

**MINUTES
LANGHORNE MANOR BOROUGH COUNCIL
MEETING OF AUGUST 10, 2021**

1. CALL TO ORDER - The Meeting of Langhorne Manor Borough Council was called to order in the Langhorne Manor Borough Hall, 618 Hulmeville Avenue, Langhorne, Pennsylvania, on August 10, 2021 at 7:00 PM Eastern Daylight Time by Dawn Seader, President.

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

Person Absent - Robert Byrne, Mayor

2. The Pledge of Allegiance was led by Ms. Oessenich.

3. APPROVAL OF MINUTES - Ms. Seader asked if there were any questions, concerns, corrections or comments on the July 13, 2021 minutes. A motion was made by Ms. Judge to approve the minutes of July 13, 2021. Mr. Niwinski seconded. There were no objections. The motion carried.

4. LED PRESENTATION - Mr. Niwinski introduced Michael Fuller from Keystone Lighting Solutions. Mr. Fuller reviewed the presentation from the July 13, 2021 meeting. He stated that even though the project may be approved at tonight's meeting, there is still room for adjustments. He reviewed the benefits of LED streetlights, the overview of the program and the competitive pooled procurement approach which Armour & Sons won the competitive selection. Mr. Fuller reviewed the DSP services for each phase and where things currently stand. He stated that Council may approve a resolution tonight which states that they are ready to move into the project management (construction) phase. There was a virtual street view audit using screenshots. Most roads (local) will be 36-watt LED, collector roads will be 73-watt LED and major roads will be 106-watt LED. This is about half the current wattage or less. Council received the 40-page final project specifications that show all the analysis, calculates all the energy, maintenance savings and shows all the project costs. Mr. Fuller reviewed the changes from the feasibility study which were due to audit-based adjustments, assumed conversion of the five existing LED streetlights and a longer payback period. Mr. Fuller discussed the cobra head upgrades, the advanced control options, warranty information, color temperature selections, the costs, fees and project cash flow paybacks of each upgrade option. All the options would be covered by the grant. Mr. Fuller explained possible uses for additional grant contingency. Ms. Seader stated the Borough cannot use the grant for anything other than lighting. Mr. Fuller outlined Phase 3 which starts with the approval of a resolution stating such, the approval of management execution of the construction contract, execute the construction contract, order materials (4-6 weeks lead time), pre-construction meeting, construction and project management, PECO bill updates and PECO final rebate application. Ms. Seader read and asked for approval of Resolution 2021-09 authorizing cooperative purchasing and participation in phases 3 and 4 of

the Regional Streetlight Procurement Program administered by the Delaware Valley Regional Planning Commission. Ms. Oessenich made the motion as stated. Mr. Niwinski seconded. There were no objections. The motion carried.

5. SIGNING OF GRUPP LAND SUB-DIVISION PLANS - Ms. Seader stated that Council had been given the opportunity to review the signed and notarized Grupp sub-division plans (105 Gillam Avenue) and asked for a motion to approve these plans. Ms. Judge made the motion as stated. Ms. Oessenich seconded. There were no objections. The motion carried.

6. RESIDENT COMMENT -

- Aaron and Christine Bach, 601 Station Avenue. Ms. Bach distributed plans and pictures of her property to the Council, solicitor and borough manager, introduced her husband and stated that they had two young boys, a 2-year old puppy and had lived at this residence since October 2020. She stated that she and her husband had submitted a permit application for a fence which was denied based on the setback requirements. The setback requirement for the side yard (Highland Avenue) is 72 feet. They would like to enclose three rear access points for the safety of their home and security of their family with a wrought iron style fence which meets the zoning requirements and are asking for an additional 21 feet of setback for the placement of the fence on the Highland Avenue side of the property. Ms. Bach asked that due to the unique nature of the property they are asking for the help of Council to keep their family safe. Mr. Bach stated that normally the constable should have served them at their front door, but due to the unique nature of their doors, the constable came to the rear kitchen door both times. Ms. Bach stated that section F of the fence ordinance states that Borough Council shall have the power to waive strict application of the requirements (72 feet setback) based on the shape of a specific piece of property or by reason of topographic conditions or other conditions on such piece of property the strict application of the regulations contained, would place undue hardship upon the owner of such property. She stated that the home was built in 1920, that they did not want to add or change anything, they just want to secure their property by enclosing all three rear access points. She stated that they would like to contribute to the Shade Tree Commission's vision by putting a line of trees on the side and front yards of their home to enhance the beauty of their home. They are doing their best to meet the standards of the Council and the standards she has for her family. Mr. Bach stated that if they placed the fence in accordance with the required setbacks, it would look odd, detract from the value of the house and would not allow their children to play ball in the driveway. Council asked about the basement entrance, discussed the fact that construction was started without a permit, a violation notice was issued, more construction ensued and a Cease and Desist order was served. Mr. Bach stated that there was a misunderstanding and thought that only the one part of the fence was denied. Council discussed that Mr. Bach is a contractor and knows regulations and how the permitting process works. He apologized to Council and stated that he has been a contractor for 15 years and has no violations or failed inspections on his record. There was discussion about the reasons there are ordinances and permits required for fences and Council is concerned about fences in the entire Borough for consistency and all residents' needs. There were questions and discussions about the unique nature of the property, the unique nature of the community, how the yard would be accessed, location and aesthetics. The Council President stated that granting the waiver cannot be contrary to the public interest and she is not sure Council can evaluate. There was discussion on this

