

**BOROUGH OF HATBORO
COMMITTEE MEETING
MONDAY, MARCH 14th, 2016**

PRESENT

President Tompkins, Councilpersons Forgeng, Harbaugh, Hegele & Palmer; Mayor Hawkes, Manager Zollers, Assistant Secretary Hegele, Chief Gardner, Solicitor Pionzio & Engineer Dougherty.

ABSENT

Vice President Rich, Councilman Zygmunt and Treasurer Kaljnas were absent.

CALL TO ORDER

President Tompkins called to order the March Committee meeting of Council to order at 7:03 P.M. He announced there would be a public hearing to hear the Floodplain Ordinance.

Solicitor Pionzio opened the hearing, she stated the ordinance has been reviewed by the Montgomery County Planning Commission, the Borough Planning Commission and DCNR. The ordinance is as a result of changes by FEMA and is required in order for the Borough to participate in the National Flood Insurance Program.

Councilman Hegele asked who the Floodplain Administrator would be for the Borough. Solicitor Pionzio stated the Borough Manager. Councilman Hegele asked about the penalties and the degree of a misdemeanor. Chief Gardner stated there has been a change in the code and it has been upgraded. Solicitor Pionzio stated the District Justice would affix the fine at the time of a hearing. There were no questions from Council, the floor was opened to the public for comment.

Mr. Battis, W. Moreland Avenue stated it was passed at the Planning Commission, he would like to say it is a good ordinance and for the small guy it could be an issue but for a big developer, if they have money they can build.

Rich Seeds, Horsham Road questioned the ease for a large project and a developer with money. Solicitor Pionzio stated she is appreciative of Mr. Battis' comments however she does not agree with him, she stated it is not about big or small or money, it is about due process.

President Tompkins stated this meeting was advertised as a voting meeting, this matter will be considered during the voting portion of the meeting, at the end of the agenda.

There was no other comment from the public, the voting meeting was closed and the committee meeting reconvened.

PUBLIC SAFETY

FIRE COMPANY EXPENDITURE LIST

Councilman Palmer stated Council was in receipt of the February 2016 Expenditure List. This item was moved to the March 28th, 2016 Council agenda for approval.

FIRE COMPANY CAPITAL EXPENDITURE LIST

Councilman Palmer stated Council was in receipt of the February 2016 Capital Expenditure List. This item was moved to the March 28th, 2016 Council agenda for approval.

USE OF RADAR

Chief Gardner stated Pennsylvania is the only state not allowed to use Radar. He stated it is an accurate and effective tool. He stated there is no good reason why this has not been passed. Mayor Hawkes stated the Borough does not make money off of citations. Councilman Hegele urged Council and the audience to contact Representative Murt and Senator Greenleaf asking them to pass this important legislation. This item was moved to the March 28th agenda for approval.

NALOXONE PRESENTATION

Chief Gardner stated he and his officers have been trained now in the use of Narcan. Naloxone (Narcan) is a medication that can reverse an overdose caused by an opioid drug and opioid addiction. He stated the Montgomery County District Attorney's office and the Montgomery County Department of Public Safety has funded the procurement of Naloxone auto injectors with the intent to supply these life saving devices to every Police Department in Montgomery County. He stated that DA Kevin Steele wanted to be at the meeting tonight, but could not due to another commitment. Chief Gardner demonstrated the kits for Council and the audience. Chief Gardner also thanked Second Alarmers for the outstanding service received. He stated sometimes police arrive prior to EMS and having these kits will save lives. The Chief feels the acquisition and deployment of naloxone is another tool in the police arsenal to save lives and combat drug abuse. Councilman Harbaugh asked about the funding. Chief Gardner stated the money was from asset forfeitures from Drug Cases and also donations by the pharmaceutical manufacturers. Councilman Forgeng asked about the shelf life. Chief Gardner responded the ones just introduced are through February 2017.

FINANCE

Councilman Harbaugh stated he had nothing for his agenda this evening.

GRANTS AND FUNDING

CDBG GRANT SUBMISSION

Councilman Zygmunt was absent this evening. Councilman Harbaugh stated the grant submission deadline for the CDBG Grant is April 15th. Manager Zollers stated he would like Council to consider applying for sidewalk, curbs and storm water improvements on Byberry Road from New Street to Warminster Road. This item was discussed and Council is in agreement this would be a good project. This matter was moved to the March 28th Council agenda for approval.

