

HATFIELD BOROUGH COUNCIL
REGULAR MEETING

August 19, 2009

MINUTES

CALL TO ORDER AND ROLL CALL:

- (X) John H. Weierman, President
 - () Kenneth V. Farrall, Vice President (arrived at 7:55 P.M.)
 - () John Kroesser
 - () Bryan A. Moyer
 - (X) Lawrence G. Stevens
- (X) Mayor, Robert L. Kaler III

The record shows that two members of Council were present at roll call, as well as, Borough Manager, Michael J. DeFinis, Borough Solicitor, Catherine M. Harper and Assistant Secretary, Linda L. Watts. There was media representation.

President Weierman announced the August 19 Regular would hold off on any official business until one more member arrives and there is a quorum.

4. ANNOUNCEMENTS: Manager Michael J. DeFinis made the following announcements.

- The Retreat menu is in your packet please submit your dinner selection in by September 2.
- Next month's Council meetings are September 2, Workshop and September 16, Regular at 7:30 P.M.
- Council will hold their annual retreat September 9, 2009 in Council Chambers starting at 5:00 P.M.
- HERC will meet August 27, 2009 at 8:00 AM.
- The Planning Commission September meeting will be held on August 31, 2009 at 8:00 A.M.

5. REPORTS FROM STANDING COMMITTEES AND MAYOR:

Public Safety: Lieutenant Eric Schmitz announced that the Police Report for the Borough was normal. There was nothing outstanding to report at this time.

14. Hatfield Township CAN Event.

President Weierman announced that the Hatfield Township CAN Event volunteer sign up sheet is at your place. The event will take place at School Road Park on Saturday, September 19, 2009 at 4:30 P.M.

Manager DeFinis announced that he met with Lieutenant Schmitz to identify where to put the plaza parking area signs. The signs are similar to the sign at Centennial Park.

6. **MANAGER'S REPORT:** Borough Manager, Michael J. DeFinis made the following announcements:

General Report and Projects Update

1. The Parking lot project is about 90% complete. Final decorative items need to be installed and some final repair items need to be addressed. The contractor has requested a 60 day extension to the contract. Mark and I feel this acceptable since we have several changes orders that required ordering additional material. A letter from the engineer will be at your places for the meeting.
2. On the bill list tonight there is an invoice from All Points Reporting September 12, 2006 for \$329.00. Diane Farrall has researched this invoice and there is no record of payment for this invoice. According to the auditor we must pay for services rendered and inform Council since the invoice is several years past due.
3. The DCNR Grant for the improvements to the Chestnut Street Bridge has been approved for construction. The bids will go out early September. With good weather we should be able to finish this in 09.
4. Reminder, the Borough Council, Mayor and staff retreat is scheduled for September 9, 2009 in Council Chambers. Please bring all items you would like to address for future planning and budgeting. In your packets is a Trolley Stop menu, please put your name on the menu and circle your choice for dinner. Dinner will be served at 5:00 PM.
5. A three year review of the Fire Safety Inspection program conducted by Assistant Secretary, Linda Watts is in your packets.
6. Assistant Secretary, Linda Watts is currently working on all grant payment applications. After a review of the process and a meeting with the county coordinator we now have a full understanding of the process. Linda Watts and Borough Engineer Mark Mattucci met with Mr. Tom Ogunde from the Montgomery County Planning Commission and now have an understanding as to what the County expects to see on the grant request for payments application.
7. Engineer Mark Mattucci has requested a written proposal for applying a stone facing to Lincoln Avenue Bridge similar to the arches. The verbal proposal was \$15,000.00. An estimate of the total contract suggests the Borough has about that much remaining to take full advantage of the available grant.
8. Tri-State Grouting will be in the Borough to finish the final phase of the sanitary sewer maintenance project. There are several locations targeted for repair. Once this is completed the entire Borough sanitary sewer will have been televised and repaired.
9. The Army Corps of Engineers project is moving forward. Bill Dingman, George Wrigley and I will begin working on the design for lateral repair and or replacement in sanitary sewer system. This project is targeted for spring.

Manager DeFinis answered questions regarding if the inflow and infiltration amounts will go down with the repair work and explained that the problem cannot be seen but will be resolved with lateral work and scope of the works that the Army Corp of Engineer completes.

