

**BOROUGH OF HATBORO
COUNCIL MEETING
MONDAY, OCTOBER 24th, 2011**

PRESENT –President Reymer, Vice President Guenst, Councilpersons Fleming, LaSorsa, Ostrander, Tompkins and Zygmunt and Mayor Hawkes; Borough Manager Plaughter, Chief of Police Gardner, Superintendent of Public Works Zollers, Borough Solicitor Savona, Borough Engineer Dougherty, BCO Fugate & Treasurer Kalnajs.

ABSENT

CALL TO ORDER – President Reymer called this Council Meeting to order at 7:05 p.m.

INVOCATION – The invocation for this meeting was led by Rev. Tony Osimo, from the Penn Valley Church.

PLEDGE OF ALLIGENCE – The Pledge of Allegiance was led by Mayor Hawkes.

TREASURER'S REPORT – Treasurer Kalnajs noted a balance of \$4,304,698.48 on all accounts at the end of September, 2011. Interest earned for the month totaled \$423.26 on all accounts.

PRESIDENT'S REPORT – President Reymer announced there was an executive session on October 10, 2011 to discuss personnel and real estate, and one prior to tonight's meeting to discuss real estate.

MAYOR'S REPORT – Mayor Hawkes announced that the postal service in a cost cutting move is moving mail carriers from the Hatboro Post Office to the Horsham Post Office. The Hatboro Post Office will remain open for regular business with a closing time of 4:30 PM on weekdays.

MANAGER'S REPORT – Borough Manager Plaughter had several items to report this evening.

1. Mr. Plaughter stated he attended a Woodwinds Home Owner's Association meeting at the Hatboro Baptist Church to discuss the recovery stages for those property owners impacted by Hurricane Irene and/or Tropical Storm Lee.
2. Mr. Plaughter announced the Bank Street/public parking lot is still under construction with Phase 1 complete and Phase 2 underway.
3. Mr. Plaughter stated that Administration and Public Works are working to address "oversize" trash containers placed at curbside. The Borough Ordinance has a 30 gallon container limit. We are surveying other communities and their trash collection container limits and will report back to Council.
4. Mr. Plaughter announced a representative of the State Office of Budget was out to review the Fire House Construction Grant Project. It may be January before any reimbursement checks are received from the state.
5. Mr. Plaughter stated he attended a PEMA/FEMA presentation for Public Assistance funding in Montgomery County.
6. Mr. Plaughter stated there have been two budget sub-committee meetings held to review department head submissions for the 2012 operating budget.
7. Mr. Plaughter announced that PennDOT has milled York Road in front of Borough Hall with paving expected to be complete within two weeks.

8. Mr. Plaughner stated the Municipal Pool tile project is in progress with completion expected in two weeks.
9. Mr. Plaughner stated he met with Aqua representatives in Miller Meadow to discuss a water line stub installed and the need for a pit and meter to be installed.

Councilman Zygmunt asked if Mr. Plaughner could ascertain an exact date from Penndot on when the road work and paving would be completed. Mr. Plaughner stated he would check with Penndot.

Councilman Tompkins asked if there was a water line run into Miller Meadow. Vice President Guent state yes, the line was run. Councilman Tompkins asked if Council should have approved the water line extension into Miller Meadow. Solicitor Savona would have to check his records. Superintendent Zollers stated when Aqua installed their new water line on York Road; they put a stub connection on the east side of the sidewalk just inside the park, should the Borough wish to have water service for events.

Councilman Tompkins stated with the Bank Street Lot under construction and the Skeleton Skurry this weekend, the YMCA should be notified that limited parking is available in the lot.

