secretary Hegele, Chief Gardner, Fire Marshal Reading, Solicitor Pionzio and Engineer Hulshizer.

ABSENT

Treasurer Kalnajs was absent.

CALL TO ORDER

President Zygmunt called to order the May 19th, 2014 meeting of Borough Council to order at 7:00 PM.

INVOCATION – Mayor Hawkes gave the invocation for the May meeting.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Chief Gardner.

President Zygmunt announced that the staff is taping this meeting. He stated that there are two opportunities on the agenda for the public to address Council. The first privilege of the floor is for voting agenda items only.

President Zygmunt announced there was an Executive Session prior to the meeting to discuss a Real Estate matter.

PRIVILEGE OF THE FLOOR:

There was no comment from the Public at this time.

MAYOR'S REPORT – Mayor Hawkes reminded everyone that the Carnival is in town this week and asked everyone to watch for the increased pedestrian traffic and to use caution in the area.

Presentation to Borough Council – Greater Hatboro Chamber of Commerce – Joe Tryon and Kathy Salerno from the Chamber of Commerce gave a short presentation to Borough Council and thanked them for all their support throughout the years. Each member of Council was presented with a Chamber T-shirt for the Hatboro 300th. Council thanked the Chamber for all they do to make Hatboro a great Community.

PRESIDENT'S REPORT – President Zygmunt stated he had no report this evening.

TREASURER'S REPORT – Treasurer Kalnajs was absent tonight; Councilman Harbaugh gave the Treasurer's report for the month of April 2014. He noted a balance of \$4,651,838.65. Interest earned for the month totaled \$362.63 on all accounts.

SOLICITOR'S REPORT – Solicitor Pionzio stated she had no report for this evening.

ENGINEER'S REPORT – Borough Engineer Hulshizer stated she had no report this evening.

MANAGER'S REPORT – Manager Zollers stated the York/Byberry Road project is scheduled to begin, they are waiting for PECO to relocate a gas line, he stated that the intersection may have to be closed, notices will be sent along with detours posted. President Zygmunt asked if this project would be done prior to the car show. Manager Zollers stated yes. Staff has met with the Contractor and has given them the date of the car show.

Manager Zollers stated the Horsham/Academy/Moreboro project is scheduled to begin on June 18th, after school ends, should take 3 weeks to complete.

Manager Zollers updated Council on the Woodwinds FEMA/PEMA buyout, he stated FEMA is slowing the project and it is in a delay.

DEPARTMENT SUPERVISORS' REPORT

CHIEF OF POLICE REPORT – Chief Gardner reminded everyone that the Carnival is in town; he stated there will be fireworks on Friday night which will mean parking restrictions. He stated residents have been notified. He asked for everyone to drive carefully during this event.

Chief Gardner also announced that the Fire Police would be handling traffic at the pool for all swim meets this year.

TAX COLLECTIONS REPORT – President Zygmunt noted the Tax Collection Report was submitted to Council in advance of tonight's meeting, and that copies of the report were available.

PUBLIC WORKS REPORT – President Zygmunt 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 sign in table. Manager Zollers stated he had nothing further to report.

FIRE MARSHAL REPORT – President Zygmunt 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 sign in table.

PRESENTATION/UPDATE – EPA – RAYMARK SITE

Mr. Alex Mandel and Mr. Jose Redmond were in attendance to update Council on the status of testing at the Raymark Site on Jacksonville Road. Mr. Mandel stated the Vapor Intrusion study has been completed and there is no risk to any homes. He stated some further testing is going to be done since there was some indication of very low concentration levels. Mr. Redmond reviewed the next phase of testing, which includes installing some wells and going a little deeper into the ground. He stated they are looking at which houses to study and are going to be precise this time vs. blindly picking houses in area. He stated after this round of testing mitigation systems could be installed if necessary at a cost to the EPA. He stated the next round of testing would be done in the winter when heaters are on and windows are closed. They plan on beginning the process of picking locations and notifying property owners in the summer. There was a brief discussion on the location of wells, adding wells and the direction of flow. Councilman Harbaugh asked for a definition of the Raymark site for the benefit of the newer members of Council and audience. Mr. Redmond stated the site was a metal fabrication company in the 50's through 70's and used metal degreasers with TCE, which did not break down.