Manager DeFinis informed Council at their seats is a Resolution Authorizing Opening An Escrow Account For Eric R. Ahlquist. In the amount of \$1,500.00, for a lot line adjustment. As part of the Auditors request we have to pass a resolution to open up an escrow account. Along with that there will probably be a zoning hearing meeting as there are variance issues. The Planning Commission will see the information of August 31 and then it will go in front of Council.

Councilmember Stevens thanked Assistant Secretary Linda Watts for the information on the Fire Safety Reports. The fees are covering the Fire Safety Expenses.

Manager DeFinis answered questions regarding line painting on W. Broad Street.

DISCUSSION:

14. Hatfield Township CAN Event.

Manager DeFinis announced that the CAN Event will be held on September 19 at 4:30 P.M. at School Road Park as previously discussed.

15. REPORT AND CORRESPONDENCE:

- Monthly Investment Report
- Monthly EIT Report
- Police Department Report
- Public Works Department Report

President Weierman updated Council on the Treasury bill.

President Weierman reviewed the EIT report.

President Weierman reported that the speed sign by the PNC bank is not operating.

Manager DeFinis reported that the battery is two years old. The Public Works Director is looking for an alternative battery. The slow down sign will be used as well as the speed monitor.

Solicitor Harper answered questions on the EIT discrepancies.

Councilmember Farrall arrived at 7:55 P.M. and a quorum was now present.

Manager DeFinis updated Council on the final version of the Revitalization Plan and announced the additions to the August 19, 2009 Agenda. Item 13A will be adding the Resolution No. 2009-23 for the Ahlquist lot line adjustment. Item 13B will be the review letter from Bursich for the waiver of Land Development for Hat Tricks. Item 13C is payment request #5 from James R. Kenney for the Plaza and Parking Lot and Extension.

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Farrall to approve the Agenda of August 19, 2009 as revised. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 3-0.

2. PUBLIC INPUT: President Weierman asked if there were any comments or questions. There were none.

3. APPROVAL OF MINUTES:

Motion: A motion was made by Councilmember Farrall to Approve the Minutes of July 15, 2009. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 3-0

Manager DeFinis informed Council a copy of the Informer in is their packets for review. Please make any corrections or additions. Councilmember Stevens is highlighted on the front cover and also some of the vandalism that is going on at the parks. There is a buy one get one free leaf bag coupon to see how many people use the leaf bags and to keep track of the consumption.

ACTION ITEMS:

7. Motion to Approve Ordinance #471 amending the "Leaf Waste" Ordinance.

Solicitor Harper announced that this is requested by the Northern Montgomery County Recycling Commission that leaves are recyclable and should be picked up by the borough at curbside and the Borough keep a total of the leaf bags

Motion: A motion was made by Councilmember Farrall to Approve Ordinance #471 amending the "Leaf Waste" Ordinance.

Solicitor Harper informed Council Ordinance #471 requires haulers to say how much is picked up and Northern Montgomery County Recycling will then know the amount that is collected and gets credit for that amount at State Level.

President Weierman announced that a copy of the advertisement "Leaf Waste" Ordinance #471 was advertised and is included in the packets.

Mayor Kaler, III, asked if there were any comments from the Public. There were none.

The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 3-0.

Manager DeFinis announced that the Borough counts the leaf waste bags and yards of chipping.

8. Motion to Approve Ordinance #472 Requiring Contractors to supply a copy of the certificate form to the Office of the Attorney General.

Solicitor Harper informed Council that this is a State Wide registration of Contractors. The Borough's Code Enforcement has the power to see and ask if an contractor is registered and to make sure that they are registered. The advertisement of Ordinance #472 was advertised and included in the packets.

Motion: A motion was made by Councilmember Farrall to Approve Ordinance #472. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 3-0.

9. Motion to Approve Resolution #2009-21, Amending the Fee Schedule in Chapter 1, Part 5 of the Hatfield Borough Code of Ordinance, relating to the collection of electric billings.

President Weierman announced that the Resolution outlines what fees would be. Complaint meter testing, and also clarified the penalty and late fee and dropped the interest amount and charging a flat fee. This puts the borough in line with what other municipalities and companies.

Motion: A motion was made by Councilmember Stevens To Approve Resolution #2009-21, Amending the Fee Schedule in Chapter 1, Part 5 of the Hatfield Borough Code of Ordinance, relating to the collection of electric billings. The motion was seconded by Councilmember Farrall and unanimously approve with a vote of 3-0.

10. Motion to Approve Resolution #2009-22 Adopting the Revitalization Plan as Approved by the Montgomery County Planning Commission.

