

**MINUTES
LANGHORNE MANOR BOROUGH COUNCIL
MEETING OF SEPTEMBER 1, 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 September 1, 2020 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, Nick Pizzola-Vice President, Robert Byrne-Mayor, James Niwinski, Alicia Gasparovic, William McTigue, Jr., Grace Judge, Maryann Barnes, Thomas J. Profy, IV-Solicitor, Sarah Brucie-Assistant Solicitor and Barbara Ferraro-Secretary/Treasurer.

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 solicitors. 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 August 18, 2020 minutes. Ms. Seader and Ms. Gasparovic complimented the secretary on the professional, detailed minutes that were presented. Ms. Seader asked for a motion to approve the minutes. A motion was made by Ms. Gasparovic to approve the minutes of August 18, 2020. Mr. Niwinski seconded. Mr. McTigue abstained as he was absent at the meeting. There were no objections. The motion carried 6-0-1.

Mr. Profy and Ms. Brucie recused themselves for the following portion of the meeting.

4. GRUPP SUBDIVISION – Ms. Seader introduced Robert DeBias, Solicitor from Wood and Floge representing the Borough in the matter of the Grupp subdivision, Vincent Fioravanti, engineer for Mr. Grupp, and Mr. Christopher Peterson, the Borough's engineer.

At this point Ms. Seader moved on with the agenda in order for all parties to be in attendance. Ms. Seader asked Mayor Byrne for the Police report which was presented at this time. (see Item #5)

Ms. Seader stated that Otto Grupp, III, owner of 108 West Gillam Avenue, property for subdivision, had been admitted to the meeting and Item #4 – Grupp Subdivision ensued.

Ms. Seader asked for a summary from Mr. DeBias. Mr. DeBias stated that the matter was the application for Preliminary and Final approval for the Minor Subdivision Plan for 108 West Gillam Avenue, Tax Parcel # 19-3-38, dated 8/21/2019. The adjoining landowners were notified

by regular and certified mail and a certification of notice was placed in the Borough file. This meeting was advertised in the Bucks County Courier Times and proof of advertisement was provided to the Borough directly by the Courier. Mr. DeBias stated that a notice of this meeting was posted at the Borough Hall and advertised in the official agenda of this meeting. Borough Council members received a packet with the application and all related documents. The application was heard and discussed by the Borough Planning Commission on 7/30/2020 and a summary of the Commission's action was provided to Borough Council members along with the requested deed.

Mr. DeBias asked Ms. Barnes to provide a summary of the Planning Commission meeting. Ms. Barnes stated that there were two waiver requests by the applicant-one for curbs and sidewalks which was denied due to the Borough not normally asking for curbs and sidewalks and the other was for moving the driveway which was approved 4-0.

Mr. DeBias clarified that the Planning Commission voted 4-0 to grant Preliminary and Final Approval of the Minor Land Subdivision Plan with the proviso that the waiver request for curbs and sidewalks was granted and the waiver request to keep the driveway in its current location, rather than moving it to a more appropriate location was denied 4-0.

Mr. DeBias asked Ms. Seader for permission to turn the meeting over to Mr. Fioravanti to present the application for Preliminary and Final Minor Land Subdivision which was granted.

Mr. Fioravanti presented the subdivision rendering that was filed August 21, 2019 on a shared screen. He stated that there are two reviews on the project, one from Carroll Engineering dated March 24, 2020, and one from Bucks County Planning Commission dated May 18, 2020 of which they are in compliance. The plans show the subdividing of the property essentially down the middle showing the current dwelling, garage and patio and the second vacant lot. Lot width, lot area and two setback variances were granted in October 2017. Mr. Fioravanti stated one waiver being requested is for road improvements, widening, curbing and sidewalks and recommended by the Planning Commission. He stated that for the cartway width, 22 feet is required and 22 feet exists on Gillam Avenue. On Station Avenue 32 feet exists and it has sidewalk but no curb, where the property abuts Middletown Township there is 3 feet of additional widening, some curb and no sidewalk which shows that it is inconsistent in the neighborhood and it is understandable that there are three municipalities coming together at this vicinity. The Planning Commission recommended the waiver of the roadway improvements. The Planning Commission spent a considerable amount of time on the second waiver request which was the location of the driveway which comes out at the intersection which is a 4-way stop controlled intersection. He stated that there is good sight line and the intersection is safe in its existing condition. The driveway has been in its current location for decades with no issues. He stated that they are trying to keep it a simple subdivision without need for construction of any kind, creating a vacant, buildable lot. It is understood that whoever purchases Lot 2 will have to come back with full engineering, grading, erosion control and submittals to the Borough to be reviewed. The Ordinance requires the driveway to be 40 feet from the intersection and it could be accommodated, but they feel it is not necessary as there is not a safety concern. Mr. Fioravanti asked if the Council wanted him to go through the other items in the letter.

