

HATFIELD BOROUGH COUNCIL
REGULAR MEETING

May 20, 2009

MINUTES

CALL TO ORDER AND ROLL CALL:

- (X) John H. Weierman, President
- () Kenneth V. Farrall, Vice President, (arrived at 8:59 PM)
- (X) John Kroesser
- (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, Borough Manager, Michael J. DeFinis, Mayor Robert L. Kaler III, Joshua Ganz from Timoney Knox and Assistant Secretary, Linda L. Watts.

1. APPROVAL OF MEETING AGENDA:

Motion: A motion was made by Councilmember Moyer to approve the Agenda of May 20, 2009 as amended. 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 Stevens to Approve the Minutes of April 1 and April 15, 2009. The motion was seconded by Councilmember Moyer and unanimously approved with a vote of 4-0

4. ANNOUNCEMENTS: Borough Manager Michael J. DeFinis reviewed the announcements.

- The Montgomery County Boroughs Association Dinner/Meeting for May has been cancelled.
- Next month's Council meetings are on the summer schedule and will be June 17, 2009 at 7:30 P.M.

- The Borough Office will be closed on May 25, 2009 in observance of the Holiday.
- HERC will meet on May 28, 2009 at 8:00 AM.
- The Memorial Day Parade is May 25, 2009 starting at 9:30 A.M. at Broad and Market Street. The Dedication is at 9:00 A.M. at Memorial Park.
- The Hatfield Historical Society will present the Hatfield's on May 26, 2009 at 7:30 P.M. at the Volunteer Fire House. This is the final version.
- The Planning Commission Meeting is June 1 and June 29, 2009 at 7:00 P.M.
- HERC will meet on June 25, 2009 at 8:00 A.M.
- Founder's Day is June 22, 2009 from 5 – 8:00 P.M. at Centennial Park. Volunteers are still needed. Volunteers can contact Linda Watts or Christine Calhoun.

5. REPORTS FROM STANDING COMMITTEES AND MAYOR:

Public Safety: Councilmember Moyer informed Council the door hangers for Round 2 to get the public to help out in town. Neighbors helping neighbors is printed on the door hanger. This will help the Police do their job and control the small problems that we have in town.

Mr. DeFinis informed Council that Councilmember Moyer and he will be walking the neighborhoods around the park and the affected areas and hand out the door hangers. That will be Phase 2 of communicating with the residents, and Phase 3 will be at Founder's Day, there will be a Community Policing Table with information. Phase 4 will be a Barbecue in the Park in the affected areas and invite the residents and inform them on how the Policing plan works.

Councilmember Moyer informed Council that at one of the meeting one of the Borough residents has changed one of his outside cameras to point towards the Electric Plant Park to help deter vandals.

Utility Reports: President Weierman reviewed the delinquent electric and sewer utility reports and thanked Assistant Secretary Linda L. Watts for staying on top of the collections.

Public Safety: Lieutenant Tierney, from the Hatfield Township Police Department informed Council the Police Report was normal.

Lieutenant Tierney answered questions regarding the traffic signal at Koffel and Forty Foot Road.

President Weierman informed Lieutenant Tierney that Council would once again like to thank the Police Department for their Annual Report and all the comprehensive information that was contained in the report.

Mr. DeFinis answered questions regarding the time line for the Borough tree replacement. Mr. DeFinis informed Council that there are nine trees that need to be replace and twelve trees have been order by the Public Works Department.

Utilities: President Weierman informed Council that NPWA Annual Dinner is May 21, 2009.

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

1. The Revitalization draft plan is now on its way to the County Revitalization Board for review and recommendations and then will come back to Council for adoption.
2. The electric power agreement extension negotiations are still continuing. The recommendations will be forwarded to the Utilities Committee for review and then forward to Council.
- 11A. The parking lot project at your places this evening is the amended change order from Mark Mattucci. These are the changes Council was presented on April 15, 2009 with the addition of the new location for the trash dumpster and privacy fence. With the help of Councilmember Stevens we have come to an agreement for the
4. At your places this even is the first quarter Bank Balance for the operating account. Also in your packets is the investment report. The EIT report will be available on Thursday, May 21, 2009.
6. Founders' Day volunteers are still needed.
7. Council reviewed the clock dial number style, color, and header font.
8. PEDA Grant Program. This is an energy grant. Mr. DeFinis is working with the representative to see if the Borough qualifies for the grant, and if so consider changing out the street lights or Cobra lights to LED lighting, the funds may be available. The grant is due by May 29, 2009. More information will follow.
9. The Clegg subdivision has a temporary U&O permit issued last week by the Borough's Zoning Officer. Uninvest bank released the EDU funds for depositing.
10. The Hatfield Auto Museum has requested a U&O. Randy Yardumian is working with Mr. Rendemonti the attorney of record for the Museum.
11. The Centennial Park survey and fence project has been authorized. The fence line is located to where it should be.
12. Managing HTV. As discussed previously HTV has become very popular. To maintain the level of professionalism we need to modify procedures. Christine Calhoun and I are currently developing the guidelines for your review and approval. Christine Calhoun has contacted other areas to see what the loop time is.
13. The street banners we have in stock are in poor condition and should be replaced. I will work with the Public Works Director to come up with a cost estimate and communicate our findings with Property & Equipment. The Music Fest flyers will be given out at the Borough Office and at Founders' Day and events.

