

MINUTES
LANGHORNE MANOR BOROUGH COUNCIL
MEETING OF MAY 11, 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 May 11, 2021 at 7:00 PM Eastern Daylight Time, after Zoom participants were admitted to the meeting at 6:58 PM Eastern Daylight 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, that conduct should reflect this, that 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. RESIDENT COMMENT - Christopher Lukose, 200 Comly Avenue-Mr. Lukose submitted a resident comment request for the topic of creation of an official Langhorne Manor Borough events planning committee and/or absorption of the existing unofficial committee into Borough Council. He stated Cheryl Oessenich should head the committee as she is doing an amazing job of helping to organize it. He stated that having it part of the Council should allow it to do more, make it easier to get approval for events, and provide funding where and when needed. Ms. Seader stated that there are already co-chairs, Jameson Gilpatrick and Susan Pizzola. She also stated that the current committee has plans to fundraise in the future and the Municipality cannot fundraise. Ms. Oessenich stated that the committee expanded from the tree-lighting to a food drive during COVID. Many neighbors have been involved. Ms. Gasparovic stated that there was an assumption that due to the name, Langhorne Manor Borough Events Committee, that it was part of Council. She asked if there was a way for Council to support the events. Ms. Seader stated that there was no issue supporting the committee, but there is a possibility that the committee may wish to plan something that Council would not support, although she did not think it would happen. Mr. Pizzola stated that there is always a shading of politics surrounding something associated with Council and the Events Planning Committee has been totally apolitical. He stated that if the name was confusing, they could change their name. Ms. Pizzola stated that the committee separated themselves from Council in order to fundraise, so they need to be a separate entity. They have their own FEIN number, no tangible assets and the name called such because that is where the members all live. It was determined that in order to comply with the ordinance, the committee should come to Council to request permission for

use of the Manor's facilities. Mr. Lukose thanked the Council and the current committee. He stated that he was looking for more stable backing for the committee and was looking to get funds for them from the Borough if they had them. He stated he was not aware of a ban on the Council fundraising.

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

5. STORMWATER MANAGEMENT PROPOSALS - Remington Vernick Engineers (RVE), the Manor's stormwater engineers, presented two proposals; (1) Proposal to Provide Engineering, Grant Application Writing and Submission Services, Comly Avenue Growing Greener Application and (2) Chubb Run Floodplain Connectivity and Streambank Restoration Project. Mr. Ferraro stated that Chubb Run would be an intermunicipal agreement with Middletown Township and Comly Avenue would be solely the responsibility and for the benefit of the Manor. He recommended to Council that they approve the option presented in the Comly Avenue proposal that is not necessarily for the grant but it would be beneficial to include the option to help solidify the chances of getting the grant. Mr. Ferraro deemed the cost reasonable. The Middletown Township manager stated that she had reviewed the Chubb Run proposal and did not see any issue but could not give a confirmation on direction until it goes before Middletown's Board. Mr. Ferraro stated that Council could entertain a conditional approval to move forward on the Chubb Run piece. Mr. Kessler presented the proposals and summarized them for Council. He stated that the Growing Greener grant application was due the end of June, but the Bucks County Conservation District Watershed specialist needs to be contacted by June 4, 2021.

Ms. Seader asked for questions from Council.

Ms. Seader asked about the Chapter 105 Permit from the DEP that is in the proposal. Mr. Kessler stated that this is for changes made to the waterway. Ms. Seader asked about the match amounts. Mr. Kessler stated that they were the total match amounts to be split whatever way was deemed.

Ms. Gasparovic asked if the grant preparation fee is in the proposal. Mr. Kessler responded it was incorporated.

Mr. McBeth asked if the grant was a 50/50 split with Middletown Township, does the grant automatically renew or does the Borough need to reapply and if so, is there a possibility that the grant may be declined and are there progress reports that are necessary. Mr. Kessler stated that the Growing Greener Grant focuses on Phase I Investigative Phase of the Chubb Run project. Other grants that are geared for the next phases would be pursued. RVE would recommend to Middletown also that the current grant for Phase I would be a 50/50 split. Grants for the next phases would be reapplied for and the splits would be discussed and may be different. Mr. McBeth asked if subsequent grant applications were declined, did the onus fall to the Borough to fulfill a contract or agreement for completion and payments. Mr. Kessler stated that the Growing

Greener grant does not commit the Borough to further design and construction of the project as it is investigative.

