

**MINUTES
LANGHORNE MANOR BOROUGH COUNCIL
MEETING OF APRIL 13, 2021**

1. CALL TO ORDER - The Zoom virtual meeting of Langhorne Manor Borough Council was called to order in the Langhorne Manor Borough Hall, 618 Hulmeville Avenue, Langhorne, Pennsylvania, on April 13, 2021 at 7:00 PM Daylight Savings Time, after Zoom participants were admitted to the meeting at 6:58 PM Daylight Savings Time by Dawn Seader, President.

PERSONS PRESENT - Dawn Seader-President, Nicholas Pizzola-Vice President, Alicia Gasparovic, Grace Judge, Robert McBeth, James Niwinski, Cheryl Oessenich, Robert Byrne-Mayor, Thomas J. Profy, IV-Solicitor, Jay Ferraro-Borough Manager and Barbara Ferraro-Secretary/Treasurer.

PERSON ABSENT – Sarah Brucie, Assistant Solicitor

2. The Pledge of Allegiance was led by Mayor Byrne.

Ms. Seader stated that the meeting was being recorded and introduced the Council members, mayor and solicitor. Ms. Seader reminded people of the professional nature of the Zoom meeting and that conduct should reflect this, all would be muted, there would be time for resident comments during which the raised hand feature should be used and the chat feature should not be used.

3. APPROVAL OF MINUTES - Ms. Seader asked if there were any questions, concerns, corrections or comments on the March 9, 2021 meeting minutes. A motion was made by Ms. Oessenich to accept the March 9, 2021 minutes. Mr. Niwinski seconded. There were no objections. The motion carried.

4. PROMOTION OF JOHN KENNEY III TO CHIEF OF POLICE - Mayor Byrne administered the oath of office to Chief John Kenney III and new officer Kyle Areias. Members of neighboring police departments, Chief Kenney's and Officer Areias's family were in attendance.

5. RESIDENT COMMENT – Ms. Seader added an agenda item, Resident Comment section at the beginning of the meeting. Residents should complete the comment form at least 24 hours before the scheduled meeting and submit to Ms. Seader and the Borough secretary. The form is on the website. There were no forms received for tonight's meeting.

6. INSPECTOR'S REPORT - Ms. Ferraro presented the following Inspector's report for March 2021:

- Building permits - 6
- Construction inspections - 7
- U & O Resale inspections - 1
- U & O Re-inspection - 1
- Temporary U&O - 1

7. POLICE REPORT - Mayor Byrne presented the following police report for March 2021:

- Total hours - 227
- Complaints - 21
- Traffic citations - 5

- Criminal arrests - 2
- Fuel used – 100 gallons
- Miles - 731

Chief Kenney stated that the two criminal arrests stemmed from the same incident, a DUI and narcotics that were recovered in the car. Ms. Gasparovic stated a resident complained to her that there were needles on the road at Bellevue Avenue and she flagged down an officer from another municipality who took care of it. Chief Kenney stated it was important that these incidents be reported to him right away.

8. COMMITTEE REPORTS -

- **Robert McBeth:** no report
- **Grace Judge:** Ms. Judge reported that the licenses for the Office 365 have been purchased. She stated that she was able to learn how to do the work to create the Langhorne Manor Borough Network, tested it and saved substantial dollars on the part of the project that called for the hiring of a vendor to do this work. She is beginning to work on the Teams File Tree which will be used for work sessions. She will be meeting virtually with Council members to set up their new emails.

Ms. Judge reported that the Spring Newsletter is being finalized.

Ms. Seader thanked Ms. Judge for her hard work.

- **Nicholas Pizzola:** Mr. Pizzola reported that he was in contact with the Delaware Valley Redevelopment Authority (DVRDA) who require a grant audit for the Roads Project. He received quotes from two accounting firms that Middletown Township recommended, Donnelly SLK quoted a fee range of \$4,000-\$8,000 depending on the scope the audit requires. Bee Bergvall quotes a range \$1,500-\$2,500 which is what they usually charge for doing DVRDA audits. Ms. Seader asked for questions or comments from Council. Mr. Pizzola made a motion to engage with Bee Bergvall to do the grant audit of the funds received for the Roads Project. Ms. Gasparovic seconded. There were no objections. The motion carried.