matter, versus sending it to the Zoning Hearing Board (ZHB). Council has the option of voting on the waiver or taking a neutral stance. If Council votes no, the process ends and it cannot move on to the ZHB. The ZHB has more time, knowledge of the issue within the community, can evaluate, will advertise and there is opportunity for public comment. The Bachs will need to be prepared to prove their hardship. The application for appeal to the ZHB must happen 30 days after the denial and there are fees and an escrow which could be a financial burden. Council recommended that the Bachs appeal to the Zoning Hearing Board and did not vote on the issue.

- Robert Grupp, speaking for his father, Otto Grupp, at 108 Gillam Avenue. Otto has not been leaving the house much. Mr. Robert Grupp presented pictures and discussed an issue of ponding water on his father's property since the road project was completed and wanted Council to take action on the issue by possibly re-grading or getting an engineer involved. He stated that this is the first time this has happened to this severity since 1965, was from one rainstorm and happened approximately two months ago. The water had never gone over the Station Avenue sidewalk before or had been more than a puddle near the funeral home. There was discussion about where exactly the ponding was, the torrential nature of the storm, the severity of the flooding for the first time and that there were leaves on the ground and no leaves on the trees in the picture. Mr. Grupp stated that it does not happen every time there is a storm. The Borough Manager had reached out to the Borough Engineer, Christopher Peterson at Carroll Engineering, who drove by, took a quick look and stated that water could pond there, that it was acceptable ponding, that the ground does not typically hold water for longer than 24 hours in the Borough and this would be something the Department of Environmental Protection (DEP) would prefer in a right of way, so that the water would pond and surcharge back into the ground as opposed to running into the roadway and storm system. The Borough Manager let Mr. Otto Grupp know this. Mr. Grupp was not satisfied with what Carroll Engineering said. There was discussion about enlisting an engineer for an official opinion and caution suggested as the right of way is the responsibility of the homeowner. Mr. Pizzola made a motion that the engineer will assess the situation. Mr. Niwinski seconded. There were no objections. The motion carried. The Borough Manager will ask Carroll Engineering about the type of assessment and cost and Council will vote on the issue at the September 14, 2021 meeting. He will let the Grupps know when Carroll Engineering will come out.

7. POLICE REPORT - Chief Kenney presented the following Police report for July 2021:

- Hours - 256
- Assists - 9
- Abandon 911 calls - 2
- Alarms - 2
- Animal complaints - 1
- Fraud - 2
- Mental Subject - 1
- Disabled Vehicle - 1
- Suspicious Person - 1
- Other complaints - 8
- Miles - 712
- Citations - 4

- Fuel - 74.6

Chief Kenney stated that the fraud calls were for identity theft with no money loss. This is someone filing for Unemployment Compensation benefits in a person's name and this person would receive a check or be notified by their employer. If this happens, please report to the police to fill out the appropriate paperwork and do not cash the check.

Chief Kenney reminded residents to keep a watch out for email fraud looking for money, to check addresses of the senders and to notify the police if unsure.

8. INSPECTOR'S REPORT - Ms. Ferraro gave the following inspector's report for July 2021.

- Building Permits - 12
- Zoning Permits - 2
- Road Opening Permit - 1
- Construction Inspections - 8
- Resale Inspections - 2
- Rental Inspections - 4
- Rental Re-inspections 3
- Zoning Letters - 3
- Violation Notice - 2
- Complaint - 1

9. COMMITTEE REPORTS -

- Robert McBeth – Mr. McBeth reported that the Zoning Ordinance Review Committee had their inaugural meeting with the intent to review the ordinances with an eye toward redundancy, fees and schedules. They will report to Council on a quarterly basis. The next meeting is in two weeks.

- Grace Judge: Ms. Judge reported that the Office 365 project is completed and was done sooner than expected. The Council and staff have LMB computers, email addresses and work is being kept in their TEAMS location. The project came in \$5,912 under what was approved. Ms. Seader thanked Ms. Judge for doing much of the work to get the project completed under what was approved.