Councilman Tompkins questioned if Council would be getting a electronic draft copy of the 2012 operating budget. Councilman Zygmunt asked Solicitor Savona if the draft copy is a public record. Solicitor Savona stated yes it was a public record. Councilman LaSorsa stated the budget sub-committee should receive an electronic copy to work with. Councilwoman Fleming does not have a problem if the sub-committee has an electronic copy of the draft budget. Solicitor Savona stated the working budget sub-committee should have access to electronic copy. President Reymer agreed, the budget sub-committee should have an electronic copy. President Reymer asked for the budget workshops, if the public should have a pdf hard copy of the draft budget. Councilman Tompkins asked if the rest of Council can have an electronic copy of the draft budget, or is there a need to file an open records request. Solicitor Savona suggested the rest of Council have the draft budget xl spreadsheet in read only format. Councilman Tompkins asked about little league and other non-profits, shouldn't they have been before Council with their 2012 funding requests. Councilperson Fleming stated police, public works and codes have been handled first at the sub-committee level, the non-profits will be next. Councilman Zygmunt asked if the non-profits should be shown in the draft budget at last year's funding level. Vice President Guent asked if Council should be put the non-profits in the draft budget at the funding level they proposed for 2012.

CHIEF OF POLICE REPORT – Chief Gardner stated he attended a recent County Commissioners meeting where the police radio upgrade was discussed. There is still no progress. The Commissioners brought in another consultant to conduct more study on the radio upgrade. He stated he is concerned because the portable radios are in poor condition. Councilman Tompkins commented it could be another two or more years that we have to try and make the radios work. Councilwoman Fleming asked if there were any alternatives. Chief Gardner stated he will try for an extension on the grant so that we can purchase the portables when the county finally decides on a vendor.

Chief Gardner stated the Skeleton Skurry is this Saturday. They have bigger numbers this year, there will be temporary road closures, but should be clear by 11:30 AM. He thanked the Fire Police for their help.

Chief Gardner stated on November 9th the National Test of the Emergency Alert System will be on TV & Radio.

SOLICITOR'S REPORT – Solicitor Savona had nothing to report this evening.

MAIN STREET MANAGER REPORT – Main Street Manager Barth reported that there are 40 new business's in the Borough and 150 new jobs. Mr. Barth stated the Victorian Village donated retail space to Toys for Tots. Mr. Barth stated the new Galaxy Diner opened today in the former Wendy's site, which has been closed for the last 5 years. He stated the prices are good and the food is great. Mr. Barth stated Hatboro businesses are now listed in a new website, www.hatboroalive.com. Mr. Barth stated he was meeting with the Valley Forge Convention Bureau for new marketing ideas. He has also met with Comcast and the Patch for advertising purposes. Mr. Barth announced that Quig's is moving to the Dunkin Donuts site, they should be open in a couple of weeks. Mr. Barth stated a new business has opened in Station Park, Member Solutions.

DEPARTMENT SUPERVISORS' REPORTS

1. **Public Works Report** – President Reymer 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. There was no additional comment.
2. **Code Enforcement Report** – President Reymer noted the Code Enforcement Report was submitted to Council in advance of tonight's meeting, and that copies of the Report were available on the sign-in table.
3. **Fire Marshal Report** – President Reymer 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. There was no additional comment.

PRIVILEGE OF THE FLOOR FOR AGENDA VOTING ITEMS

There was none at this time.

PUBLIC SAFETY – Councilperson Ostrander stated she had several items to report this evening.

Enterprise Fire Company Construction Project Change Orders 13-19 – Councilwoman Fleming motioned to approve Change Orders 13-19 as approved by the Borough Manager, second by Councilman Tompkins, all ayes. Motion carried 7-0.

Enterprise Fire Company Construction Project – Application for Payment – Councilwoman Fleming motioned to approve application for payment from Titanium Construction in the amount of \$21,319.02, second by Vice President Guent, all ayes. Motion carried 7-0.

Councilman LaSorsa stated due to the delay in reimbursement from the State on the Fire House Grant Construction Project, a Tax Anticipation Note (TAN) may be needed to cover cash flow for early 2012. Mr. LaSorsa recommended a cash flow analysis for January through March 2011. Solicitor Savona stated Council discussed this earlier in the year. He is recommending the Borough get competitive TAN loan numbers during the month of December and then adopt at the January reorganization meeting. Councilman Zygmunt stated normally we would have a TAN in place in December, so the

figures can be included in the budget. He also stated the Borough can get a TAN Loan approved and not borrow the money if it turned out the Borough did not need it.

