

**MINUTES
LANGHORNE MANOR BOROUGH COUNCIL
MEETING OF MAY 19, 2020**

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 19, 2020 at 8:02 PM Eastern Daylight Time, after Zoom participants were admitted to the meeting at 7:58 PM Eastern Daylight Time by Dawn Seader, President. Ms. Seader welcomed everyone and gave instructions for the Zoom virtual meeting.

PERSONS PRESENT – Dawn Seader-President, Nicholas Pizzola-Vice President, Robert Byrne-Mayor, James Niwinski, Alicia Gasparovic, William McTigue, Jr., Grace Judge, Maryann Barnes, Thomas J. Profy, IV-Solicitor, and Barbara Ferraro-Assistant Secretary.

PERSON ABSENT – Loretta Luff-Secretary/Treasurer

2. The Pledge of Allegiance was led by Grace Judge.

3. PENNDOT PRESENTATION – Ms. Seader and Mr. Pizzola introduced Mike Holva, Design Project Manager from the design sector at PennDOT. Mr. Holva introduced Lee Wolf from PennDOT. Mr. Holva presented an overview and status update the on the following topics:

- **Project overview**-replacement of the Hulmeville Avenue bridge and accommodation of a fourth train track. Retaining walls are proposed on the approach roadways in the NE, NW, and SE quadrants to avoid impact to adjacent properties. PECO electric poles and water and sewer main will be relocated. The bridge will consist of 2-12 foot wide travel lanes with 4’8” shoulders on each side of the roadway. There will be 270 feet of approach roadway work on the north side including Hulmeville and Comly Avenues.

- **Purpose and need**-to replace the bridge that was constructed in 1933 and found to be structurally deficient, rated in serious condition with advanced deterioration of substructure, and closed to traffic in 2019. The project will address condition, safety of narrow roadway, weight restriction and improve clearances for the railway beneath the bridge.

- **Traffic control**-detours will be in place for the majority of the project. A shorter term detour toward end of project on the north side will utilize the same routes as currently but will also include Hulmeville and Comly Avenue intersection closure. This shorter term detour will last about a month.

- **Pedestrian accommodations**- there will be no raised sidewalk but the road will have a wider paved shoulder and smooth bridge barrier. There will be no need for pedestrians or bicyclists to be in the travel lane. There is no useful shoulder today. PennDOT could consider striping 11 feet lanes as opposed to 12 feet to give one foot of additional space in the shoulder.

- **Schedule**-estimated completion is mid-October 2021.

Ms. Seader asked when construction would start. Mr. Holva stated it has started as far as clearing and grubbing. Consideration should be made for needed approvals with CSX, SEPTA and the utility companies.

Ms. Gasparovic asked how to improve the danger at the Hulmeville and Comly Avenue intersections. The concern is the sight issue as cars come over the bridge. Mr. Holva responded that the road will be wider and the sight distance will be slightly improved due to the way they are profiling the roadway, but it will basically be the same intersection as we have now. PennDOT cannot add a 4-way stop sign due to site distance.

Ms. Seader asked if there were questions from residents.

Mark Moffa from Pennel Borough Council stated that it was expressed in writing by Pennel, Langhorne Manor and Middletown that they are requesting signage and striping to designate the shoulder lanes for pedestrians and bicyclists and asked for an update. Mr. Holva responded that PennDOT can accommodate if it makes sense, fits and meets their standards. It has to be run through the traffic unit for approval. The traffic, design and construction units are all aware that this is being requested by the municipalities and will do whatever they can to make sure motorists recognize that there are pedestrians and bicyclists on the roadway.

Ms. Seader asked if there was a way to place flexible traffic posts along the shoulder to designate this for pedestrians or bicyclists. Mr. Holva responded that he would check with the traffic unit. Ms. Wolf stated it might be possible and spoke to the maintenance issue for the municipality for those kinds of things especially with 11 foot lanes.

Mr. Holva will take all the questions and ideas to the traffic unit for the answers.

Mr. Niwinski asked when he would return with answers. Mr. Holva will follow up with Mr. Pizzola.

Mr. Niwinski asked if he would try to come up with a new idea for safety at the intersection.