Mr. DeFinis answered questions regarding the project at Heritage Park. The volume of the grants was substantial.

President Weierman suggested Council choose the clock dial numbers style and header font. It was the consensus of Council to go with roman numbers and the tiffany style.

ACTION ITEMS:

7. MOTION - To Approve Payment Request No. 1, as Submitted by DeCo Management Corp. in the Amount of \$116,111.97 for Lincoln Avenue Bridge Rehabilitation - Phase 2. .

Motion: A motion was made by Councilmember Farrall to Approve Payment Request No. 1, as Submitted by DeCo Management Corp. in the Amount of \$116,111.97 for Lincoln Avenue Bridge Rehabilitation – Phase 2. The motion was seconded by Councilmember Moyer and unanimously approved with a vote of 5-0.

Borough Engineer Mark Mattucci answered questions regarding money left in the Open Space Grant. Mr. Mattucci will contact Beth Pilling regarding the funds.

8. MOTION - Consideration to Approve the May 2009 Bill List.

Borough Manager Michael J. DeFinis reviewed the May Bill List.

Motion: A motion was made by Councilmember Farrall To Approve the May 2009 Bill List. The motion was seconded by Councilmember Kroesser and unanimously approved with a vote of 5-0.

9. MOTION – To Approve Resolution No. 2009-13, Opening a HERC Checking Account in the Amount of \$76,130.74.

Motion: A motion was made by Councilmember Moyer To Approve Resolution No. 2009-13, Opening a HERC Checking Account in the Amount of \$76,130.74. The motion was seconded by Councilmember Farrall and unanimously approve with a vote of 5-0.

Mr. DeFinis answered questions regarding the name the account would be under.

10. MOTION – To Approve Escrow Release No. 2 for the Mininger Land Development.

Motion: A motion was made by Councilmember Farrall To Approve Escrow Release No. 2 for the Mininger Land Development. The motion was seconded by Councilmember Moyer.

Joshua Ganz from Timoney Knox informed Council there was a land development grant and it require a few things to finalize that may not have been completed. These things need looked into. A recorded plan, the developers agreement, whether there is a shared easement for the drive way, new deeds prepared for lot one and two and reviewed by the Engineer. There also required to have PennDOT permits for the common driveway and make sure all cost have been paid for on time. Mr. Ganz suggested to Council he would amend the motion to authorize the release based on the review and approval by the Borough Solicitor.

Motion: The motion was amended by Councilmember Farrall To Approve Escrow Release No. 2 for the Mininger Land Development in the amount of \$5,621.00 and To authorize the release based on the review and approval by the Borough Solicitor on all items as noted.

11. MOTION – To Approve Application For Payment No. 2 To James R. Kenney Excavating & Paving, Inc., in the amount of \$34,395.30 as Recommended by the Borough Engineer.

Motion: A motion was made by Councilmember Moyer To Approve Application For Payment No. 2 To James R. Kenney Excavating & Paving, Inc., in the amount of \$34,395.30 as Recommended by the Borough Engineer. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 5-0.

11A. MOTION – To Approve Amendment To Change Order No. 1, adding the pad for the dumpster in the amount of \$5,650.40.

Motion: A motion was made by Councilmember Stevens To Approve Amendment To Change Order No. 1, Adding the Pad for the Dumpster in the Amount of \$5,650.40. The motion was seconded by Councilmember Moyer,

Mr. DeFinis informed Council the Borough's estimated cost for would be approximately \$1,000.00, and updated Council on the Change Order.

and unanimously approved with a vote of 5-0.

12. MOTION – Consideration To Approve Waiver of Land Development For Hat Tricks.

Mr. DeFinis informed Council that the draft plan that Mr. Weimar would like to do is to put a patio adjacent to the park on the back of his property. Because Mr. Weimar is not extending outside the envelope of the property line he is not creating any more impervious surface, so he will be building off of the existing impervious surface that is there. He is putting a poured concrete slab. He originally proposed a wall but has not proposed a fence. There will be lighting and tables. Along the back of the building along the property line there will be air conditioning units and one grease tank. And one outside exit by the kitchen. The handicap or ADA requirements and egress will be addressed during the permit process by the Borough's Code Enforcement Officer, Randy Yardumian. There are issues that Mr. Weimar is aware of, there are not set backs on this property, the existing property has no set back. Mr. Weimar is not adding to the existing unit. Mr. Weimar is requesting a waiver of land development.

Mayor Kaler, III, asked what the grease tank is for and how is it set up.

Mr. Weimar informed Council that it is set up so a hose can be inserted into the tank to pump the grease out to avoid spillage and it is safer. The only access will be through the port for the hose. The tank will be 250 gallons.

Councilmember Moyer asked if there would be a fence.

