

HATFIELD BOROUGH COUNCIL
REGULAR MEETING
January 21, 2009

MINUTES

CALL TO ORDER AND ROLL CALL:

- (X) John H. Weierman, President
- () Kenneth V. Farrall, Vice President (arrived at 7:55 p.m.)
- (X) Michael J. DeFinis
- (X) Bryan A. Moyer
- (X) Lawrence G. Stevens

- (X) Mayor, Robert L. Kaler III

The record shows that four members of Council were present at roll call, as well as, Interim Borough Manager, William J. McCauley, III, Mayor Kaler III, Borough Solicitor, Catherine M. Harper and Assistant Secretary, Linda L. Watts.

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Moyer to approve the Agenda of January 21, 2009. The motion was seconded by Councilmember Stevens and unanimously approved with a vote of 4-0.

2. PUBLIC INPUT: President Weierman asked if there were any comments or questions. There were no questions or comments.

3. APPROVAL OF MINUTES:

Motion: A motion was made by Councilmember DeFinis to Approved the Minutes of December 3, 2008 Workshop Meeting and December 17, 2008 Regular Meeting as revised. The motion was seconded by Councilmember Moyer and unanimously approved with a vote of 4-0

4. ANNOUNCEMENTS: President Weierman reviewed the announcements.

- The Montgomery County Boroughs Association Dinner/Meeting is Thursday, January 22, 2009.
- The Hatfield Community Revitalization Task Force's next meeting is January 28, 2009 at 7:00 PM.
- Next month's Council meetings are February 4 and February 18, 2009.

- The Planning Commission is scheduled to meet on Monday, February 2, 2009 at 7:00 PM.
- The Hatfield Community Revitalization Task Force will hold a public input meeting on February 11, 2009 at 7:00 PM in the Volunteer Fire Company Hall.

5. REPORTS FROM STANDING COMMITTEES AND MAYOR:

Public Safety: Councilmember Moyer turned the floor over to Lieutenant Tierney from the Hatfield Township Police Department.

Lieutenant Tierney informed Council the Police Department was made aware of the problem at the pedestrian crossing at the Hatfield Post Office. Officers have stopped quite a few people for not yielding to the pedestrian crossing. Council can expect to see more Police activity at the crossing. A representative from PennDOT did come out regarding how to improve the area. A improvement recommendation or drawing should be available to Council for the next meeting.

EIT: President Weierman updated Council on the updated EIT report. Berkheimer has sent out flyer.

Building, Planning and Zoning: Councilmember Stevens informed Council the Building, Planning and Zoning Committee met with the Engineer and Manager on possible use of the Open Space money.

Interim Manager William J. McCauley, III, informed Council he spoke with DeSimone on January 21, 2009 and we now know how to proceed.

Councilmember DeFinis informed Council a review from Borough Solicitor, Catherine M. Harper regarding FERC will be discussed further in the Agenda Item No. 12.

Borough Solicitor, Catherine M. Harper informed Council there is no action required, and would like to advertise FERC for future action by Borough Council.

6. MANAGER'S REPORT: Mr. McCauley reviewed the report.

- Council has received a copy of the Adopted 2009 Budget.
- The Community Revitalization Task Force had their first meeting with the chosen consultant, Simone Collins. The economic development consultant from Urban Partners, Jim Hartling, was also there. The Task Force members have a better feeling for Urban Partners after meeting Mr. Hartling. Attached is the Task Force meeting schedule a synopsis of the January 13 meeting, and survey documents that will be used in developing a new Revitalization Plan for the Borough. The Borough has received notice of an award from Montgomery County for a \$24,750 Planning Grant to fund the initiative. The Borough's share for the project will be \$8,250.00. There will be a Public Meeting at the Hatfield Volunteer Fire Company on February 11, 2009 at 7:30 PM.

- LED Installation Project – PennDOT’s District Office has submitted their recommended list for intersections to be funded under the LED Installation Program. The Vine and South Main Streets intersection traffic signal has been included on the recommended list.
- Two meeting were attended regarding the Green Fields and Green Towns Implementation projects, updates will follow.
- Montgomery County Consortium and Hatfield Twp. (updated)
- Traffic Calming Project - Anton Kuhner will meet with Council at February 4, 2009 Workshop Meeting regarding the Traffic Calming project.

ACTION ITEMS:

7. MOTION - Consideration to Approve the Compost Agreement by and between Barnside Farm Compost Facility and the Northern Montgomery County Recycling Commission.

Motion: A motion was made by Councilmember Stevens to Approve the Compost Agreement by and between Barnside Farm Compost Facility and the Northern Montgomery County Recycling Commission. The motion was seconded by Councilmember DeFinis.

Borough Solicitor, Catherine M. Harper informed Council approval allows the Borough to use Barnside Farm, it does not require the Borough to use it. Barnside Farm will measure the amounts and compile a report.