PUBLIC WORKS

Councilman Hegele stated he had nothing for his agenda this evening.

FACILITIES AND PARKS

RFP SNACKSTAND 2016/2017 SEASON ANNOUNCEMENT

Manager Zollers stated the RFP is due on April 5th, it is for two years and in Council mail was a list of businesses in Hatboro that were sent the information. This matter was moved to the March 28th Council agenda for approval.

ZONING/HISTORIC PRESERVATION

RITE AID – YORK/HORSHAM PROJECT

President Tompkins stated that as discussed previously, Rite Aid has submitted an application to change the zoning at York/Horsham from R-4 to RC-2. He reviewed the current zoning and the impact high density zoning could have on that parcel vs. the proposed.

Mr. Battis, W. Moreland Avenue asked if this matter was on the ZHB agenda for this week. President Tompkins stated no the applicant choose not to go to the ZHB, he choose to do a zoning change. Manager Zollers stated there would be no further testimony at this coming meeting, only the rendering of decisions.

Rich Seeds, Horsham Road stated this project is no different from Wawa, it is concerning to him, he feels it is spot zoning, he has worries about the traffic, congestion and flooding, and he is against the change. Solicitor Pionzio stated the application is on file at Borough Hall, there is no gas. President Tompkins asked what he would like to see there, current zoning is R-4 which is residential.

Karen Shubick, Fulmor Avenue asked if the proposed project would comply with the historic designation of Borough Hall. President Tompkins state the Borough can have some control during the conditional use process. Solicitor Pionzio stated land development standards don't, applicant was told not to dwarf Borough Hall and the architectural features can be determined during the Conditional Use Hearing. She is recommending to Council to let the planning process start and then gather the information and proceed from there.

Ed Henry, Bonair Avenue stated he was in agreement with Mr. Seeds, he would like to see the Borough stop changing zoning for individuals, there was a reason zoning was made that way. He asked what the spa that was there was zoned. Manager Zollers stated it was done by variance.

Rich Seeds, Horsham Road stated he thought the spa was allowed. Solicitor Pionzio stated it was granted by variance. She stated zoning changes because communities change. President Tompkins stated it could change from R-4 to R-2 with no issues, could get 30 townhomes of 110 apartments.

Ron Battis, W. Moreland Avenue stated 6 months ago he approached staff and asked the Borough to purchase property and make a town square, he would like to see a bond issue to do the Police and Public Works Project with the same money. He feels the Borough is cutting too many corners doing things this way, this is the time to borrow. He stated he is waiting to see the quotes for the two projects. President Tompkins stated he is opposed to putting 6 million on the taxpayers back.

Christine Giovannazzo, Horsham Road stated she is new to area and was not here when Wawa tried to develop the property. She is opposed to dropping a pharmacy in a residential neighborhood, she has traffic concerns, there have been 4 accidents there, 2 since the last meeting, and people will get hurt. She is concerned about raising her kids there,

Colleen Seeds, Horsham Road stated she agrees with Christine, she feels it is up to the Borough to protect residents and a high-rise at that corner is not appropriate. President Tompkins stated if a developer came in and applied to put 100 mid-rise apartments there the Borough would have to allow it.

Ed Henry, Bonair Avenue asked if there was any County Open Space funding to use. President Tompkins stated there is no county funds.

Ron Battis, W. Moreland Ave stated the Borough recently received 15,000 from the county for a parks study, use the money to study this area. President Tompkins stated once money is received the Borough will hire a planner to come up with a parks plan. Mr. Battis stated it can't be a park, because Council doesn't want it to be.

Ed Henry, Bonair Avenue asked if the hearing is held does that adopt it. Solicitor Pionzio stated the Montgomery County Planning Commission, Borough Planning Commission, Zoning Discussion Group, Engineer, Solicitor and staff all have to look at, this will take time. Councilman Forgeng asked what the price would be if the Borough purchased the property. President Tompkins stated the asking price was \$2 million for both.

Mike Buerger, S. Linden Avenue asked if Council was going to entertain a hearing. Solicitor Pionzio stated she does not want to discuss but a developer can sue the Borough if we do not act. She stated it makes sense to schedule the hearing and look at what is best for this corner.

This matter was moved to the March 28th Council agenda for approval.

ZONING HEARNG BOARD MEETING ANNOUNCEMENT

President Tompkins announced the ZHB Meeting was changed this month, the new date is March 16th. He stated that there are no new applications, only decisions would be rendered.