Appointment of Municipal Emergency Management Coordinator – Councilman Tompkins motioned to approve the appointment of Alfred “Fred” Zollers as Emergency Management Coordinator, second by Vice President Guenst, all ayes. Motion carried 7-0.

ADMINISTRATION – President Reymer presented the following items:

September 26th, 2011 Council Meeting Minutes – Councilwoman Ostrander motioned to approve the September 26th, 2011 Minutes, Councilman Tompkins asked to revisit the issue of a Council member’s abstention from voting as a no vote, as determined by the Solicitor. Mr. Tompkins read a section of Roberts Rules of Order, pertaining to abstentions, he also stated that State Ethics Act also applies and believes that the Borough is leaving the door open for future problems if abstention counts as no votes. Solicitor Savona stated that Mr. Tompkins is confusing recusal vs. abstention, which are not the same, recusal does not count as a no vote. He stated that Council could adopt their own rules of procedure to address this. Councilman Zygmunt stated the minutes on page 5 and 6 should reflect the lengthy discussion about abstention counting as no votes and that Councilman Tompkins disagreed with the Solicitor’s opinion. The motion was seconded by Vice President Guenst, with Councilman Tompkins voting no and Councilman Zygmunt abstaining. Motion carried 5 - 2.

October 10th, 2011 Committee Meeting Minutes – Vice President Guenst motioned to approve the October 10th, 2011 Committee Meeting Minutes, second by Councilwoman Ostrander, all ayes. Motion carried 7 - 0.

Wachovia Property Marketing – President Reymer announced this item has been moved to the end of the agenda. Councilman Zygmunt stated he has a conflict of interest with the sale of the Wachovia Property and read a statement rescuing him from discussions.

Recess to Executive Session – At 9:35 hours Council voted to recess into Executive Session to discuss marketing the Wachovia Property.

At 9:57 hours the Council meeting reconvened. President Reymer stated the executive session was for a Real Estate matter. Councilman Tompkins motioned to appoint Century 21 New Horizons as Realtor for the Wachovia Property subject to review and approval of the listing contract by the Borough Solicitor and Borough Manager, second by Councilman LaSorsa, with a friendly amendment to include a 6 month listing with a 6% commission and to authorize the Borough Manager to sign the listing agreement. Motion carried 6 - 0 with Councilman Zygmunt recusing himself.

Mr. Battis, 320 West Moreland Avenue asked what the appraisal price of the Wachovia Building was. Solicitor Savona stated this information was still confidential.

Mr. Bob Johnston, Main Street Hatboro asked how soon will the marketing agreement be in place. Solicitor Savona stated a draft agreement should be in place by the end of the week.

County Redevelopment Authority/YMCA Agreement – President Reymer announced she would be rescuing herself as she has a conflict with family at the YMCA. Councilman Tompkins announced he would be rescuing himself also as his wife works at the YMCA. Vice President Guenst presided. Solicitor Savona stated a professional agreement between the Borough and the YMCA for legal costs for him to work on the YMCA/RDA Grant Cooperation Agreement has been prepared and is ready for

signatures. Councilman Zygmunt motioned to approve the Professional Agreement between the Borough and YMCA for legal costs, seconded by Councilwoman Ostrander. Motion carried 5-0 with President Reymer and Councilman Tompkins rescuing.