Mr. Pizzola reported that he met with the auditors and the issue of cash basis versus accrual basis accounting for reporting to the Pennsylvania Department of Community and Economic Development was discussed. The 2020 financial statements capitalized the Roads Project rather than expensing it. There were merits to both approaches and the auditors agreed to seek guidance from an accounting firm that has expertise in municipal accounting. After consultation with the accounting firm, the auditors will make their recommendations known to Council.

Ms. Gasparovic asked if we should put all the assets of the Borough in the capital account. Mr. Pizzola responded that question would need to be answered by the auditors.

Mr. Pizzola reported that he met with General Asphalt (GA) and walked the South side of the Manor. GA will be coming back in 3-4 weeks to add additional soil to areas that were missed or washed out. They will also inspect the two small areas where the paving was thin and degraded and will repair those areas as part of their warranty work. Mr. Pizzola stated that the drainage area next to Pine Street washed out due to the steep incline and would be paved with asphalt to prevent further washout. Ms. Gasparovic asked if there was a remedy for the ruts left by the mail service around her mailbox. Mr. Pizzola stated that he would ask GA about a solution.

Mr. Pizzola stated that either Steve Schoell or GA (whoever was available first) would fill in the areas next to the ramps at Station and Gillam Avenues.

Mr. Pizzola reported that Steve Schoell is behind due to the frequent snow events that occurred this year requiring that he work overtime on the weekends for his regular employer Middletown Township. The “No Truck” sign project is about 8 or 9 signs from completion. As part of his duties for the Borough, he also regularly checks the access lane for potholes. He expects to catch up on that work as soon as possible.

The Borough had a small demonstration of the application of Hot Pour Mastic in the fall near the exit/entrance ramps and also on the overpass. The results have been excellent to date. By next year assuming the repairs continue to hold up as expected, the Borough will have the remainder of the access lanes treated with Hot Pour Mastic. Doing so should greatly eliminate the future formation of pot-holes due to the freeze/thaw cycle that creates them.

Mr. Pizzola proposed that Council engage the services of an architectural firm to design and estimate what it would cost to build a three-car garage and demolish the existing garage. He would like to have a plan in place in time for the grant application in October. Ms. Gasparovic stated that while this may be worth doing, it was a surprise and time should be spent discussing what projects should be planned for the future. Mr. Pizzola stated that it has been discussed in past years and the funds would come from grant and not from the Borough’s funds. Ms. Oessenich asked about the cost of the drawings. Mr. Ferraro stated that the RDA would only need a schematic, preliminary set of drawings. Ms. Oessenich made a motion to get estimates from architectural firms on what the drawings would cost for a 3 or 4 bay garage to prepare for a RDA grant. Mr. Pizzola stated that the current garage was too small for the new truck and the amount of storage that is needed. Discussion ensued as to the type of building, exact size, future needs and how this might affect the estimates. Mr. Ferraro said he would assist in discussions with the architectural firms. Mr. Pizzola seconded. There were no objections. The motion carried.

- **Dawn Seader:** Ms. Seader highlighted that Ms. Judge found considerable savings for the Borough with the computers, that Mr. Ferraro has renegotiated contracts savings thousands of dollars, that Mr. Niwinski and Ms. Gasparovic helped obtain grants for LED lights and safety equipment totaling almost \$100,000, that there is potential to receive \$140,000 from the American Recovery Act at some point and that Council has acted in such ways as to not raise taxes. She thanked all.

Ms. Seader reported that the Langhorne Memorial Day parade is scheduled to take place and that she and Mayor Byrne will be participating. Chief Kenney will be driving the Manor police car.

Ms. Seader reported that Representative Frank Farry’s shredding event is May 1, 2021 from 9:00 – 1:00 at his Langhorne District office.

Ms. Seader reported that the Spring Newsletter is being printed and will go out in the next several days.

