

BOROUGH OF HATBORO
COUNCIL MEETING
MONDAY, SEPTEMBER 26th, 2016

PRESENT

President Tompkins, Councilpersons Forgeng, Harbaugh, Hegele, McElroy & Palmer, Mayor Hawkes; Borough Manager Zollers, Assistant Secretary Hegele, Chief Gardner, Fire Marshal Myers, Solicitor Pionzio, Engineer Dougherty & Treasurer Kalnajs.

ABSENT

Vice President Rich was absent.

CALL TO ORDER

President Tompkins called the meeting to order at 7:00 P.M.

INVOCATION – Mayor Hawkes gave the invocation for the meeting.

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

MEETING NOTES – President Tompkins announced that the first privilege of the floor is for voting agenda items only.

PRIVILEGE OF THE FLOOR – There was no comment from the public at this time.

PUBLIC HEARING – NOISE ORDINANCE WAIVER REQUEST SEPTA

Solicitor Pionzio called the hearing to order. She stated the hearing has been duly advertised and the taxpayer notification completed as per the ordinance. Mr. Dave Mackey from SEPTA was in attendance and stated they are repairing two crossings in Hatboro but at this time will only need a waiver of the noise ordinance for the crossing at Byberry Road. He stated there will be some track equipment at night working that is self-propelled and will create some noise. He stated the work would occur after the last train at 1:00 AM and before the first train at 4:00 AM. He stated Byberry Road would be closed the entire time day/night. Councilman Hegele asked if the work would only be during the 3 hours. He stated no, other work would be occurring. Councilman Palmer asked if a 4-night waiver was needed or could it be less. Mr. Mackey stated they would probably not need all 4 nights. Solicitor Pionzio asked Mr. Mackey for this title with Septa, he responded he was a Project Engineer. She asked him if he was familiar with the location at Fulmor/Byberry, which he responded yes. She stated the Borough has recently met with Septa regarding this crossing a new development being proposed, she stated the first meetings went well and now the players have changed and the requirements from Septa have changed frustrating Borough officials and creating hardship. She asked if he would be able to assist. She asked if he could go back tomorrow and get the Borough some help. She stated Council does not need to make a decision tonight, they have 30 days to render a decision. He stated he cannot go past Lydia Gross, as it would overstep his rank. He did promise to take Christen's card to Lydia and ask her to call. Manager Zollers stated there are no concerns with the closure from the Fire Company. Chief Gardner stated he had no issues, just asked that the School District be notified.

Resident, 121 E. Montgomery Avenue asked if the work at the Montgomery Avenue crossing would impact his driveway. Mr. Mackey stated he will make sure the driveway is not blocked.

Resident, 112 Jacksonville Road stated the new Silver Liner 5 train is very loud, he stated the 4 is good. He stated he knows that the horns are sounded on purpose due to the number of suicides on the line, but would like to see if the decibels on the 5 could be dropped down, he stated he would appreciate it. Mr. Mackey stated he would pass on his concerns to the Septa Help Desk.

Council was in consensus that due to school and the close proximity of houses/apartments that they waiver the Nositie ordinance for 2 nights only. This item was moved to the end of the agenda for approval.

MAYOR'S REPORT – Mayor Hawkes congratulated Councilman Palmer for recently completing a marathon.

PRESIDENT'S REPORT - President Tompkins stated he had no report this month.

TREASURER'S REPORT – Treasurer Kalnajs gave the Treasurer's Report for the month of August 2016. He noted a balance of \$3,053,126.87. Interest earned for the month totaled \$420.49 on all accounts.

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

ENGINEER'S REPORT – Engineer Dougherty stated he had no report this month.

MANAGER'S REPORT – Manager Zollers reported that staff along with Councilman Harbaugh recently met with Codification services to discuss reorganizing our ordinances and getting them in proper format. He stated there has been 38 updates since Codification. Manager Zollers stated that he is working with an Engineering Design company for a plan for the HVAC System and Architectural work at Borough Hall.