ADMINISTRATION

FEE SCHEDULE UPDATE – PARKING FEES

President Tompkins reviewed the proposed fees for parking. Mayor Hawkes stated he is still opposed to the fees. He would like to see \$20.00 like Septa charges. Councilman Hegele stated he too is opposed, he is in favor of the \$25.00 fee as discussed in prior meetings. He stated \$50.00 is too much to ask a tenant to pay especially when their landlord is not paying. President Tompkins asked how many permits have been sold. Assistant Secretary Hegele said maybe 6 to 10 since we started charging. This matter was moved to the March 28th Council agenda for approval.

Rich Seeds, Horsham Road stated Council should consider Residential vs. Non-residential rate for parking.

PARKING ORDINANCE REVISIONS

President Tompkins stated this has been discussed at several meetings. This matter was moved to the March 28th Council agenda for approval.

WOODWINDS PAYMENT REQUEST #3

President Tompkins stated the Borough is in receipt of Payment request in the amount of \$20,022.80. Manager Zollers stated the fence will be staying longer to assist with the grass, it will be removed when the grass grows completely. This matter was moved to the March 28th Council agenda for approval.

Tina Kemble 6 Belmar Road asked about lighting being installed along path. President Tompkins stated that parks are closed at dusk, nothing is planned at this time. Manager Zollers stated we would need permission from FEMA to do this.

Bruce Hart Earl Lane asked why the money was being released, there has been no work done since the last release. Engineer Dougherty stated work has been done, this release being approved tonight was submitted the beginning of February.

BASKWILL FUNERAL HOME, 20 W MONTGOMERY AVENUE – FINAL ESCROW RELEASE

President Tompkins stated the Borough is in receipt of the final escrow release, financial security for this project in the amount of \$28,646.20. This matter was moved to the March 28th Council agenda for approval.

2016 EVENT REQUESTS

President Tompkins reviewed the list of events. He asked if the West Moreland Avenue crossing project would interfere with the HRA Movie in the Park event. Engineer Dougherty stated that the park should be fine, parking maybe an issue. Assistant Secretary Hegele introduced Chamber President Rich Roberts and stated that earlier today the Chamber pulled the last event on the list. This matter was moved to the March 28th Council agenda for approval.

Mr. Battis, W. Moreland Avenue asked about fee waivers for the parks. President Tompkins stated the HRA did not submit a request to waive the fee. The other events were not on Borough property and did not require a fee waiver.

ENVIRONMENTAL QUALITY ASSURANCE AGREEMENT – POLICE FACILITY ASBESTOS

ABATEMENT

Chief Gardner stated the work has begun on the asbestos removal at the old police station. He stated the agreements were signed for the work and also for a monitoring company who will monitor the removal. This matter was moved to the March 28th Council agenda for approval.

FLOODPLAIN ORDINANCE

The public hearing was held at the beginning of the meeting, this matter was moved to the agenda at the end of the meeting for approval.

STATION PARK VILAGE PRELIMINARY/FINAL LAND DEVELOPMENT RESOLUTION

Solicitor Pionzio stated this is not ready yet, she has been working with Developer but it is not ready yet. This matter was tabled until the end of the month.

Ron Battis, W. Moreland Ave thought they were only getting preliminary approval. Solicitor Pionzio stated no, preliminary/final at the same time.

Ed Henry, Bonair Ave stated he was at the Planning Commission meeting and they said preliminary only, they did not say final. Solicitor Pionzio stated she believes him but the planning part is done, there is only clean up left, it is all technical at this point. She stated it is a 6 page resolution and they are haggling over one paragraph, it is very close.

CHELSEA/WARMINSTER ROAD TRAFFIC SIGNAL MODIFICATION PERMIT RESOLUTION

Engineer Dougherty stated this is needed for the Station Park Village.

Karen Shubick, Fulmor Avenue asked what modifications were being done. Engineer Dougherty stated curb ramps and video detection.

Ed Henry, Bonair Avenue asked about York/Montgomery said cars are sitting there too long. Manager Zollers stated the Pedestrian advance was added there and the time was taken from the side streets. He asked the Borough to talk to Wawa about people entering Wawa from Montgomery Avenue.

Mr. Battis, W. Moreland Ave asked if there were curbs at this location, if there are curbs then why can't there be sidewalks, he stated that was his argument at the PC meeting. Engineer Dougherty stated there are curb ramps, no curbs, it is a technical term.