Ms. Seader read proposed Resolution #2021-06 authorizing the change in rental inspection fees from \$50 to \$75. The Borough manager has been looking at fees and the building inspector determined that the Borough is not covering costs. Ms. Oessenich made a motion to approve Resolution #2021-06. Mr. Niwinski seconded. There were no objections. The motion carried.

Ms. Seader explained Council work sessions. She stated that one of the reasons a Borough manager was hired was to review codes and ordinances, zoning and the relationship to the fee schedule so that costs are covered, but also lowered where possible. She stated that there is not always enough time at Council

meetings to discuss all matters in depth. The purpose of the work sessions allows Council to discuss and debate a particular topic and work towards the goal of codifying the Borough's ordinances which will organize and make them easy to use and reference. The process is that the second meeting of the month would be used for work sessions to review ordinances or discuss a particular topic within an hour and a half time frame. No votes will be taken as they must occur during a public Council meeting, they will be open to the public but not open for public comment which must occur during a public Council meeting. The work sessions will be cancelled if there is other Borough business that needs to be conducted at the second meeting. The first meeting will be to discuss the Truck Ordinance, standard operating procedures for meetings and the \$140,000 American Recovery Act funds. The Shade Tree and Fence Ordinances will be discussed at future work sessions. She stated that she would like to establish a Zoning Review Committee to look deeply into the Zoning Ordinance. It would be established for one year, extending if necessary, giving frequent updates to Council with the goal to draft an ordinance for Council and public comment with the intent to adopt. The Zoning Ordinance needs to be amended as it allows for legal fees to be taken out of escrows which is not allowed according to Borough Code. She suggests that these fees be systematically reimbursed, as they should not have been billed, going back 7 years which meets the records maintenance regulation. Certain fees are allowed and not considered attorney's fees; Begley, Carlin and Mandio operated as a Borough manager for years and secretarial and administrative costs, mailing are allowed. The process has begun for this reimbursement. Ms. Gasparovic stated that she feels it is important for diversity on the proposed Zoning Review Committee.

- **Cheryl Oessenich:** Ms. Oessenich reported that Republic's contract is up in December and is being reviewed by the Borough manager for possible restructuring and getting additional bids.

Ms. Oessenich reported that she is looking at an electronic waste and shredding event and is getting costs.

Ms. Oessenich reported that she is getting more information on the insurance coverage on the sewer line to the street.

Ms. Oessenich suggested that reminders of the bulk trash and yard sale dates be at the Polls on May 18, 2021. They are on the website and in the Newsletter.

Ms. Oessenich reminded residents that any issues with trash or recycling be reported to the office as the secretary is very quick to get issues addressed.

Ms. Oessenich stated that Republic does seem to be good about taking bulk items left during a regular trash day. Residents can call and set up a date for bulk trash pick-up for a fee and they should state their address and that they are under Langhorne Manor Borough's account.

- **Alicia Gasparovic:** Ms. Gasparovic reported that the insurance renewal for the property and liability is being worked on and if there are to be any changes to the building or staff to let her know.

Ms. Gasparovic reported that the CSX problem at the train crossing remains unchanged and they are continuing to work with Brian Fitzpatrick's office.

Ms. Gasparovic reported that the next recycling grant applications are two-thirds complete.

Ms. Gasparovic reported that she, Jim Keba, Jay Ferraro, people from Middletown Township, and two people from Remington Vernick Engineering (RVE) went through the woods. She stated that it was very informative. They will be looking at the outfall that comes out under Gillam Avenue (just south of Gillam Avenue) where there is a lot of erosion, straightening it and making it into a proper floodplain. There is a

similar situation south of Highland Avenue. She stated that overall the Borough looks fairly healthy. There is an area on the north side of Highland Avenue, running along it and also old sediment retaining ponds behind Borough Hall that could both be areas to clean up. These areas will be studied further and it was suggested there may be a grant for the study with a 15% match from the Borough due the end of May.