CHIEF OF POLICE REPORT – Chief Gardner announced another Drug Take Back Day on October 22nd, 2016. He stated this is a nationwide event. He stated there is a secure box on the second floor at the PD. He stated last event we collected 109 lbs. of drugs that were turned over to the DA Office. He stated the work at the Police Department is moving along, he stated some sewer work will be taking place that will interrupt traffic on Montgomery Avenue. He stated traffic control will be in place and the work will take place during daytime hours.

TAX COLLECTIONS REPORT – 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 – 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 – 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.

VOTING ITEMS

Acknowledgement of Reports – Councilman Palmer motioned to acknowledge the receipt of the tax collections, public works, fire marshal, treasurer's reports, and UMHJSA minutes, motion seconded by Councilman Hegele, all ayes. Motion carried 6-0.

Approval of Warrant List, Payment of Bills, Manual Checks and Transfers – Councilman Harbaugh motioned to approve the warrant list, payment of bills, manual checks and transfers for the month of September 2016, motion seconded by Councilman Palmer all ayes. Motion carried 6-0.

APPROVAL OF MINUTES

August 15th, 2016 Committee/Council Meeting Minutes – Councilman Harbaugh motioned to approve the August 15th, 2016 Committee/Council meeting minutes. President Tompkins reviewed some minor wording changes that will be made. Councilman Harbaugh motioned to make a friendly amendment to include working changes, motion seconded by Councilwoman McElroy. Original motion seconded by Councilman Forgeng, all ayes with Councilman Hegele abstaining due to being absent. Motion carried 5-0.

September 12th, 2016 Committee Meeting Minutes - Councilman Palmer motioned to approve the September 12th, 2016 Committee meeting minutes, motion seconded by Councilman Forgeng, all ayes with Councilwoman McElroy abstaining due to being absent. Motion carried 5-0.

May 23rd, 2016 Amended Council Meeting Minutes – Councilman Harbaugh motioned to approved the May 23rd, 2016 amended council meeting minutes, motion seconded by Councilman Palmer, all ayes with Councilwoman McElroy abstaining as she was not on Council at that time. Motion carried 5-0.

FIRE COMPANY EXPENDITURE LIST – Councilman Hegele motioned to approve the Enterprise Fire Company Expenditure List for in the amount of \$10,894.55, motion seconded by Councilman Palmer, all ayes. Motion carried 6-0.

FIRE COMPANY CAPITAL EXPENDITURE LIST – Councilman Harbaugh motioned to approve the Enterprise Fire Company Capital Expenditure List in the amount of \$44,670.13, motion seconded by Councilman Hegele, all ayes. Motion carried 6-0.

904 RECYCLING PERFORMANCE GRANT SUBMISSION- Councilwoman McElroy motioned to authorize staff to submit 904 Recycling Performance Grant, motion seconded by Councilman Harbaugh, all ayes. Motion carried 6-0.

WOODWINDS PROJECT – FINAL PAYMENT – Councilwoman McElroy motioned to table this matter, as proper paperwork was not received, motion seconded by Councilman Palmer, all ayes. Motion carried 6-0.

FACILITIES PROJECT – POLICE PROJECT – PAYMENT REQUEST #3 – Councilwoman McElroy motioned to approve payment request #3 in the amount of \$138,211.60, motion seconded by Councilman Hegele, all ayes. Motion carried 6-0.

FACILITIES PROJECT – PUBLIC WORKS PROJECT – PAYMENT REQUEST #3 – Councilman Hegele motioned to approve payment request #3 in the amount of \$11,99.45, motion seconded by Councilman Harbaugh, all ayes. Motion carried 6-0.

FACILITIES PROJECT – POLICE PROJECT – CHANGE ORDER #2 – Councilman Palmer motioned to approve Change order #2 for the police project in the amount of \$519.39, motion seconded by Councilman Hegele, all ayes. Motion carried 6-0.