- Nicholas Pizzola: Mr. Pizzola reported that three speed signs have been installed and are up and running.

Mr. Pizzola reported that the road grant audit has been completed and the results that the Borough did comply with the terms of the grant were submitted to the Redevelopment Authority (RDA) who acknowledged receipt.

- Dawn Seader: Ms. Seader reported that the Hulmeville Avenue Bridge has been officially renamed PFC John Elton Candy Bridge and the order was signed by the governor.

Ms. Seader reported that the Borough has received \$74,524.48 which is more than half of the American Rescue Funds. Expenditures from this fund will need to be discussed and documented but the Borough has not received any direction on this.

Ms. Seader stated that the RDA grants for the garage and the police equipment need to be applied for by the end of September.

Ms. Seader reported that there has been a change in the Sunshine Act, the most significant being that items that need to be voted on have to be on the agenda with some emergency exceptions.

- Cheryl Oessenich: Ms. Oessenich stated that she is checking to see if the e-waste event can be at Cairn University on September 25th as the Borough parking lot is too small.

Ms. Oessenich reported that Republic has been more responsive and that the Waste Collection is going out for bid. She stated that if residents have a bulk item they need collected to call Republic.

- Alicia Gasparovic: Ms. Gasparovic stated that the Stormwater Commission is waiting for RVE to look for new projects.

Ms. Gasparovic reported that the next Stormwater newsletter is completed. She asked for Council to approve that she and Ms. Seader finalize the content. Ms. Gasparovic explained that the postcard will direct residents to look for the newsletter online. The postcard will have trivia contest questions and the answers can be found in the online newsletter. The incentive of a small prize of possibly pretzels or a slice of pizza with the thought that the prize would be donated. She stated that the Solicitor should give his opinion. There was discussion as to if the contest should be driven to only one part of website or to the whole website. Ms. Gasparovic made a motion to approve the expenditure for the postcards. Ms. Judge seconded. There were no objections. The motion carried. There was discussion about Ms. Seader and Ms. Gasparovic finalizing the newsletter, the offering of a tangible prize, the issues it might present and a possible alternative. The Solicitor stated he has not come across the offering of a prize before. The Borough Manager suggested a prize that would recognize the winner on the website. Council agreed.

- James Niwinski: Mr. Niwinski reported that there were two streetlights out.

Mr. Niwinski reported that he looked into going through the consortium to purchase fuel.

10. MAYOR'S REPORT - none

11. BOROUGH MANAGER'S REPORT -

Mr. Ferraro reported that the Borough purchased recording equipment as approved. The following equipment is Mr. Ferraro's personal equipment and is being loaned to the Borough for use in the Borough Hall:

- 2-20' XLR cords
- 1-15' XLR-1/4" cord
- 2-XLR Splitters
- 1-Microphone
- 1-Microphone Stand
- 1-Amplifier

Mr. Ferraro reported that the Comcast Franchise Agreement was executed by the Borough and sent to Comcast for their execution.

Mr. Ferraro reported that Verizon Franchise agreement is still in negotiation.

Mr. Ferraro reported that the digital map providers have been notified of the new Truck Ordinance and its limitations with the hope that it will aid in keeping the prohibited truck traffic off the Borough roads. This could take several months.

Mr. Ferraro reported that the Request for Proposal (RFP) for municipal waste collection is ready to be advertised. Ms. Judge made a motion to approve the RFP to be advertised for Municipal Waste Collection. Mr. Niwinski seconded. There were no objections.

Mr. Ferraro reported that RVE has developed the schematic drawings for Comly Avenue and submitted them to the chairperson of the Stormwater Commission. They are looking at different piping options for savings. They have received plans for the intersection from PennDOT. The elevations will be about the same, but the road gutter that proceeds from the crown of the road on Comly Avenue that dips down before the overpass is going to be straightened out. The overpass girders will be placed in October. Mr. Ferraro stated that he spoke to some of the neighbors, as did the bridge superintendent who stated they felt vibration but there are no reports of damage.

Mr. Ferraro reported that the letter from the Council President to Bucks County Water and Sewer Authority (BCW&SA) did produce updated invoices but the remote readers are still broken, so there will probably still be an issue. Mr. Ferraro spoke with the Council President and Andy Norton from Cairn University and discussed the process of getting Cairn and Langhorne Gardens direct accounts. The Borough Secretary stated that it looked like the next invoices for Langhorne Gardens and the SEPTA station will be minimum payment invoices.

Mr. Ferraro reported that there is a fire hydrant at 250 Manor Avenue that was broken during flushing and was not reported to the Borough. Mr. Ferraro will contact BCW&SA and it could cost from \$3,000 to \$7,000 to replace/repair.