Ms. Gasparovic stated that it is a concern of hers that there are contracts that have not come to Council; the Carroll Engineering, Comcast and Verizon Franchise Contracts/Agreements. She stated that it is important that if Council is going to sign an agreement that it come before Council before it goes out for signing. Ms. Seader stated that the Carroll Engineering contract was approved at the beginning of the year. She stated that the Comcast and Verizon Contracts pertain to money the Borough is receiving not putting out. Ms. Seader stated that she would get the contracts to Ms. Gasparovic. Mr. Profy stated that the Comcast and Verizon contracts had expired before Ms. Gasparovic was on Council and an individual was retained to assist the Borough in finalizing the contracts. He stated that the authorization had already been given to negotiate the best contract on the behalf of the Borough. Mr. Profy stated that Carroll Engineering was clearly a contract that Mr. Ferraro was authorized to negotiate based upon Borough action in January. He stated that the contracts have been properly let under those circumstances. Ms. Gasparovic stated she was uncomfortable with not seeing things that the Borough is signing.

Ms. Gasparovic stated that she believes that the Borough's Sign Ordinance is unconstitutional and stated that only political signs require an escrow, not any other kind of sign. Mr. Profy stated that he will report on the constitutionality of the ordinance in May.

- **James Niwinski:** Mr. Niwinski reported that there were two street lights out.

Mr. Niwinski reported that the Chimney liners are going to be installed on April 27 and April 28.

Mr. Niwinski reported that he is starting the LED process and will be getting estimates.

Mr. Niwinski reported that he will follow up with the electrician to repair the flagpole light.

Mr. Niwinski and Ms. Judge spoke with the auditors who questioned how the sewer funding is being capitalized and how it is going to be handled as far as fees in the future. He will be looking into this and the adequacy of the funding for the sewers. Ms. Seader stated that the sewer rates were reevaluated about 4-5 years ago and it was a good idea that they be reevaluated again.

Mr. Niwinski stated that he recommends that the insurance carriers get sent out for competition every 3-5 years and brokers every 5-7 years. Ms. Gasparovic stated she is speaking to other brokers.

Ms. Seader asked Ms. Gasparovic about insurance claims last year that were not brought before Council. Ms. Gasparovic stated that there was a letter sent to Mr. Profy that was never turned into a claim. Ms. Seader stated that the Borough was excluded from that issue and she was speaking about the tree claim. Ms. Gasparovic clarified that it was the one on Hulmeville Avenue by the overpass and that it did become a claim. Ms. Seader stated that should have been brought to Council's attention. Ms. Gasparovic stated that she would brief Council on it at the next meeting.

9. MAYOR'S REPORT - no report

10. BOROUGH MANAGER'S REPORT -

Mr. Ferraro reported that the Comcast and Verizon Franchise Agreements are still ongoing. The Comcast contract is close to the end. He is reviewing the Verizon Agreement for the first time and will speak with Mr. Profy to make sure they are drafting what will protect the Borough's interest in the best possible way before sending to Verizon. RVE has been fully executed and in place. There is a meeting tomorrow with Isaac Kessler from RVE, Ms. Seader, Ms. Gasparovic and Mr. Ferraro to review the terms and understand the mechanics of the agreement.

Mr. Ferraro reported that Cairn University has complied with all of the MOU requirements. All of the copies of the documents have been received and he thanked Andy Norton.

Mr. Ferraro reported that a change order will be issued to the contract for the snow plowing unit. The contract states that there is a unit cost of \$115 per ton for salt and sand, but K.E. Seifert only charged \$110. The change order will reflect this.

Mr. Ferraro reported that there is an additional opportunity for the MS4 project at the Comly and Hulmeville Avenues area. He stated that Mr. Kessler and Ms. Colletti from RVE had looked further and felt that there was a viable project there and will be borough before Council. They will give a proposal for the design services directly to the Borough and the design services for the joint municipal project will be coming to the Borough also.

Mr. Ferraro reported that "No Motor Vehicle" signs have been posted in the wooded area and they state that there is \$1,000 fine for violating the Ordinance of Middletown. Middletown Township's manager said she will ask that the 911 operator contact Middletown Township first. They also stated that there is now a clean and clear way for Langhorne Manor police to take action as well as the state police.