Ms. Abbott – 803 Hulmeville Avenue, asked where stormwater runoff is going? Mr. Holva responded that it comes down towards the ditches at the intersections of Comly and Hulmeville and then under the railroad tracks. There is going to be very minimal increase in impervious ratio, no NPDS permits were required.

Mr. Abbott – 803 Hulmeville Avenue, asked who owns the bridge and is responsible for repairs. Mr. Holva responded that it is PennDOT.

Mr. Abbott also asked about getting a 4-way stop or red light with red light warning signs. Mr. Holva responded that there is nothing preventing Langhorne Manor Borough doing a warrant analysis for these things. PennDOT would not do this as part of this project.

4. APPROVAL OF MINUTES – Motion was made by Ms. Gasparovic and seconded by Mr. Niwinski to approve the minutes of the March 3, 2020 meeting. No objections were presented. The motion carried. Motion was made by Ms. Barnes and seconded by Mr. Pizzola to approve the minutes of the April 7, 2020 meeting. No objections were presented. The motion carried.

5. POLICE REPORT

Mayor Byrne's report for March 2020:

- Total hours-367
- Total fuel-136.2 gallons
- Total milage-1,017
- Total citations-6
- Total complaints-35

Mayor Byrne's report for April 2020:

- Total hours-349
- Total fuel-131.9 gallons
- Total mileage-975
- Total citations-0
- Total complaints-14

Ms. Gasparovic asked if Mayor Byrne was still looking into the speeding signs. He said yes and believes the cost is \$3,500 and he hopes to get two of them. Ms. Seader asked about using Liquid Fuels funds. Mr. Pizzola will have an answer at the next meeting. Mayor Byrne asked about using plowing savings. Ms. Gasparovic asked about white stop bars being repainted when streets are completed. Mr. Pizzola responded that it is in the contract that they will be painted everywhere there is a stop sign.

6. INSPECTOR'S REPORT

Ms. Ferraro report for March 2020:

- 1 building permit issued.
- 2 Use and Occupancy inspections.

Ms. Ferraro report for April 2020:

- No activity.

7. COMMITTEE REPORTS

- **Ms. Barnes:**

Planning Commission-no report.

Ms. Barnes asked about the dates for bulk trash pick-up and community yard sale. Ms. Seader responded that bulk trash pick-up will be June 20, 2020 and the yard sale will be on June 13, 2020 if the state moves to the yellow phase.

Ms. Barnes is noticing trash trucks from Mascarro and Lecks, who are not our trash haulers, traveling on Hill Avenue. Mr. Pizzola stated that the "No Truck" signs with the name of the streets were placed on the north and south sides of the access roads prior to Hill and Station Avenues about two weeks ago. Mr. Pizzola stated we could consider two additional signs closer to Hill and Station. Ms. Barnes agreed.

After discussion introduced by Ms. Barnes, Ms. Barnes made a motion for Council to approve providing the nursing staff at Langhorne Gardens a pizza lunch for two shifts and cookies for the third shift at a cost of up to \$200. Mr. Niwinski seconded. There were no objections. The motion carried.

- **Ms. Judge:**

Ms. Judge stated that the CD discussed at April's meeting was redeemed and moved into sewer savings. Ms. Schoen from Langhorne Tax and Bookkeeping said there were some complications due to delays due to the COVID pandemic. She will be watching for it and move \$500,000 to the PLGIT account.

Ms. Judge stated that the Borough purchased the annual text messaging service and Ms. Judge and Mr. Niwinski are developing policies and procedures for the management of the service. Ms. Judge stated that the computer hardware and software has arrived. Ms. Judge stated that there is a need for \$400 of additional funds for the updated software. Ms. Seader asked for a motion for the approval of the purchase of the additional software of up to \$500. Ms. Judge made the motion, Mr. Pizzola seconded. There were no objections. The motion carried.

Ms. Judge has been researching credit card options. Ms. Judge explained the Pcard program through the PLGIT account. It will streamline the process of paying expenditures, save time and money on bookkeeper use and speed up the bank reconciliation process Ms. Judge will send the information to all the Council members and Mr. Profy is reviewing.

- **Mr. Pizzola:**

Mr. Pizzola referred to the truck signs that he reported on earlier.