The motion was unanimously approved with a vote of 4-0.

8. MOTION – Consideration To Approve Resolution No. 2009-01, To Appoint Berkheimer As Its Tax Hearing Officer

Motion: A motion was made by Councilmember DeFinis to Approve Resolution No. 2009-01, To Appoint Berkheimer As Its Tax Hearing Officer. The motion was seconded by Councilmember Moyer and unanimously approved with a vote of 4-0

9. MOTION – Consideration To Approve Resolution No. 2009-02, To Appoint Diane A. Farrall, Treasurer As A Liason Between It and Berkheimer, For The Express Purpose of Sharing Confidential Tax Information With The Borough For Official Purposes.

Motion: A motion was made by Councilmember Moyer To Approve Resolution No. 2009-02, To Appoint Diane A. Farrall, Treasurer As A Liason Between It and Berkheimer, For The Express Purpose of Sharing Confidential Tax

Information With The Borough For Official Purposes. The motion was seconded by Councilmember DeFinis and unanimously approved with a vote of 4-0.

10. MOTION – Consideration To Approve the January 2009 Bill List.

Motion: A motion was made by Councilmember Stevens To Approve the January 2009 Bill List. The motion was seconded by Councilmember DeFinis.

Interim Borough Manager, William J. McCauley, III and Assistant Secretary Linda L. Watts answered questions regarding the January 2009 Bill List.

The motion was unanimously approved with a vote of 4-0.

10-A. Motion – Consideration To Approve Resolution No. 2009-03, Amendment To The Preliminary/Final Land Development Approval for 41 East Lincoln Avenue.

Motion: A motion was made by Councilmember Farrall To Approve Resolution No. 2009-03, Amendment To The Land Development Approval for 41 East Lincoln Avenue to allowing them to construct a lift structure in lieu of a loading ramp and a phased escrow provided it meets the Engineers and Code Officers approval. The motion was seconded by Councilmember Stevens.

Borough Solicitor, Catherine M. Harper informed Council John J. Rendemonti, Esq. for Mark Rondeau, Todd Wish and Fred Mayer are in attendance. The following Resolution has attachment to it. Exhibit A is the original 2005-06 Resolution which approved the Auto Museum. Attached to that is the Engineers review letter. The second attachment is the Zoning Hearing Board's stipulation which was the agreement reached very recently over how this is going to proceed. Exhibit C is the proposed escrow set up that breaks the escrow into phase one and phase two. There are three things for Council to discuss. The first thing is the approved plan show a ramp leading up to the second floor so cars can get to the second floor of the building. There are two options, one is a concrete pad so a truck can back up and the cars can go in loading dock style. The second thing is the possibility of an elevator to lift the car up and put it on the second floor. Either of those would be a change from the ramp that was originally approved. But would take up space that the neighboring property actually drive across to get to their property. The second thing was is they need to approve phased escrow. Rather than put everything up at once, the stipulation was they had to apply for building permits and occupancy permits on the two buildings they wanted to do the second building later but stipulation provides for that but they would like to escrow some of the improvements to be done later. The third thing the applicant never recorded the original approved plans and they have submitted these plans

to be designed and recorded at the courthouse. These are the three things for Council to discuss tonight.

Mr. Rendemonti thanked Council for having him and his clients here tonight. His clients would like a waiver of the strict requirements of the Sub Division Land development Ordinance for the modifications of the rear entrance. Since there is already an approved plan they would like to build it accordingly to that plan, but before they would get started building the ramp they would like a concession on the back structure. The back of the structure now provides for this massive ramp that stands out about thirty feet or so. Mr. Rendemonti showed Council what was in the approved plans. Before construction of this massive ramp the applicants has discovered that the neighbors would not be inclined to appreciate this massive plan structure. The applicants is requesting a small little enclosure for the back where a truck can be pulled into and unload vehicles.

Borough Solicitor, Catherine M. Harper informed Council that plan that Mr. Rendemonti has on the board is the approved plan by Council. Council would like to see an architecturally sealed plan with the structure for what is being proposed now and want to do.

Mr. Rendemonti informed Council the proposed structure is not on the old approved plan.

Councilmember Farrall asked Borough Solicitor, Catherine M. Harper when the applicant went through Land Development prior did the Borough's Code Enforcement Officer issue a building permit before the plan was recorded. Ms. Harper informed Councilmember Farrall that was true the plan was not recorded and a fee was not paid.

Councilmember Farrall would like to see an updated plan and that it gets recorded.

Borough Engineer, Mark Mattucci informed Council he has not seen a revised plan with the proposed structure.

Borough Solicitor, Catherine M. Harper informed Mr. Rendemonti that what is needed is a revised plan and the approvals.

Councilmember Moyer would like to see the dimensions on the plan and what is the weight capacity needed for the lift and the specs ahead of time.