Ms. Gasparovic asked if there was an expectation of less money coming from Comcast and Verizon due to cable subscriptions going down. Mr. Ferraro stated that there is a 5% maximum that's allowable by the FCC guidelines and the Borough has stipulated that they want the maximum amount that's allowable. He stated that if there are subscriptions that are down then there would be less revenue but he does not know if there are. He stated that there are quite a few changes that took place and discussion could be part of work session. Ms. Seader stated she will get the contract to Council.

11. SOLICITOR'S REPORT - no formal report

12. CORRESPONDENCE – Ms. Ferraro reported that a thank you note from James Niwinski II thanking Council for their time and consideration of his application for the Health and Higher Education Authority vacancy was received. She read the note.

13. APPROVAL OF BILLS FOR PAYMENT - Ms. Seader stated that all Council members received a copy of the unpaid bills lists. Ms. Seader asked for a motion to pay the General Fund unpaid bills for March 2021. Ms. Judge asked that an invoice from Summit7 for the 365 licenses in the amount of \$4,608 be approved. Ms. Ferraro stated that the State Workers Insurance Fund invoice in the amount of \$1,039 would be due before the next meeting, but the invoice had not been received yet. She asked for permission to pay this invoice when received. Ms. Gasparovic asked about the Green-Up invoice. Mr. Niwinski stated it was for the year and was the same as last year. Ms. Oessenich made a motion to pay the General Fund bills as amended for March 2021. Mr. Pizzola seconded. There were no objections. The motion carried.

Ms. Seader asked for questions and concerns on the Sewer Fund unpaid bills for March 2021. Ms. Ferraro stated that the Langhorne Gardens Sewer invoice was for the minimum payment again and that she has been in contact with BCW&SA several times to rectify this situation. There was discussion about the Chapter 94 report from Carroll Engineering. Mr. Ferraro will get the report to Council and it will be the sort of thing that will be available in Teams for review. Ms. Seader asked for a motion to pay the Sewer Fund Bills for March 2021. Mr. McBeth made a motion to pay the Sewer Fund Bills for March 2021. Ms. Judge seconded. There were no objections. The motion carried.

14. APPROVAL OF TREASURER'S REPORT -

General Fund March 2021: Ms. Seader asked for questions and comments on the General Fund for March 2021. Mr. Niwinski made a motion to approve the General Fund for March 2021. Mr. Pizzola seconded. There were no objections. The motion carried.

Sewer Fund March 2021: Ms. Seader asked for questions and comments on the Sewer Fund for March 2021. Mr. Pizzola made a motion to approve the Sewer Fund for March 2021. Mr. Niwinski seconded. There were no objections. The motion carried.

Highway Aid Fund March 2021: The Highway Aid Fund approval for March 2021 was deferred until the May meeting in order for Ms. Ferraro to check with the bookkeeper as to the meaning of the \$80,833 due to the General Fund.

15. COMMENTS FROM RESIDENTS AND VISITORS -

James Keba, 604 Hill Avenue - thanked the Borough manager Mr. Ferraro for his help to go through an ordinance he was struggling with and assistance in working through the issues. Ms. Seader stated this was part of the reason that a Borough manager was hired; to help residents navigate what can be a difficult process and help them with options.

16. SECOND MEETING FOR THE MONTH OF APRIL – The April 27, 2020 meeting will be a Council work session.

Mr. Niwinski asked about any updates on the blinking light or the Super Highway from PennDOT. Ms. Seader stated that things are moving as far as the Hulmeville Bridge and further down on the Super Highway but she does not anticipate anything happening on the blinking light intersection or the Super Highway in the near future.

17. ADJOURNMENT - Ms. Seader entertained a motion to adjourn the meeting. A motion was made by Ms. Oessenich to adjourn the meeting. Mr. Niwinski seconded. There were no objections. The motion carried. The meeting adjourned at 8:42 P.M.

The next Council meeting will be May 11, at 7:00 P.M.

Respectfully submitted,

Barbara T. Ferraro
Secretary/Treasurer
Langhorne Manor Borough