Mr. Pizzola stated he prepared the RDA quarterly report for the three grants we have not used yet. Mr. Pizzola stated that we will be using the second \$200,000 grant for the road paving in the second quarter. The roads should be done no later than July. Mr. Pizzola stated that we have not purchased the service vehicle with the \$31,000 grant funds but will start the process in the next month or so. Mr. Pizzola stated that we also have \$40,000 for the SCBA for Langhorne Middletown Fire Company and no bills have been presented to us.

Mr. Pizzola stated that the seed and soil has been placed along the newly paved roads and he will make sure that it is all complete before General Asphalt leaves. General Asphalt is planning to come back to pave June 15, 2020 give or take a week and be done in July. When they come back, they will stay until they finish.

Mr. Pizzola met with Morrissey about the crack sealing in the access lanes with the one year warranty. Morrissey quoted \$4,200 to seal all cracks and this includes a credit for the failed sealing which is under warranty and includes two flaggers. Mr. Pizzola also received a price from General Asphalt of \$5,500 which does not include flaggers. Mr. Pizzola asked Council to approve the \$4,200 expenditure for Morrissey to seal all of the cracks. Ms. Gasparovic asked if some of it was not under warranty. Mr. Pizzola stated that some had failed and some had not, but were not ideal, so he stated it would be better to have all done now. Mr. McTigue asked about using savings from asphalt expenses on the paving project due to lower oil prices. Mr. Pizzola

said yes, we should receive a credit as our contract states we share in a 10% drop in prices but will not know that number for a while.

Mr. McTigue asked if there was an ordinance that provides for truck signs so they can be enforced. Ms. Gasparovic asked if the weight limit should be on the signs for it to be enforceable. Mr. Profy will look into what needs to be posted.

Mr. Pizzola asked Council to approve the \$4,200 expenditure for Morrissey to seal all of the cracks on the access lanes. Mr. McTigue asked if it would come with a warranty. Mr. Pizzola said he would ask. Mr. Niwinski made the motion to approve the expenditure. Mr. Pizzola seconded. There were no objections. The motion carried.

Mr. Niwinski asked about what type of service vehicle the Manor is looking to purchase. Mr. Pizzola responded that it would be a pick-up truck with a lift gate and it is covered by a grant.

- **Ms. Seader**

Ms. Seader stated that there is no date set for the state to move to yellow re-opening phase.

Ms. Seader stated that the bulk trash date is June 20, 2020 and the yard sale will be June 13, 2020 if the state moves to the yellow phase.

Ms. Seader reported that they are working on gathering information on costs incurred due to COVID. Approximately \$4200 has been incurred in increased police costs and Zoom meetings. The numbers will be submitted to the County and PEMA/FEMA. Additional costs are anticipated in the next seven months for PPE and disinfecting. This information has been provided to the county and will also be submitted to PEMA/FEMA.

Ms. Seader reported people have been encouraged to use write-in ballots for the Primary Election and the ballots are starting to come in. The ballots need to be requested by May 26, 2020 and returned by 8:00 on election day (June 2, 2020). The polls will be open and precautions are being taken for safety. The county is disinfecting the building before and after the election. They are providing masks, gloves, plexiglass sneeze guards and wipes for the poll workers. Everyone is required to wear a mask and socially distance.

Ms. Seader introduced **Resolution 2020-06-A Resolution of the Council of Langhorne Manor Borough to Delay the Penalty Accrual Deadline for Municipal Real Estate Tax for the Year 2020 to July 31, 2020.** This resolution aligns the Manor with what the County is doing in regard to tax collection deadlines. Ms. Seader read a portion of the resolution and asked for questions or concerns. Ms. Seader made the motion to approve the resolution, Ms. Gasparovic seconded. There were no objections. The motion carried.

Ms. Seader reported that another resolution is being worked on for next month's meeting to ensure the Manor is able to pay their operating expenses in the event Council is unable to meet.

Ms. Seader reported that a letter was sent to CSX asking them to take a look at the issue of the trains tripping the sensors along the railroad line causing the gates to remain down for extended

periods of time. The Manor has received no response. Ms. Gasparovic stated that she has heard from the offices of Tina Davis, Brian Fitzpatrick, the Pennel and Middletown Police Chiefs, Pennel Council and the Middletown Supervisors that they are supporting the Manor's efforts and also contacting CSX.