Ms. Gasparovic asked what the likelihood was of getting either or both grants. Mr. Kessler stated that he cannot speak for the grant agencies but can state that RVE's track record and experience with the grant writing and options make the applications more robust and the best they can be, but there is no guarantee. Ms. Gasparovic stated that the Chubb Run Phase I included the grant preparation and seven steps and asked how many steps might take place in order to get to the phase where they found out they did not get the grant, and how much would they be spending. Mr. Kessler stated that they would not get into the seven steps until they found out if the grant was approved. She asked if the Borough would be responsible to RVE for their time something comparable to preparing the Comly Avenue grant. Mr. Kessler responded somewhat less due to Comly being inclusive of conceptual plans and Chubb run is a coordinated match with Middletown.

Ms. Seader asked for questions from residents.

Ms. Seader asked for a motion for conditional approval for the Chubb Run Floodplain Connectivity and Stream Bank Restoration Project. If Middletown Township makes any changes to the plan, it will come back to Council for review. Ms. Gasparovic made the motion as stated. Ms. Oessenich seconded. Mr. McBeth asked about the timing and when Council would hear from Middletown. Mr. Kessler stated they would work with Middletown to ensure that they receive an answer before June 4, 2021. A resolution will be prepared after confirmation from Middletown Township before the June 25, 2021 deadline. Mr. Ferraro stated that this should be contingent upon coming to an intermunicipal agreement with Middletown Township in which they would have to agree to the RVE proposal and the match would be 50/50. Mr. Kessler stated these would be documents that would be included with the grant application. There were no objections. The motion carried.

Mr. McBeth made a motion to continue to engage with Middletown Township to start developing the resolution and the intermunicipal agreement along with the solicitor's office. Ms. Gasparovic seconded. There were no objections. The motion carried.

Mr. Ferraro recommended that Council approve the proposal with the option to include a schematic development that would greatly increase the likelihood of receiving the grant for the Comly Avenue project for a not to exceed price of \$11,075. It would be used later in the project also. Mr. Pizzola stated that there is \$30,000 set aside in the budget. Ms. Oessenich made a motion to approve the \$11,075 for the submission of the Growing Greener Grant for the Comly Avenue project. Ms. Gasparovic seconded. There were no objections. The motion carried.

6. COMCAST FRANCHISE AGREEMENT - Ms. Seader stated that Council had received the Comcast Franchise Agreement and asked for questions. Ms. Gasparovic asked if municipalities ever audit to make sure they are being paid the correct amount. Mr. Profy stated that it was his understanding that this request has not been made in the past and an inquiry would be made as to what the audit process and procedure has been historically. Mr. Ferraro will be copied on the inquiry. Ms. Gasparovic stated that there was an FCC ruling that the free basic

cable television offered to municipalities is included in the 5% fee and it is being challenged in court. She asked if there was something in the Borough's agreement so that the Borough gets the 5% unless the law allows for more which would be the free basic cable. Mr. Ferraro stated that there is a term in the agreement that holds Comcast to provide the Borough with the same and equal opportunity that any other municipal or government agency receives. Mr. Niwinski made a motion to execute the Comcast Franchise contract as prepared. Ms. Judge seconded. There were no objections. The motion carried.

7. TRUCK ORDINANCE - Ms. Seader stated that Council had worked on the Ordinance at their work session. Ms. Gasparovic stated that she would like Council to change the 7,500-pound weight limit to 10,000 pounds in order to be more in line with information that she found from the Department of Transportation which delineates under 10,000 pounds GVW and over 10,000 pounds the difference between light and medium weight trucks. She stated it was a law enforcement advisory. She stated the police need to know what to enforce and does not want small pickups or large SUVs targeted inappropriately. Ms. Seader suggested changing the weight limit to, "All trucks in excess of one ton capacity not used for anything other than personal use" would be prohibited. There was discussion as to how this would solve the issue and how it would be easily identified by law enforcement and negates the need for a weight limit as it speaks to capacity and personal use. There was discussion as to how these trucks, vans and SUVs would be identified. A list can be made available to the police department. Mr. Pizzola stated that the problem within the Borough is not pick-up trucks. It is the cement trucks, trash trucks and tractor trailers.