Lee Phillips, Wood Street asked about a berm in the area of Tanner/Wood Street, she thought she remembered a problem there previously and asked if this has been tested. Mr. Redmond stated yes there were 8 to 9 homes in that area and nothing was detected. He stated the flow indicated more in the direction of Bonair Avenue so they went in that direction. She asked about the Penn Fastener Property, she stated her kids played there and she has concerns. Mr. Redmond stated the wells there are tested quarterly and their has been nothing detected.

Ed Henry, 238 Bonair Avenue asked if the Cosmopolitan Motor site at 301 Jacksonville has been tested he stated it is in the process of being developed. Mr. Redmond stated a sample was taken there and all was ok. He was not sure when the sample was done but he would consider looking at the site now before developed.

President Zygmunt asked Solicitor Pionzio if the developer should be testing. She stated they might if their financing requires it.

Mr. Henry asked if the perimeter was expanding. Mr. Redmond stated he has been overseeing this for several years and it takes a long time to travel. He stated there is a chance chemicals can be found in the testing that were not used at the Raymark Site.

Vice President Tompkins asked if using mitigation would a pump and treat site work. Mr. Redmond advised that it could take 40 years to treat and sometimes pumping can bring the chemical back. He stated they can amp up the rate they pump or install new wells.

President Zygmunt asked if any of this is close to Crooked Billet School. Manager Zollers stated he lives 4 houses from there and they can test. They would have to go to the school and put a well in there to test. Mr. Redmond stated this is all preliminary; he still needs to meet with hydrogeologist and then coordinate with Manager Zollers. He feels testing a place that belongs to the Borough or the Manager maybe easier than a school district.

Mr. Mandel stated his office will continue to do Community Outreach and will be back to update Council hopefully in the fall. As things progress they will keep in contact with Manager Zollers.

Mr. Henry asked if the Cosmo Property could be tested since it is open and not developed yet. Vice President Tompkins stated they are in preliminary land development and perhaps the Borough can ask.

VOTING ITEMS

Acknowledgement of Reports – Vice President Tompkins motioned to acknowledge the receipt of the reports for the month of May 2014, motion seconded by Councilman Hegele, all ayes. Motion carried 7-0.

Approval of Warrant List, Payment of Bills, Manual Checks and Transfers – Councilman Palmer motioned to approve the warrant list, payment of bills, manual checks and transfers for the month of May 2014, motion seconded by Vice President Tompkins, all ayes. Motion carried 7-0.

April 28th, 2014 Council Meeting & April 14th, 2014 Committee Meeting – Councilman Palmer motioned to approve the April 28th Council and April 14th Committee meetings, motion seconded by Vice President Tompkins. Councilman Sheedy abstained as he was absent for both meetings, all ayes. Motion carried 6-0.

May 12th, 2014 Committee Meeting – Councilman Harbaugh motioned to approve the May 12th, 2014 Committee meeting minutes, motion seconded by Vice President Tompkins. Councilman Hegele abstained, as he was absent for the meeting, all ayes. Motion carried 6-0.

Fire Company Expenditure List - Councilman Palmer motioned to approve the April 2014 Expenditure list in the amount of \$7,122.15, motion seconded by Councilman Hegele, all ayes. Motion carried 7-0.

Resolution #2014-05 – Use of Radar – Councilman Sheedy motioned to approve Resolution #2014-05 Support the Use of Radar, motion seconded by Councilman Hegele, all ayes. Motion carried 7-0.

Appointment of Assistant Fire Marshal – Vice President Tompkins approved the appointment of Keith Gorden as Assistant Fire Marshal, motion seconded by Councilman Harbaugh, all ayes. Motion carried 7-0.

Disposal of Trash Truck – Councilman Rich motioned to approve the sale of 1988 Ford Trash Truck on Muncibid, motion seconded by Councilman Hegele, all ayes. Motion carried 7-0.

2014 Road Paving Program – Councilman Rich motion to authorize the solicitation of bids for the 2014 Road Paving Program, motion seconded by Councilman Hegele, all ayes. Motion carried 7-0.