Ms. Seader thanked the community for the response to the food drive for the Bucks County Opportunity Council. Ms. Gasparovic stated that it was a great effort for the food bank but she wants the town to be clear that it was not a Council supported effort but an outside group, but thanked residents also.

Ms. Seader is encouraging residents to visit the website for information on contacting Council members, notifications, changes and the calendar.

Ms. Seader reported that the Langhorne Memorial Day parade has been cancelled but they are looking to do something virtually.

- **Mr. McTigue:**

Mr. McTigue reported that Emergency Declarations have a limited life without Council ratification. Mr. McTigue is recommending that Council ratify the Declaration that was made on March 24, 2020 every time they meet. Mr. McTigue introduced **Resolution No. 2020-07-Resolution of Borough of Langhorne Manor, Bucks County Pennsylvania, Ratifying COVID-19 Disaster Emergency Declaration Pursuant to Section 7501(b) of the Pennsylvania Emergency Services Code, 35 Pa. C.S.A. 7101 et seq.**, Mr. McTigue read a portion of the resolution. Ms. Gasparovic asked Mr. McTigue to clarify that the motion entitles the Manor to ask for additional funds in the future. A motion was made by Mr. McTigue to approve the resolution and seconded by Ms. Gasparovic. There were no objections. The motion carried.

Mr. Niwinski questioned if the Manor had purchased or is going to purchase additional PPE for the Police Department. Mayor Byrne responded that they had received donations of supplies and stated it would be a good idea to get stocked up. Ms. Seader answered yes and that the Manor is coordinating with the Bucks County Consortium to purchase supplies.

- **Ms. Gasparovic**

Ms. Gasparovic reported on the DEP stormwater permit. The Manor received the report back from the Borough Engineers who inspect the water outfalls. There are no significant problems excepting one tree and one broken piece of concrete partially blocking two outfalls. Removal of these two items is recommended. Mr. Pizzola stated that Ms. Gasparovic can contact Steve Schoell to do the work.

Ms. Gasparovic reported that the Borough Engineers will be coming next month to speak to Council and residents about storm water work that needs to be done to keep the DEP permit up as far as the reduction of sediment going into streams and rivers from the Manor. The current plan is to change the swales on the south side of Route 1 to swales with more vegetation to filter

silt. Ms. Gasparovic and Mr. McTigue are looking for interest from a group of 3 or 5 residents to help in the decision making process.

Ms. Gasparovic reported that the Property & Liability and Workers' Compensation Insurance Policies are up for renewal and will be renewed as is. Ms. Gasparovic reported on the Parolees and Prisoners' Volunteer Insurance Policy. Ms. Gasparovic feels it is not needed as we do not use parolees and we have duplicate coverage for volunteers. Mr. Profy sees no issue in canceling the policy.

Ms. Gasparovic followed up on the Street Excavation Ordinance sewer lateral issue. Ms. Gasparovic proposed that a sentence be added to the fee schedule that the requirement to repave the entire block when adding a sewer lateral be waived if it is done within 24 months after paving. Mr. Pizzola will speak with Mr. Profy about it and this will be revisited next month.

Ms. Gasparovic spoke to PennDOT about the blinking light and the possibility of making the intersection a round-about but they will not give an answer. PennDOT wants to talk to Council privately first, but they do not have a date due to Pandemic.

- **Mr. Niwinski:**

No report.

8. MAYOR'S REPORT – No report. Mayor Byrne thanked the volunteers who participated in the food drive.

9. SOLICITOR'S REPORT – Mr. Profy introduced **Resolution 2020-08 Resolution of the Council of the Borough of Langhorne Manor, Bucks County, Pennsylvania Approving Cairn University's Request for Additional Time to Post Financial Security**. Mr. Profy read the resolution. Mr. McTigue made a motion to approve the resolution. Mr. Pizzola seconded. There were no objections. The motion carried.