Ms. Oessenich made a motion advertise the Truck Ordinance as amended by Ms. Seader. Mr. Niwinski seconded. Ms. Gasparovic opposed until Council spoke to Police Chief Kenney about the one-ton idea. The motion carried 6-1.

Ms. Seader stated that there are numerous residents that have work trucks, abandoned cars and there is No Impact Home Base Business Ordinance where residents are not in compliance. She would like to work with the Borough Manager on how to move these issues going forward.

8. AUDIT REPORT - The chair of the auditors, Mr. Brodbeck, stated that the audit has not been filed yet, it is close to being completed but has taken time due to the decision to capitalize the Road Project. The books have been kept on a cash basis in the past, capitalizing assets is allowed but there is a concern because it is new to the Borough and the bookkeeper does not have a lot of experience with this. They are proposing to hire an outside auditing company-a public accountant with government experience-to consult and to make sure that everything is correct in the way they have capitalized the Road Project. They will also likely be recommending to Council that a full audit from a public accountant be conducted on the 2021 books. There have been some changes to the bookkeeping process with the hiring of Langhorne Tax and Bookkeeping and the formation of the Finance Committee, so it is a good opportunity to set a baseline for the Borough's books next year. Auditor Suzanne Cawley stated that they have an estimate from Bee Bergvall and will obtain two more competing estimates for the full 2021 audit. The consulting is generally \$200 per hour and the audit is generally \$8,500 for a one-year audit. The auditors have the right to hire the auditor. They will collect bids in concert with the Borough manager and make a recommendation to Council hoping that Council will affirm their

recommendation. Not having an outside auditor is the exception, not the rule. Ms. Judge asked if Council should budget for this going forward? Mr. Brodbeck stated it would start as a one-time audit and best practices would be determined going forward. Mr. Mundy stated that the auditors receive a small stipend and are willing to put that forward in order to offset the costs. Ms. Seader thanked them for that but stated that she would not necessarily support it.

9. POLICE REPORT - Ms. Seader stated that Chief Kenney had a family emergency and was unable to attend tonight's meeting. Mayor Byrne presented the following police report for April 2021.

- Total hours - 235.5
- Total fuel - 92.7 gallons
- Total mileage - 662
- Assists to other departments - 12
- Disabled vehicle - 2
- Emergency - 4
- Traffic stops - 8
- Traffic citations - 7
- Total complaints - 26

Mayor Byrne reported that four new electronic speed signs have been delivered and will be installed on poles throughout the manor possibly moving them every three months. The invoice has not been received.

Mayor Byrne reported that new officer Kyle Areias has passed his training and is starting now.

Mayor Byrne reported that the police are obtaining a buy-back on their guns. They are getting new ones and being credited for the old ones and ammunition. They will receive \$250 to \$280 per gun and the new guns cost \$520. The budget is \$3,600 for equipment with no expenditures so far. The expenditure would need to be approved by Council if it exceeds the budgeted amount.

Mayor Byrne is working on getting new barriers and cones.

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

- Building Permits - 2
- Construction Inspections - 4
- Violation Notice - 1

11. COMMITTEE REPORTS -

- **James Niwinski:** Mr. Niwinski reported that the chimney liners have been installed in the hall and the office.

- Alicia Gasparovic: Ms. Gasparovic thanked Ms. Seader and Mr. Pizzola for the list of things they have been working on for the Borough. She thanked Ms. Judge and Lois Abbott for working on the technology.

Ms. Gasparovic stated she was mistaken a few months ago when she stated that the auditor's meetings are required to be public.

Ms. Gasparovic reported that the next Stormwater Commission meeting will be by May 24, 2021 and RVE will be there to answer questions.

Ms. Gasparovic reported that she is working on the insurance renewal. She stated that last year's estimates were accurate. She stated that this year's estimates as far as police hours are about the same as last year's, but if anyone knew any different to let her know. Milt Warrell retired. She is speaking with a couple of other brokers.

Ms. Gasparovic reported that there are two insurance claims she was asked at the last meeting to address. One will be addressed in an executive session and the other is a tree claim. She stated that if anyone wanted to know the information, they should ask, but she feels that discussion on the tree claim should be had at a work session.

Ms. Gasparovic stated that Glatfelter Insurance Group called and would come out to do a risk assessment of the Borough at no cost.

Ms. Gasparovic reported that there is a free PSAB webinar from June 7-9 for Council.