Motion: A motion was made by Councilmember Farrall To Approve Resolution #2009-22 Adopting the Revitalization Plan as Approved by the Montgomery County Planning Commission. The motion was seconded by

Councilmember Stevens and unanimously approved with a vote of 3-0.

11. Motion to approve the 2010 Financial Requirement and Minimum Municipal Obligation Report for the Defined Benefit Pension Plan in the amount of \$49,783.00 and the Defined Contribution Pension Plan in the amount of \$9,806.00.

Motion: A motion was made by Councilmember Stevens To Approve 2010 Financial Requirement and Minimum Municipal Obligation Report for the Defined Benefit Pension Plan in the amount of \$49,783.00 and the Defined Contribution Pension Plan in the amount of \$9,806.00.

President Weierman informed Council this is the amount that needs to be budgeted for next years budget. These figures were prepared by the actuarial.

The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 3-0.

12. Motion to advertise and send the following ordinances to the Montgomery County Planning Commission for review.

President Weierman reviewed the following Ordinances.

- Riparian Corridor Conservation Overlay District
- Outdoor Dining Conditional Use
- Amending the Side Yard Setback in the Core Commercial District
- Increasing the Accessory Building Requirements
- Ordinance to change Blaine Street to Blaine Avenue.

Motion: A motion was made by Councilmember Farrall to advertise and send the following ordinances to the Montgomery County Planning Commission for review. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 3-0.

13. Motion to Approve Payment of the Bills.

Manager DeFinis reviewed and answered questions regarding the Bill List.

Motion: A motion was made by Councilmember Farrall to pay the Bill List. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 3-0.

13A. Motion to Approve Resolution #2009-23 To Open an Escrow Account in the Amount of \$1,500.00 for Eric R. Ahlquist as suggested by the Auditors.

Motion: A motion was made by Councilmember Farrall to Approve Resolution #2009-23 To Open an Escrow Account in the Amount of \$1,500.00 for Eric R. Ahlquist as suggested by the Auditors. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 3-0.

13B. Review Letter Waiver for Land Development for Hat Tricks.

Manager DeFinis updated Council on the Bursich review letter. Mr. Bob Weimar was granted a waiver of land development contingent upon his meeting all the requirement and recommendations. Mr. Weimar has agreed to work with the Code Enforcement Officer to finish up all the requirement before he can proceed to build his patio and to list the items that he is requesting a waiver of land development for on the plan.

Councilmember Farrall to grant the waiver with the exception of #6 and what is proposed and is satisfactory to the Borough Engineer and a fence in lieu of landscaping parallel along the Liberty Bell Trail as well as a grease trap and EDU's.

Solicitor, Harper suggested having a resolution incorporating the noted issues.

Manager DeFinis suggested granting upon the Borough Engineers reviews.

13C. Payment Request #5 to James R. Kenney in the amount of \$135,227.65.

Manager DeFinis updated Council on the payment request #5 that has been submitted today by James R. Kenney and including the sixty day extension for work being done at the Parking Lot Plaza. Borough Engineer Mark Mattucci and Assistant Secretary Linda L. Watts, James R. Kenney and his Secretary met with Tom Ogunde from the Montgomery County Planning Commission to review previously submitted paperwork that is not acceptable to the County. Mr. Ogunde has suggested that the Borough approve the payment request but hold payment until the paperwork has been resubmitted by James R. Kenney and is satisfactory to the County and that the numbers and dates that are submitted is accurate.

Motion: A motion was made by Councilmember Stevens to approve payment request #5 in the amount of \$135,277.65 and the sixty day extension as required by the County. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 3-0.

Manager DeFinis answered questions regarding the AIA forms and County reviews.

President Weierman suggested holding off on the payment request until the documents are resubmitted and are satisfactory to the County .

Solicitor Harper suggested holding off payment until documentation from the contractor is resubmitted and is satisfactory to the County so the Borough can be reimbursed for payment and upon review by the Engineer.

Motion: The motion was amended by Council Stevens to review documents submitted by the contractor satisfactory to the County and upon review of the Engineer. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 3-0.

16. OTHER BUSINESS:

There was no Other Business.

17. ADJOURNMENT:

Motion: A motion was made by Councilmember Stevens to adjourn the meeting of August 19, 2009. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 3-0. The meeting adjourned at 8:45 PM.

Executive Session: Potential Litigation

Respectfully Submitted,
Linda L. Watts
Assistant Secretary