YMCA Request to use Pool – Councilman Palmer motioned to authorize the YMCA to use the pool for swim meets for the 2014 season, motion seconded by Councilman Rich, all ayes. Motion carried 7-0.

Summer Fun Night – Tanner Park – Waiver of Park Fee - Councilman Harbaugh motion to approve the waiver of park fees and use of Tanner Park for Summer Fun Night, State Representative Tom Murt, motion seconded by Councilman Sheedy, all ayes. Motion carried 7-0.

Resolution #2014-06 – 60 Meadowbrook Preliminary/Final Minor Subdivision – Vice President Tompkins motioned to approve Resolution #2014-06, 60 Meadowbrook Preliminary/Final minor subdivision, motion seconded by Councilman Rich, all ayes. Motion carried 7-0.

Snack Stand 2014 Season RFP Bid Award – Councilman Rich motioned to award bid for operation of Snack Stand at the Pool for the 2014 Season to Mike DeLeo in the amount of \$1500.00 contingent upon the receipt of a health license, bpt license and certificate of insurance, motion seconded by Councilman Sheedy with Councilman Harbaugh abstaining as his insurance office has been asked to quote insurance for Mr. DeLeo, all ayes, Motion carried 6-0.

Computer Lease Buy-out – Councilman Sheedy motioned to approve the lease buyout to Dell in the amount of \$1.00 for Borough computers, motion seconded by Councilman Rich, all ayes. Motion carried 7-0.

Employee Ratification List – Councilman Rich motioned to approve the Employee Ratification List for May 2014, motion seconded by Councilman Harbaugh, all ayes. Motion carried 7-0.

Pennypack DCED Maintenance Project – Councilman Rich motioned to award bid for the Pennypack DCED Maintenance Project to Eagle Contracting in the amount of \$165,296.00, motion seconded by Councilman Hegele, all ayes. Motion carried 7-0.

Enterprise Fire Company Workers Compensation Waiver Request - Carnival – Vice President Tompkins motioned to approve a waiver request for Workers Compensation Coverage for the Fire Company for the Carnival, motion seconded by Councilman Hegele, all ayes. Motion carried 7-0.

Escrow Release – Cankak – Project #1 – Maintenance Release & Project #2 Final – Vice President Tompkins motioned to approve a maintenance release in the amount of \$6,408.75 for project #1 and a final release for project #2 in the amount of \$36,176.25, motion seconded by Councilman Harbaugh, all ayes. Motion carried 7-0.

SPECIAL UPDATES

There were no other special updates from Borough Council this evening.

OLD BUSINESS – Vice President Tompkins stated he recently attended Crooked Billet Day at Crooked Billet School, he stated he enjoyed the program. He stated there has been an effort started to move the monument to York Road to make it more visible. He stated there is money leftover in the Wayfinding grant to do a nice sign directing people to the monument at the school. President Zygmunt stated he is not happy about the move, he stated the school commemorates the battle every year and the monument has been there for 25 years. He stated the Borough Historian went to the School District without Council approval to get marker removed. He stated the School District approved the move, but was not aware that Borough Council was not in favor of moving it. The school district was given misinformation and he is in favor of using wayfinding money to erect a new sign.

Councilman Palmer motioned to approve a new sign to be placed on York Road directing visitors to the school using wayfinding grant funds; this motion was seconded by Councilman Harbaugh, all ayes. Motion carried 7-0.

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

NEW BUSINESS – There was no new business to come before Council this evening.

PRIVILEGE OF THE FLOOR

Bruce Hart, 175 Earl Lane stated he attends School Board meetings and does not remember the marker being discussed. Vice President Tompkins stated the Borough received a letter in March.

Ed Henry, 238 Bonair Avenue asked about the Station Park project and the size of the parcel. He asked if the woods were 40 acres. President Zygmunt stated the entire parcel is 40 acres, the woods are 5 to 6 acres, and these were only estimates. President Zygmunt stated the plan has been presented to the public and the planning commission and at this time it is only a sketch plan. There will be a long list of things that will be needed if anything is going to happen there.