- Cheryl Oessenich: Ms. Oessenich reported that she is speaking continually with the company that will do e-recycling and shredding at no cost.

Ms. Oessenich reported that Dominick Fulginiti at Republic Services was very responsive to a resident complaint last week.

Ms. Oessenich reported that the bulk trash day and community yard sale are coming up. She stated that the yard sale was a great opportunity for Community involvement.

- Dawn Seader: Ms. Seader stated that she was remiss for not asking for the contribution to Jesse W. Soby Post as the Borough does every year at the time of the Memorial Day Parade. She stated the request was made in a different way as years past. She asked for a motion to contribute the typical \$500 to Jesse W. Soby Post. Mr. McBeth made the motion as stated. Mr. Niwinski seconded. There were no objections. The motion carried.

Ms. Seader reported that she and Ms. Gasparovic had a meeting with FEMA/PEMA and it is her hope that Council will be going to in-person meetings in the next few months. There is work to be done and they are submitting for COVID funds to make Borough Hall as safe as possible.

Ms. Seader stated that local IT support was pulled out of the Office 365 contract. A contract to hire Nathaniel Nelson for this support was created and distributed to Council. There were no

alternative quotes as the discussion had occurred when the support was pulled from the Office 365 contract. Mr. Pizzola asked if there was opportunity to adjust the contract if the Borough does not utilize the services that are being paid for. Ms. Judge stated that the contract could be adjusted annually, but since this new technology upgrade is such a big unknown, it is a good estimate of what services will be needed. There was discussion about the payment terms for the contract. Mr. Nelson's invoices will reflect the time he is working and will be monitored closely by Ms. Judge. Ms. Oessenich made a motion to approve the contract for Nathaniel Nelson, Local IT support. Mr. Niwinski seconded. There were no objections. The motion carried.

Ms. Seader reported that the RDA contracts have been executed. Mr. Niwinski is working on the LED lighting. The Langhorne-Middletown Breathing Apparatus has been billed to the RDA. The safety equipment has been delivered. Mayor Byrne is working on the barriers. Mr. Pizzola will be working on the striping on the roads and signs.

Ms. Seader reported that Council had a very productive first work session. They worked through the Truck Ordinance, meeting Standard Operating Procedures, the contracting processes, and spoke about the America Rescue Fund, anticipating \$140,000. The next work session is May 25, 2021 as there is no anticipation of items for a second Council meeting. The Shade Tree Commission Ordinance will be discussed.

- Nicholas Pizzola: Mr. Pizzola reported that Long Fence repaired the guard rails on both ends of the overpass along with wire guards along Highland Avenue.

Mr. Pizzola sent the results to Council of the Hot Pour Mastic trial and stated they were outstanding. He would like to get quotes to fill the transverse and longitudinal cracks on the access roads with the Hot Pour Mastic if there is no objection from Council. He stated that this will mostly eliminate the more frequent need for Steve Schoell to fill in potholes that might otherwise develop.

Mr. Pizzola provided Council a copy of the engagement letter from Bee Bergvall to independently audit the Road Project grant as required. Ms. Seader will sign the letter. The cost of the audit will be \$1,500 to \$2,500 and was approved last month.

Mr. Pizzola reported that he is working on getting architect's estimates to develop a plan for a garage expansion. This would be submitted to the RDA for a grant.

Mr. Pizzola reported that he is looking at the financials as chair of the budget committee. It is hard to get an accurate idea of the state of the finances this time of the year. He will take a mid-year look at the budget due to increased expenditures.

Mr. Pizzola stated that there is \$15,000 set aside for water and sewer engineering fees.

- Grace Judge: Ms. Judge is continuing the work on the office 365 project and should be up and running by July.

Ms. Judge reported that the WiFi has been upgraded in Borough Hall.

Ms. Judge is meeting with a vendor to get a quote to install live streaming audio-visual equipment in Borough Hall as part of preparation for in-person meetings. This is not an eligible expense with FEMA/PEMA funding for COVID.

- Robert McBeth: no report

12. BOROUGH MANAGER'S REPORT - Mr. Ferraro reported that Langhorne Gardens' water and sewer broken meter is still an issue. He spoke with Tammy Mancuso, the Borough's direct contact. He will discuss how BCW&SA will account for the usage when the meter was broken.

Mr. Ferraro reported that the Verizon Franchise Agreement is still in development.