Mr. Weimar replied that there would not be a fence around the tank.

Councilmember Farrall asked if Mr. Weimar would consider landscaping.

Mr. Weimar replied that there was no landscaping there before but he would build a dike around it if necessary and that the tank would be 4 ½ foot tall.

Councilmember Moyer suggested a pressure treated fence to keep the kids out.

Mr. Weimar will install a four foot concrete wall around the tank.

Mr. Weimar informed Council they would not use heat lamps because they will not be out there in the winter time.

Councilmember Farrall asked what the hours of operation would be.

Mr. Weimar informed Council during the week he would shut down around 11 PM and Friday and Saturday 11:00 or 12:00 PM. He does not want to cause any problem with the old age home or any neighbors. It will not be a loud atmosphere. He will control the volume control from his office. Friday and Saturday will be a waitress and controlled by a waitress for noise.

Joshua Ganz, from Timoney Knox suggested Council draft a resolution with all the conditions included as well as outdoor dining in order to grant the request. Outdoor dining to commence May 1 and end October 1.

Mr. Weimar replied that if the weather were nice he would want to have the outdoor dining available to people.

Mr. Ganz informed Mr. Weimar that there would be a concern for people's health and safety and that no outdoor heat units could be used.

Mr. Weimar replied that this would not help him with customer relations and it will become an issue.

Mr. Ganz informed Mr. Weimar that some of the conditions would be no heating by open flame, or tete torches would be permitted, there would be limited hours of operation and weather resistant furniture and stored away in the winter, limited advertising, reface outside trash cans, live bands would have to conform to the ordinance.

Councilmember Farrall suggested moving forward with the waiver of land development but Mr. Weimar would still be required to go through Engineer and the Zoning Officer.

Councilmember Moyer informed Mr. Weimar that he would still have to get permits and drawings.

Mr. Weimar replied that he understands the conditions.

Councilmember Farrall informed Mr. Weimar that there are still other fees that have to be reviewed and paid and complied for. The plans have to be completed.

Councilmember Farrall suggested Metz Engineer call Borough Engineer Mark Mattucci to discuss what needs to be seen on the Weimar plans.

Joshua Ganz informed Mr. Weimar Council would have to incorporate the conditions in a resolution.

Councilmember Moyer informed Mr. Weimar that the Borough has guidelines that it needs to follow and they can't treat Mr. Weimar any differently than everyone else.

Josh Ganz informed Council and Mr. Weimar that it wouldn't be a problem to grant the temporary resolution for land development if the plans are complete, the review of the conditions and the review of Engineer and Solicitor as long as the Borough Engineer is happy and baring anything unforeseen.

Motion: A motion was made by Councilmember Farrall to grant the waiver of land development contingent upon review and approval of the Borough Solicitor with conditions as discussed and review and approval by the Borough Engineer and Code Enforcement Officer, submission of the building permit and payment of all fees associated with

review and permit. The motion was seconded by Councilmember Moyer and unanimously approved by a vote of 5-0.

President Weierman informed Mr. Weimar that the horse shoe pit would have to be moved off of Borough property.

DISCUSSION:

13. Review of Land Development Plan for Crystal Rose Catering.

Borough Manager Michael J. DeFinis updated Council on the Borough Engineer letter dated May 4, 2009. Crystal Rose was awarded the Façade Grant. The grant has to be used by June 30, 2009. There are issues that are being held up by Crystal Rose and they need to move forward on their end. A discussion ensued.

14. Punch List for 122 Penn Avenue.

Borough Manager Michael J. DeFinis informed Council the Borough Engineer put together a punch list for the Clegg property. The Clegg's know what is expected of them to go forward and close out their subdivision. They know about their time frame

15. Third Annual Hatfield Volunteer Fire Company Golf Outing.

Borough Manager Michael J. DeFinis will complete the form.

16. REPORTS AND CORRESPONDENCE: Borough Manager, Michael J. DeFinis reviewed the reports.

- Monthly Investment Report
- Monthly EIT Report
- Police Department Report
- Volunteer Medical Service Corps of Lansdale Report
- Public Works Department Report
- Founder's Day Update
- Electric Delinquent Report

Mr. DeFinis informed Council the meeting with Berkheimer went very well. Borough Solicitor, Catherine M. Harper will write Centax a letter to do their close out report. Berkheimer will submit a list in July we can start our review process to see who is not a tax peger to the borough.

Mr. DeFinis answered questions on a list of agencies that do payroll for review for people that don't have the EIT withheld from their pay.

President Weierman updated Council on the Capital Projects Sinking Fund.

Borough Manager Michael J. DeFinis updated Council on the electric disconnections.

17. OTHER BUSINESS:

Founder's Day update.

18. ADJOURNMENT:

Motion: A motion was made by Councilmember Moyer to adjourn the meeting of May 20, 2009. The motion was seconded by Councilmember Farrall and unanimously approved with a vote of 5-0. The meeting adjourned at 9:05 PM.

Executive Session: Personnel

Respectfully Submitted,
Linda L. Watts
Assistant Secretary