Solicitor Savona stated an Indemnity Agreement has been prepared and ready for signature to protect the Borough from liability incurred from acting as a guarantor of the RACP/YMCA Grant. Councilman Zygmunt stated he thought the RDA was going to indemnify. Solicitor Savona stated the YMCA is doing so in behalf of the RDA and all are covered by the YMCA agreement. Mr. Zygmunt stated the RDA got the Borough into this mess. Mr. Ross Weiss, Attorney for the YMCA advised the YMCA has to enter into the Indemnity Agreement on behalf of the County and the Borough, the County does not indemnify. Councilman Zygmunt disagreed, asked if the project costs have been paid up to date. Mr. Weiss stated the YMCA has paid for all costs up front; the agreement is needed from the Borough so the YMCA can be reimbursed by the state. Vice President Guenst asked if the agreement would be amended to include the Borough is made whole within 30 days should the YMCA default on any payments. Mr. Weiss stated yes. Councilman Zygmunt motioned to approve the County Redevelopment Authority/YMCA Grant Indemnity Agreement as amended, seconded by Councilwoman Ostrander. Motion carried 5-0 with President Reymer and Councilman Tompkins recusing.

Councilman Zygmunt motioned to approve the County Redevelopment Authority/YMCA Grant Cooperation Agreement, seconded by Councilwoman Ostrander. Motion carried 5-0 with President Reymer and Councilman Tompkins recusing.

FINANCE & COMMUNITY RELATIONS – Councilwoman Fleming presented the following items:

Warrant List and Manual Check List – Council considered accounts payable. Vice President Guenst motioned to approve the warrant list as presented. Councilman Zygmunt asked why the list was revised. Treasurer Kaljnas stated he worked on revisions with the temporary bookkeeper, he stated the 3rd revision was correct. Motion was seconded by Councilwoman Fleming, all ayes. Motion carried 7 – 0.

Payment of Bills and Transfers - Councilwoman Ostrander motioned to approve the balance of bills and transfers, as presented, second by Vice President Guenst, all ayes. Motion carried 7 – 0.

Councilman Zygmunt stated he thought Council passed a Resolution earlier in the year that permitted staff to pay utility bills in advance of the warrant list to prevent late fees. Borough Manager Plaugher will address this with the staff.

Resolution #2011-18 – Borough Manager Plaugher stated this resolution is necessary for the pension actuaries to modify assumptions. Vice President Guenst motioned to approve Resolution #2011-18, seconded by Councilwoman Ostrander, all ayes. Motion carried 7 – 0.

Budget Workshops – Councilwoman Fleming announced there will be two budget workshops, on November 2nd and November 9th at 6:30 PM. Councilman Zygmunt recommends that Council have Department Heads come in for the first workshop on November 2nd and the non-profits for the November 9th workshop. Councilwoman Fleming stated there are 5 non-profit organizations that will be invited to attend the November 9th workshop and they should submit their funding request along with their operating budgets to the Borough Manager. Each organization will have 10 minutes to make their presentation. Councilman LaSorsa stated the budget sub-committee still has to work to do on the anticipated revenue in the 2012 draft budget.

RECREATION & PUBLIC FACILITIES – Vice President Guerst stated she had nothing to report this evening.

ZONING, PLANNING & HISTORIC PRESERVATION – Councilman Tompkins stated he had nothing to report this evening.

PUBLIC WORKS - Councilman LaSorsa presented the following items:

New Fuel Distribution System for Borough Gas Pumps: Vice President Guerst moved to approve the purchase from Gateway Petroleum for \$9,582.00, seconded by Councilwoman Fleming, all ayes, Councilperson Ostrander stepped out the room and did not vote. Motion carried 6-0.

Resolution 2011-19 authorizing the Disposal & Destruction of Public Works “Work Orders” and “Work Logs” for the years 2005 and earlier. Councilman Zygmunt motioned to approve Resolution 2009-19, seconded by Vice President Guerst, all ayes. Motion carried 7-0.

COMMUNITY & ECONOMIC REDEVELOPMENT – Councilman Zygmunt stated he had nothing to report this evening.

OLD BUSINESS

Councilman Tompkins read the definition of abstention from dictionary.com. Solicitor Savona stated as mentioned earlier, Council can make their own rules of procedure. Councilman Tompkins motioned to approve in the future all abstentions will count as a non vote rather than a no vote, motioned seconded by Councilman Zygmunt, all ayes. Motion carried 7 – 0.