Mr. Ferraro reported that there has been an ongoing issue located at 701 South Pine Street. It was involved in an estate dispute and the property sat abandoned for quite some time and is still abandoned. There are no working utilities so no one can live on the property but the person who was living in the garage was there with permission of the homeowner, in order to work on the house and was given 30 days. The Borough Manager and Chief Kenney have been working on

the issue. Those 30 days have gone by and the property qualifies under the Abandoned and Blighted Property Act. The best action is to file a notice to the owner, post the property so officers can remove anyone on site, give the owner a specific period of time to cure and if the owner does not respond, further action will be taken in Doylestown to enter into a conservatorship of the property. The process can take from 60 to 90 days depending on the court. The conservatorship action has to be approved by Council.

Mr. Ferraro reported that the property at 306 Comly Avenue is in the same condition as the property on South Pine Street. Mr. Ferraro reported that the property has been abandoned since May 2020, has an abandoned pool with a collapsed, no walk cover, the fence has fallen down, the weeds are over four feet tall and there are 220-volt cables going from the house to the garage that are unprotected. This property will be entering into the same process.

12. SOLICITOR'S REPORT - no formal report

13. CORRESPONDENCE - none

14. APPROVAL OF BILLS FOR PAYMENT - The Council President stated that all Council members received a copy of the bills list for payment for August 2021 and asked for questions and concerns. Ms. Seader asked for a motion to pay the General Fund unpaid bills for July 2021. Mr. Pizzola made the motion to pay the General Fund unpaid bills for August 2021. Ms. Judge seconded. There were no objections. The motion carried.

The Council President asked for a motion to pay the Sewer Fund unpaid bills for August 2021. Mr. Niwinski made the motion as stated. Ms. Judge seconded. There were no objections. The motion carried.

15. APPROVAL OF TREASURER'S REPORT -

The Council President asked for a motion to approve the General Fund report for July 2021. Mr. Pizzola made the motion as stated. Mr. McBeth seconded. There were no objections. The motion carried.

The Council President asked for a motion to approve the Sewer Aid report for July 2021. Mr. Pizzola made the motion as stated. Mr. Niwinski seconded. There were no objections. The motion carried.

The Council President asked for a motion to approve Highway Aid Fund report for July 2021. Mr. Niwinski made the motion as stated. Ms. Judge seconded. There were no objections. The motion carried.

16. COMMENTS FROM RESIDENTS AND VISITORS –

Michelle Kaisenger, 703 South Pine Street, who lives next door to the aforementioned abandoned property at 701 South Pine Street, stated that she appreciates the work of the police and Borough Manager. She reported that there is now more than one person living on the

property and are using gas grills and generators and she has never seen any work done. She stated that the house flooded a few years ago which caused significant damage and that she and other neighbors have been taking care of the grass. They are concerned with people living on the property with no utilities or facilities. The Council President stated that now that the Borough has been made aware of the situation, it will be taken care of.

Bob Grupp, 305 Hill Avenue asked about checking into if the taxes were paid on the abandoned properties. There was an estate dispute on 701 South Pine which was recently resolved. Mr. Grupp suggested that something could be done by Council or neighbors to cover the pool. The Borough Manager stated that the owner will only get days to cure the fence issue to protect the pool before Council takes that action.

The Borough Secretary stated that the BIU (Inspector) invoice came in later than usual and asked for permission to have the \$1,830.03 paid. Mr. Pizzola made a motion to pay the \$1,830.03 BIU invoice. Mr. Niwinski seconded. There were no objections. The motion carried.

The Council President stated that there is a Zoning Board Hearing on September 9, 2021 for the installation of a pool that exceeds the impervious service by almost ten percent. The residents have offered some remedial measures to address this which is appropriate as far as the zoning process. The Council President suggested that Council not take a position and move this onto the Zoning Hearing Board. The Solicitor clarified that this was a question as to whether Council would take a position at the Zoning Board Hearing on September 9, 2021. Ms. Judge made a motion that Council take a neutral stance on this hearing. Mr. McBeth seconded. There was discussion about the impervious ratio and the positive nature of the remedial measures. There were no objections. The motion carried.

17. SECOND MEETING FOR THE MONTH OF AUGUST – There will be no second meeting on August 25, 2021 but there will be a work session. Mr. McBeth made a motion to dispense with the second meeting. Mr. Niwinski seconded. There were no objections. The motion carried.

18. ADJOURNMENT - The Council President 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 9:13.

19. NEXT MEETING -

The next meeting will be September 14, 2021, at 7:00 P.M.

Respectfully submitted,

Barbara T. Ferraro
Secretary/Treasurer
Langhorne Manor Borough