Mr. Profy introduced **Resolution 2020-09 Resolution of the Council of the Borough of Langhorne Manor, Bucks County, Pennsylvania Appointing Barbara Ferraro to the Offices of Secretary and Treasurer**. Ms. Seader reminded Council that the position of treasurer needs a bond and the appointment can be made tonight but Ms. Ferraro cannot fill the position until the bond is acquired. Ms. Seader asked for a motion to accept the resolution. Mr. Niwinski made the motion and Ms. Gasparovic seconded. Ms. Barnes asked if we received a resignation from Ms. Luff. Mr. Profy referred to the section of the Borough Code that delineates the responsibility and the power of Council to set the offices that they are for an indefinite term at the pleasure of Council. Mr. Niwinski asked for clarification that Ms. Luff did not resign, but Council is terminating her from the position and asked if this exposes Council in any way. Mr. Profy stated he does not believe so; Ms. Luff has been Treasurer since January but Council had not declared the office vacant and the office is for an indefinite term. Ms. Seader suggested sending a letter and token of appreciation to Ms. Luff. Ms. Ferraro stated that she has not accepted the position yet as she needs to review the terms of the position and address the bond

acquisition. Ms. Gasparovic asked that Council be provided with copies of the two Resolutions. There were no objections to the motion. The motion carried.

10. CORRESPONDENCE – Ms. Ferraro reported that there was a notice received from Don Minnick of Jesse W. Soby Post that the Memorial Day Parade has been cancelled due to the COVID pandemic. If we have made a donation to this year's parade it will be applied to 2021. If we want the donation returned they will gladly accommodate.

Ms. Ferraro reported that there was an email received from Ryan Kierman that he has resigned from the Shade Tree Commission as he has moved out of the Manor.

Ms. Ferraro reported that there was an email received from the County of Bucks Department of Health requesting that we again participate in their Mosquito Control Program. In addition to the letter there was literature on West Nile Disease, mosquito breeding, how they treat, surveil and trap and what they do with mosquitoes that test positive for WNV, a Lyme Disease Overview and how to avoid ticks and how to control WNV. Ms. Ferraro stated that if the Manor wished to participate, a response should be sent by mail or email.

Ms. Ferraro read a letter that was received from Marie Serota, PennDel Borough Secretary, regarding the proposed consideration and potential enactment of an Ordinance to amend Chapter 405 of the PennDel Borough Code of Ordinances regarding the Borough's Transit Oriented Development Overlay District and related provisions that was to have been presented on April 20, 2020. Due to the COVID-19 crisis the consideration of the Ordinance will now take place on June 15, 2020 before the PennDel Borough Council.

11. APPROVAL OF BILLS FOR PAYMENT – Ms. Seader stated that all Council members received a copy of the bills list for payment for April and asked for questions and concerns. Mr. Niwinski made a motion to accept the bills list as presented. Mr. Pizzola seconded. There were no objections. The motion carried.

12. APPROVAL OF TREASURER'S REPORT –

Sewer Fund for March: Motion was made by Mr. Niwinski to accept the Sewer Fund for March as presented and seconded by Ms. Judge. There were no objections. The motion carried.

Highway Aid for March: There were no objections to the Highway Aid fund and it was approved.

At this point, Ms. Seader lost internet contact and the meeting was turned over to Mr. Pizzola.

General Fund for March: Ms. Gasparovic questioned items on the fund. They will be looked into by Ms. Ferraro. Ms. Seader resumed the meeting. Motion was made by Mr. Pizzola to approve the General Fund for March as presented and seconded by Mr. Niwinski. There were no objections. The motion carried.

Sewer Fund for April: Ms. Gasparovic questioned a notation on the General Fund that \$113,000 is due to the Sewer Fund. Motion was made by Mr. Niwinski to accept the Sewer Fund for April as presented and seconded by Mr. Pizzola. There were no objections. The motion carried.

Highway Aid for April: Motion was made by Mr. Niwinski to accept the Highway Aid for April as presented and seconded by Mr. McTigue. There were no objections. The motion carried.

General Fund for April: Ms. Gasparovic questioned the road loan balance as it never changes and a check from Lexus Nexus. Ms. Ferraro will talk to the bookkeeper. Motion was made by Mr. Niwinski to approve the General Fund for April as presented and seconded by Mr. Pizzola. There were no objections. The motion carried.