Councilman Tompkins stated it appears the minutes from the following 2010 Council Meetings are missing from the Borough website and he questioned if they were ever approved. The minutes in question are January 4th, January 11th, February 22nd, March 8th and March 22nd, all from 2010. The Borough Manager will check if they are in the minute book and report back to Council.

NEW BUSINESS

There was no New Business to come before Council this evening.

PRIVILEGE OF THE FLOOR

Mr. Hart, 175 Earl Lane stated at the last committee meeting, Council discussed not having paper bags for yard waste and stickering containers instead. He believes we should keep them in the bag.

Tracey Thatchford, 3 Drummers Way, requested a status PA-DEP Flood Study. Mr. Plaugher reported that he has talked with the PA-DEP. They were out this summer and viewed the Woodwinds development. Based on the lower elevation of the buildings and their placement next to the Pennypack Creek, PA-DEP believes there is little that can be done to correct the flooding problem.

Gary Gefer, 19 Drummers Way stated there are several streets in the area with poor drainage, Meadowbrook, Lancaster Avenue, the runoff comes down Meadowbrook and comes into Drummers Way. He asked if this situation could be improved. President Reymer stated the Borough is familiar with this and the streets were regraded where possible. Mr. Gefer stated the intake at the bottom of Meadowbrook is not big enough, the water bypasses pipe and comes into the parking lot and then his

home. He asked what Council could do? Councilman Zygmunt stated there is a hometown streets grant and curbing is planned on Summit Avenue to divert water to York Road. Penn Street is included as well. The Borough is 10 years into the project that has 3-4 years to go. This is a step by step process.

Borough Engineer Dougherty stated if storm drainage improvements in the area are considered, the entire area needs to be analyzed before any improvements are made.

Councilman Zygmunt stated federal grants take time. He stated you are downhill and water is going to drain downhill.

Mr. Gefer asked if Council thought curbs would help. Engineer Dougherty stated it will not stop storm water from coming downhill. Councilman Zygmunt stated that was not correct, he thought curbs would help when this was discussed years back. Mr. Gefer asked if Council has the ability to design a plan to help. Vice President Guent stated the Borough has studies, will take millions of dollars to try and correct. Downhill is the problem homes should have not been built there. Mr. Gefer asked what Council would suggest to the residents of Drummers Way. Vice President Guent stated they should listen to their options from FEMA on a buyout. She stated she could not tell them what to do, hopefully they will offer fair market value. Mr. Gefer asked if Council was considering any other options. Vice President Guent stated this is a private property issue. Mr. Gefer stated the surrounding streets are public property, he asked what can be done. Vice President Guent stated she just answered his question. Mr. Plaughner provided an update on the FEMA application process. Mr. Gefer stated he can't wait for years. He asked if the Borough could get a new engineer to look at the problem. Councilman Tompkins asked if his concern was the depth of the creek or the storm water runoff. Mr. Gefer replied it was the storm water runoff to his home. Councilman Tompkins stated a bigger intake at the bottom of Meadowbrook could still back up because the creek is backing up. Councilperson Ostrander suggested that Engineer Dougherty look at this. Engineer Dougherty stated he would take a look at the storm drain and head wall. President Reymer stated Engineer Dougherty will look at the problem and give his recommendation to Council. President Reymer suggested to Mr. Gefer the Home Owners Association should discuss a retention basin.

Tracey Thachford stated at the September 12th Council meeting residents questioned if Warminster is addressing flood concerns that affect Hatboro and was this investigated. Solicitor Savona stated as mentioned previously he serves as the Solicitor for Warminster Township and they have very aggressive flood control regulations in place and all building codes are being followed.

ADJOURNMENT

There being no further business, the October 24th, 2011 meeting of Borough Council was adjourned at 10:10 P.M.

Respectfully submitted,

Steven J. Plaughner
Secretary