Mr. Rendemonti assured Council that the plans would be built to the specs of the plan.

Borough Solicitor, Catherine M. Harper informed Mr. Rendemonti if he were to get approval from Borough Council tonight, and if it were conditional on getting a new plan drawn, then the way it would need to be done is the Zoning Officer and the Engineer would need to sign off that it is okay. Then it gets signed by the Planning Commission, the Borough President and then you would take and get it recorded and you are still subject to the requirements that you post what ever escrow Council decides for phase one.

Mr. Rendemonti informed Council whatever their pleasure is that is what his applicant will do.

Councilmember Farrall informed Mr. Rendemonti that the plan should be forwarded to the Building Inspector and if the plan does not meet the requirements the Building Inspector will tell the applicant why it does not meet the requirements.

A discussion ensued regarding the painting of the parking lot, curbing and see if the slopes and slots work and the accessible sight of the handicap spots.

Borough Solicitor, Catherine M. Harper informed Mr. Rendemonti if Council decides to move forward it would be on the condition of getting the Borough's Code Enforcement Officer approval and Engineer approval.

Borough Solicitor, Catherine M. Harper informed Mr. Rendemonti that the original escrow would have be around \$15,000.00 and the Borough Engineer Mark Mattucci from Bursich brought it up to today; since it was about five years old. It totaled about \$25,000.00. Phase one is \$14,000.00 and Phase two is roughly \$10,000.00.

Borough Solicitor, Catherine M. Harper reviewed the draft revisions with Mr. Rendemonti.

- Amendment of Approval of Land Development.
- Have to pay the parking fee of \$16, 000.00 for the parking by January 31, or pay the fine of \$100 there after.
- Put up the first phase escrow of \$14,000.00
- Developers Agreement and record the plan, and if Borough Council is satisfied with the change and the split escrow and stipulation and see what the time line is.
- On or before May 15, 2009 done enough to apply for a certificate of occupancy for the Auto Museum building.
- Phase two would start on July 1 for the accessory building and ends May 15, 2010.

Borough Solicitor, Catherine M. Harper informed Council if the applicant does not finish the first building then they can not use it and they have to take the cars and all the property out. If they don't finish the second building we bring them back because it has to be done.

Councilmember Farrall informed Mr. Rendemonti if the applicant does not get it done the Borough has the applicant's escrow to get it done.

The motion was approved with a vote of 4-1.

DISCUSSION:

11. TMA Local Match Certification for PennDOT Assistance Grant 2009-2010.

Motion: A motion was made by Councilmember Moyer to Approve TMA Local Match Certification for PennDOT Assistance Grant 2009-2010, not to exceed \$270.00. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 4-0.

12. Model Ordinance to Allow the Borough to Opt Out of the FERC Order 719.

Borough Solicitor, Catherine M. Harper updated Council on the Ordinance. It was the consensus of Council for the Solicitor to advertise FERC Order 719.

13. Lincoln Avenue Bridge Phase 2.

Borough Engineer Mark Mattucci updated Council on the progress of the Lincoln Avenue Bridge Phase 2. Mr. Mattucci informed Council the Contractor was made aware they were beyond the extension date of the contract. A letter was received back from the Contractor informing Mr. Mattucci that the work would be completed by January 23, 2009.

14. Submission of an Application to the Montgomery County Green Field/Green Towns Program for a Municipal Implementation Grant.

Mr. McCauley informed Council Pete Simone and he indicated the PennDOT money that he anticipated being available for Streetscape lights and curbing sidewalk and the Chestnut Street Trail. PennDOT apparently is not concrete what if anything will happen in that area. DCED – Community Development Grant may be available for that. The Borough would have to decide which projects to apply for.

Councilmember Farrall informed Council the Committee was looking at spending the money available in Heritage Park and the remaining monies for the possibility of some street trees, playground equipment or some form of improvements. The Committee is looking at options possibly two tennis courts and two basketball courts, pavilions and grills. A discussion ensued.

Motion: A motion was made by Councilmember Farrall to submit an application for Heritage Park improvements. The motion was second by Councilmember Stevens and unanimously approved with a vote of 5-0.

15. REPORTS AND CORRESPONDENCE: President Weierman reviewed the Reports and Correspondence.

Monthly Investment Report.
Monthly EIT Report

Public Works Department Report
Fire Safety Inspection Report.
Centax Report - Borough Solicitor, Catherine M. Harper

16. OTHER BUSINESS:

- Façade Improvement update.
- Borough Retreat is scheduled for September 9, 2009 at 5:30 PM.

17. ADJOURNMENT:

Motion: A motion was made by Councilmember Moyer to adjourn the meeting of January 21, 2009. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 5-0. The meeting adjourned at 9:23 PM.

Executive Session: Personnel

Respectfully Submitted,
Linda L. Watts
Assistant Secretary