Solicitor Pionzio stated Council and the Audience were getting off point, this is only a resolution for traffic light permit changes.

This matter was moved to the March 28th Council meeting for approval.

VOTING MEETING

President Tompkins adjourned the Committee meeting and called to order the Voting meeting.

PRIVILEGE OF THE FLOOR

Rich Seeds, Horsham Road asked if this was compliance and punitive measures or new maps. President Tompkins stated FEMA adopts the maps, our ordinance adopts the updates. Solicitor Pionzio stated this is an extensive ordinance required by FEMA. President Tompkins stated the maps are on the Borough website.

FLOODPLAIN ORDINANCE NO. 1030 – Councilman Palmer motioned to approve Ordinance No. 1030, motion seconded by Councilman Hegele, all ayes. Motion carried 5-0.

STATION PARK VILLAGE PRELIMINARY/FINAL LAND DEVELOPMENT RESOLUTION #2016-07 -

Councilman Harbaugh motioned to table Resolution 2016-07, motion seconded by Councilman Palmer, all ayes. Motion carried 5-0.

PRIVILEGE OF THE FLOOR

Karen Shubick, Fulmor Avenue asked if the Borough was able to remove the E from Fulmor Avenue. Chief Gardner stated the information was sent to the GPS and to Garmin and may take some time.

Vicki Lewis, York Road thanked Manager Zollers for having the new restaurant, 58 south have a parking attendant this past weekend. She distributed pictures of the trash on the property. She stated she wanted to work with the new owner but this past weekend there was a problem, there were cars in her lot, cars on street, no money in meters, a man came up screaming at her husband telling him he was trespassing, and it was terroristic threats by taking pictures of cars in their own parking lot. She stated she is tired of being called vulgar names, she is protecting her business, her retirement, their business is their retirement and she wants something done. She stated they are not friendly neighbors, it is a difficult situation, she wants the Borough to be proactive, permit parking should be considered. She stated they do this in Glenside, where they have another store. She feels the 80 cars parked there will affect other businesses and residents.

President Tompkins suggested Mrs. Lewis hire a service to tow cars out of her lot. She stated she thought it would work out, it went well on Friday night. She had to increase her insurance to 2 million in liability, needs money for fence and lighting.

Cheryl Zimmerman, Williams Lane said parking is an issue by her house, the owner has been parking there, it is causing problems for her backing out of her driveway, and she has a lot of cars already in her household. She stated in the past there was zoning to protect near her drive so they could get out. President Tompkins stated Manager Zollers will look into. Is the area still hashed off? Manager Zollers stated he would talk to the owner and advise they cannot park there. Chief Gardner stated that there is limited enforcement for parking on private lots, he told Mrs. Lewis to post signs that cars would be towed and who the towing company is. He stated police can only issue tickets for handicapped parking and fire lane violations only. Mrs. Zimmerman stated also that a portion of the fence is missing. Manager Zollers stated he was glad she was here tonight, he wanted to know the status, and he was told one thing. He stated he would contact the owner and have that fixed. Mrs. Zimmerman also asked about the noise ordinance, she stated the gaming place is loud. Chief Gardner told her to call 911 and police will handle.

Tina Kemble, Belmar Road stated the weather is nicer and she has been walking and York Road is a raceway, she stated she called Tom Murt's office and they told her to call the Borough. Chief Gardner stated York Road is a state road, earlier tonight Council discussed a radar resolution, and she should contact them and ask them to support the use of radar for this reason. He stated the police are out there and do write a lot of tickets. He stated the law provides for a leeway for speed. He stated Penndot would have to install the flashing lights since it is their road.

Colleen Seeds, Horsham Road stated in Lansdale they have signs that maybe the Borough should consider. Chief Gardner stated he has seen them, they are moveable. He stated there is a lot of traffic, kids should not be in streets and police need radar for enforcement.

Ron Battis, W. Moreland Avenue stated there are more cars, more houses time to add another police officer. He stated spend the money, raise taxes, we are running to lean. Chief Gardner discussed staffing and the number of officers on a shift.

ADJOURNMENT

President Tompkins adjourned the March 14th, 2016 Committee meeting of Borough Council at 9:00 PM

Respectfully submitted,

Diane C. Hegele
Assistant Borough Secretary

Transcribed by Assistant Borough Secretary Diane Hegele