Kristen Shubick, 132 S. York Road stated she has started a petition, which is circulating against this project. She stated she has collected over 500 signatures, she asked if Council had any comment. Vice President Tompkins stated only a sketch plan presented. President Zygmunt told Ms. Shubick that she should wait until the plan has been submitted and circulated then get a petition signed. People are signing the petition and there are no specifics on the project and no formal submission. President Zygmunt stated that there is a process that is involved, Council has to listen to everyone, allows a developer to present and then ask questions, and he hopes that residents will listen also. He stated people are signing a petition and they have no idea what they are signing it for. He also stated that people from all over are signing the petition, it should be signed by people from this area.

Solicitor Pionzio stated the sketch plan went to the Planning Commission just to kick it around for ideas; it has been an informal process. There is no formal submission yet.

Karen Shubick, Fulmor Avenue stated in the Code Book it mentions that the Borough cannot step into other communities and she has spoken to people in Upper Moreland who are concerned. She stated Bam things just happen around here. Several members of Council voiced their opposition to her comment. President Zygmunt stated if Upper Moreland is so concerned then why was the Reiniger Tract permitted to be built, the Borough gets a lot of water from there. He again stressed that everyone should listen to the facts.

Solicitor Pionzio stated the developer would have to go through many steps, and a very lengthy process has to be followed including but not limited to stormwater, traffic and land development.

Mrs. Shubick stated she is watching a swale in the area overflow and the water is getting closer to Fulmor Avenue. Solicitor Pionzio stated sometimes new development can correct or improve existing water problems, systems are designed to hold water longer and release slower and at different times.

Peter Morse, 460 Oakdale Avenue stated he owns Cable Technologies and he has been having problems with his neighbor, some of the problems include water runoff, curb issues and threats, he stated he was having his property surveyed and wanted to know what Council was going to do to protect him. He shared pictures with Council. Solicitor Pionzio stated that some of the issues he addressed are civil and he would have to handle those on his own or with the help of a lawyer. She advised him that she would look at the other issues with the Borough Manager and see if there was anything the Borough could do via the code to assist. She stated this was the first she was hearing of this and she needed time to set up a meeting with Mr. Zollers and again she could only enforce the Borough Code. Chief Gardner stated the police have a case for the threats and it is being investigated and that was all he was going to say in this meeting. He stated the County has a mediation center that assists neighbors with disputes. Mr. Morse was not interested. She stated if he was threatened in any way again he needed to call 9-1-1 right away.

Tracey Thatchford, 3 Drummers Way asked why there was a delay in the buy-out. Manager Zollers stated that things are not progressing as quickly and he is guessing maybe two months or more, he stated no specific time has been given by FEMA/PEMA, it was only a guess. Solicitor Pionzio stated FEMA and PEMA keep pointing to each other, the Borough has done everything they needed to do and at lightening speed. She reminded Ms. Thatchford that June 30th is a very important date and the homeowners vote is important, if there any problems with the vote that could delay things even longer.

Julia Heenan, 27 Byberry Road stated she is working on the petition as well and has tried to make it as accurate as possible and to get the Community involved. She stated when the petition is presented she will not give Council signatures from people all over.

Dave Hit, 225 Horsham Road asked how much time is needed to get signatures for the petition. He was told to watch for a formal application, once received they would have several meetings before the Planning Commission and Council. Solicitor Pionzio stated once the application is received, there are outside agency reviews it could be 60 plus days, there could be rezoning involved, the Borough can only speculate without a formal application submission. He asked what was going on with the buildings being torn down at York/Horsham. Vice President Tompkins stated the property owner is removing, he has a demo permit but no application for development has been submitted, he stated in fact there is a sign up stating Land Development opportunities with a number to contact if interested.

President Zygmunt thanked Jose Redmond and Alex Mandel from the EPA for attending the meeting and updating everyone.

ADJOURNMENT

The May 19th, 2014 meeting of Borough Council was adjourned at 8:20 P.M.

Respectfully submitted,

Alfred "Fred" Zollers
Borough Secretary

Transcribed by Assistant Borough Secretary Diane Hegele