13. COMMENTS FROM RESIDENTS AND VISITORS:

- Stephen Perloff – 301 Hill Avenue, proposed resolution for Council to take up for next month's meeting to ask the Federal Government to support the Post Office.
- Devin Keating – 101 West Fairview Avenue, is requesting a waiver to the fence ordinance for a 6 foot fence from the 4 foot ordinance requirement due to their animal's size. They've received approval from their neighbors. Mr. Profy stated the fence ordinance passed in 1995. Subsections B and C of the ordinance were amended in 2004. The amendment allows for waiver to subsections B and C of the ordinance but does not allow for the waiver of subsection A which pertains to fence height. There is an appeal process to go before the Zoning Board set forth in the ordinance. Ms. Gasparovic stated that there was broad support among Council and residents to change the ordinance and proposes amending the ordinance to change the fence height limit from 4 feet to 6 feet. Discussion followed among Council about the zoning hearing process and its costs, 6 foot fences already in the borough, residents who have gone through the process, preserving the charm and openness of the Borough, the institutional feel of a 6 foot fence and changing the ordinance. Ms. Seader polled the Council about changing the fence height limit from 4 feet to 6 feet only: Ms. Barnes-no, Ms. Gasparovic-yes, Mr. Pizzola-yes, Mr. Niwinski yes, Mr. McTigue-no, Ms. Judge-yes, Ms. Seader-yes.

Ms. Raynor – 120 Highland Avenue, questioned the construction of a fence and pillars that she states is going on at 607 Station Avenue. She questioned the permits and what was allowed. Ms. Seader said it was going to Zoning and the process was just starting and that the Building Inspector would be asked to inspect.

Ms. Gasparovic made a motion to direct the solicitor to advertise for and prepare an amended Ordinance to change the Fence Ordinance Amendment of 2004, Section 8.01A from 4 feet to 6 feet height allowance. Mr. Pizzola seconded. Mr. McTigue asked Mr. Profy if the motion is to direct Mr. Profy to prepare a Draft Ordinance and that next month Council will look at the Draft Ordinance and decide then if they will advertise the change. Mr. McTigue and Ms. Barnes questioned if the motion presented is proper procedure within the Borough Code. Ms. Gasparovic stated she still wants to move forward on her motion that was made and seconded as it is a one word change and that Council is required to move forward on the vote according to

Roberts Rules. Mr. Profy stated that he believes Council can move forward on the motion as presented. The vote result: 5-2 with Ms. Barnes and Mr. McTigue opposing. The motion carried. Mr. Niwinski clarified that the change to the Ordinance is not in effect yet and will be open to public discussion at the next meeting. It will be posted on the website.

- Chuck Goodnow – 401 Hulmeville Avenue, is looking for a waiver to place a 3 foot wide, 4 foot tall gate in a gap in the shrubs along Gillam Avenue to keep his children from exiting and others from entering. The Building Inspector denied the gate due to the setback limitations of the Fence Ordinance. Ms. Seader asked him to send all of the documents to Council so they could review before the next meeting. Ms. Ferraro will send to Ms. Seader.

- Jay Ferraro – 402 Hill Avenue, mentioned he was previous Council member accused of pushing things down the road and stated that there is confusion among residents to the difference between a waiver and a variance. He believes Council should educate residents as to what they can grant waivers for and when residents need to go before Zoning for variances. He mentioned the topographical issue in the fence waiver. Ms. Keating said that the Building Inspector told her Council could grant waivers to any ordinance. Mr. Ferraro believes he is in error. Ms. Gasparovic stated that she believes Council can grant general waivers to anything they want but it must be held to a high standard. She agrees with Mr. Ferraro that the residents should be educated on these issues and processes.

Ms. Seader asked for a motion for the June 2, 2020 meeting to be dispensed with due to the change in Election Day and for June's meeting to be held on June 16, 2020. Mr. McTigue made the motion. Mr. Niwinski seconded. There were no objections. The motion carried.

14. ADJOURNMENT – Ms. Seader entertained a motion to adjourn the meeting. Motion was made by Ms. Barnes and seconded by Mr. Niwinski to adjourn the meeting. No objections were presented. The motion carried. The meeting adjourned at 10:53 P.M.

The next meeting will be June 16, at 8:00 P.M.

Respectfully submitted,

Barbara T. Ferraro
Secretary
Langhorne Manor Borough