ESCROW RELEASE – FINAL – 321-333 N. PENN STREET – Councilwoman McElroy motioned to approve escrow release in the amount of \$65.95, motion seconded by Councilman Palmer, all ayes. Motion carried 6-0.

HOMETOWN STREETS PROJECT – PAYMENT REQUEST #3 – Councilman Palmer motioned to approve payment request #2 in the amount of \$112,964.00, motion seconded by Councilman Hegele, all ayes. Motion carried 6-0.

SEPTA REQUEST WAIVER – NOISE ORDINANCE – Councilman Harbaugh motioned to authorize SEPTA to work outside the noise ordinance for work at the RR Crossing on Byberry Road for two nights only, motion seconded by Councilman Hegele, all ayes. Motion carried 6-0.

EMPLOYEE RATIFICATION LIST – Councilman Palmer motioned to approve the employee ratification list for the month of September, motion seconded Councilwoman McElroy, all ayes. Motion carried 6-0.

SPECIAL UPDATES – There were no updates from Council this month.

OLD BUSINESS – Mayor Hawkes asked for an update on the band shell. Manager Zollers stated the Borough recently was awarded a park study grant that will include if the Borough pursues new amenities in the parks. He stated he is waiting for County proposal to prepare the plan. He is hoping to start the process in 2017, but nothing is happening right now.

President Tompkins announced the Zoning Ordinance Update hearing has been advertised for October 10th. He asked if Council could get a draft copy of the PC minutes before the hearing. Assistant Secretary Hegele stated she would take care of.

NEW BUSINESS – There was no new business to come before Council. that need action this evening,

PRIVILEGE OF THE FLOOR – Ron Battis, W. Moreland Avenue asked the Solicitor to clarify her statements concerning Station Park, he thought this was not a Borough problem but a Station Park problem. She stated the Septa improvements are coming in much higher than originally budgeted and the Borough is not spending the money. President Tompkins stated it is now over \$30,000 which could be everyone's problem.

Carmen Lanzetta, S. York Road stated he owns a business and has an issue with recent enforcement of the tree ordinance. He stated there is a long history with an issue with a tree in front of his business, he has been sued, his insurance premiums increases and has had to replace his sidewalk. He stated the tree before grew into his building, branches fell, causing damage, the tree was removed, someone fell and sued him and now the Borough wants him to replace the tree. He stated he has responded to the first notice and now he is getting additional notices. The first notice he responded and articulated the safety issue, he doesn't want responsibility of the tree and feels he should not be forced to plant the tree. He feels the shade tree commission can take out the liability policy and plant and maintain the tree. President Tompkins stated people either like or complain about the trees, they were planted there by the Chamber of Commerce and are the responsibility of the property owner. Manager Zollers stated the Shade Tree Commission looked at the suitability and says this is a sustainable site. Mr. Lanzetta said there was a trash can placed there and then women in heels had to walk on sewer grate causing tripping issue, so the can was moved. He is unhappy that he is being forced to do something that requires him to have to fix sidewalk repeatedly. Councilman Harbaugh stated he too has a business along York Road and can sympathize with Mr. Lanzetta, he stated he does not have a tree at his location and is thankful, just a clock, but the staff has to enforce the ordinance until Council changes it has to be done. He stated he doesn't agree but that is his opinion. Mr. Lanzetta stated he has retained an attorney to see what he can do, he stated Tom Murt agrees and suggested he talk to Council. There was a discussion about smaller trees, planting in pots but this would all have to be discussed with the Shade Tree Commission.

Mrs. Phillips, Wood Street asked why the Borough could not just give Mr. Lanzetta an extension. Winter is coming which will give time to do something about the ordinance. She asked about an exception for this case. She stated there are too many empty stores on York Road, Borough needs to be business friendly.

ADJOURNMENT

The September 26th, 2106 meeting of Borough Council was adjourned at 7:45 PM.

Respectfully submitted,

Alfred "Fred" Zollers
Borough Secretary

Transcribed by Assistant Borough Secretary Diane Hegele