Mr. Ferraro reported that he is working on RVE work orders that were approved this evening and will work with Middletown Township. He is waiting to hear from their solicitor.

Mr. Ferraro reported that there have been several inquiries from Realtors about resales and responsibilities. There is a website that gives information on what different municipalities require but seems to be incorrect on certain items in regard to the Borough. He is working to fix this issue.

Mr. Ferraro reported that he is receiving calls about the permitting process which is going well. Residents are appreciative that they do not have to spend money and then find out there is an issue.

Mr. Ferraro stated that the Hulmeville Avenue Bridge work is ongoing. Recently there were barricades left open. He went down and barricaded the area and made the contractors aware. Upon observation the contractors seemed to have addressed this issue. He is reaching out to see if they can put up a temporary construction fence to barricade pedestrians also.

Mr. Ferraro is continuing to review all ordinances and identify deficiencies so Council can be better served in their work sessions.

13. SOLICITOR'S REPORT – Mr. Profy researched the constitutionality of the Political Sign Ordinance. He determined that there are sections in the ordinance that do not pass constitutional muster and therefore are unenforceable. He recommends that the Political Sign Ordinance be revised and amended in order to address those concerns. Political signs can be managed and restricted on certain grounds (police, healthcare) as long as they are content neutral. The escrow section is not allowed, however the purpose of this section would be to allow the Borough to recoup if they had to expend monies to remove signs from public rights of way. Those costs can be recouped. He will be coming back to Council with a Political Sign Ordinance, but the current ordinance cannot be enforced as currently on the books. Mr. Ferraro asked that Mr. Profy look into if it was correct that there can be no political signs within 20 feet of a state highway right of way and is it an acceptable condition. Mr. Profy will look into this and stated that there are parameters along those lines.

14. MAYOR'S REPORT - none

15. CORRESPONDENCE - none

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

Ms. Seader asked for a motion to pay the General Fund unpaid bills for May 2021. Ms. Judge asked for approval for the annual Simple Texting invoice for \$225. Mr. Pizzola made a motion to pay the General Fund unpaid bills for May 2021 as amended. Ms. Judge seconded. There were no objections. The motion carried.

17. APPROVAL OF TREASURER'S REPORT -

Sewer Fund Report for April 2021 - Ms. Seader asked for questions and comments on the Sewer Fund for April 2021. Mr. Niwinski made a motion to approve the Sewer Fund for April 2021. Ms. Judge seconded. There were no objections. The motion carried.

General Fund Report for April 2021 - Ms. Seader asked for questions and comments on the General Fund for April 2021. Ms. Ferraro stated that the Carroll Engineering invoice needed to be moved on the balance sheet to come out of the Cairn escrow. Mr. Niwinski made a motion to approve the General Fund as amended for April 2021. Mr. Pizzola seconded. There were no objections. The motion carried.

Highway Aid Fund Report for March 2021 - Ms. Ferraro explained that the \$880,833.50 that is due to other funds is the road loan payment which comes from the Highway Aid account but is on the General Fund books. Ms. Seader asked for questions and comments on the Highway Aid Fund for March 2021. Ms. Gasparovic made a motion to approve the Highway Aid Fund for March 2021. Ms. Judge seconded. There were no objections. The motion carried.

Highway Aid Fund for April 2021 - Ms. Seader asked for questions and comments on the Highway Aid Fund for April 2021. Mr. Pizzola made a motion to approve the Highway Aid Fund for April 2021. Mr. Niwinski seconded. There were no objections. The motion carried.

18. COMMENTS FROM RESIDENTS AND VISITORS - none

19. SECOND MEETING FOR THE MONTH OF MAY - Ms. Seader asked for a motion to dispense with the second council meeting. Ms. Oessenich made the motion as stated. Mr. Niwinski seconded. There were no objections. The motion carried.

May 25, 2021 will be a work session focusing on the Shade Tree Commission Ordinance.

20. ADJOURNMENT - Ms. Seader entertained a motion to adjourn the meeting. A motion was made by Ms. Oessenich to adjourn the meeting. Mr. McBeth seconded. There were no objections. The motion carried. The meeting adjourned at 9:25 P.M.

21. NEXT MEETING -

The next meeting will be June 8, 2021, at 7:00 P.M.

Respectfully submitted,

Barbara T. Ferraro
Secretary/Treasurer
Langhorne Manor Borough