Mr. DeBias added that a member of the Planning Commission requested a commitment from the applicant and his engineer that the portion of the building envelope that is in Langhorne Borough be removed and that the applicant would not place any structure in this portion. Mr. DeBias asked Mr. Fioravanti if he was agreeable to a deed restriction showing this. Mr. Fioravanti responded yes and asked Mr. Grupp if he was agreeable. Mr. Grupp responded yes.

Ms. Seader asked Mr. Grupp if he had comments. He explained that he thinks it is wrong to ask him to move his driveway as in 55 years there has never been an accident. His family has never had an issue and delivery trucks, oil trucks and many cars have been in and out of the driveway. Mr. Grupp estimates that in the 55 years someone has exited his driveway over 10,000 times. He stated that there is complete visibility coming out of the driveway in all directions. He is asking Council for permission to keep his driveway in its current location.

Ms. Seader asked for comments from Council.

Mr. Pizzola stated that he believes it is a safe intersection, there is no vision or blockage issues. He stated that there is no need to move the driveway to add to safety. He stated he spoke to Chief Bumm and there is no history of accidents based on his memory. Mr. Pizzola stated that asking to move the driveway to satisfy a problem that does not exist is a waste of time and money. He supports keeping the driveway where it is.

Ms. Gasparovic stated that when running for Council, she heard opinions from residents about how they did not feel heard, how important sidewalks are and how much residents use them when they have them. She has heard members of Council and the Planning Commission state no one wants sidewalks and everyone hates them. She has been talking to all the neighbors in the area. A large number do not care about curbs or road widths, but they do care about sidewalks. She stated that this stretch of property is the only stretch in the entire block; up Station to Richardson to Bellevue down to Gillam that does not have sidewalks. She stated there are sidewalks across the street on Gillam and Station. She stated it is a walkable community and filling in that gap is important. She is not asking for everyone to put in sidewalks and in a subdivision she usually supports granting a waiver if it is truly a sidewalk to nowhere, but it is not this time.

Ms. Judge asked if Council is talking about the driveway separately or talking about it as a whole. Ms. Seader responded to feel free to address either.

Mr. McTigue agreed with Mr. Pizzola about trying to solve a problem that does not exist and does not see a point in moving the driveway.

Mr. Pizzola stated that the community historically has been opposed to sidewalks, and is not sure what the benefit is to the Manor. One side attaches to Middletown, the other side attaches to Langhorne Borough. There is no sidewalk south of the property on that side. He does not know what this accomplishes. He does not support adding sidewalks to this property.

Mr. Fioravanti stated that there are no sidewalks on the funeral home property. If it was to ever extend it would have to go through the parking lot, through parking spaces and an island in the middle and a large tree may have to be removed. There is no sidewalk immediately adjacent to the property to the east.

Ms. Gasparovic stated she sent photographs of the sidewalks at the funeral home. There is one on Gillam Avenue where it meets a tree and where it branches to either side of the tree and then meets at the parking lot and then dead ends at the Grupp grass. She stated that when there is a funeral, if the people park on Station Avenue, they have to walk in the middle of the road to walk to their cars, it makes it difficult to drive down Gillam Avenue.

Mr. Niwinski stated he has no problem leaving the driveway where it is. He clarified with Ms. Gasparovic that there are sidewalks on the Station Avenue side and not the Gillam Avenue side.

Ms. Judge stated that she is not in favor of moving the driveway. She stated that she feels that a sidewalk along Gillam Avenue is appropriate because it connects to one at Station Avenue but she is concerned about the loss of the tree in front of Mr. Grupp's house which would determine her thinking.

Mr. Grupp asked if when coming from the funeral home will they have to add a sidewalk or walk into the parking lot. He stated if adding a sidewalk they would have to remove two parking spots. The tree in front of his house is a 50-year old tree that will need to be removed or a big loop made north of the tree with the sidewalk around the tree so as not to destroy the roots which does not make sense.

Ms. Gasparovic stated that she is concerned about this tree. She spoke to the Borough's engineer, Christopher Peterson about the tree. They talked about the required setback for the sidewalk and would not be unreasonable to narrow the grassy strip that is required between the sidewalk and the road, and even if we needed to go a little bit around the tree that is not unheard of solution. She stated that as far as the parking lot of the funeral home, walking across a driveway to get to the other part of a sidewalk is not uncommon.

Ms. Seader stated that she believed there was a fence there.

Ms. Gasparovic stated that the fence is illegal because it is in Middletown and their fences cannot be closer than 8-10 feet from the road and it is only about 2 feet. She stated that we would ask the funeral home to remove the fence or ask Middletown to address the removal of the fence or one segment of the fence. She stated that it should not be there as it is so it should be an easy ask.

Mr. Niwinski asked what the cost of putting in a sidewalk might be. Mr. Pizzola stated he believed it would be between \$5,000 and \$7,000 which is an extraordinary amount to ask a resident to pay for something with a questionable benefit. Mr. Niwinski stated that there is a fence, tree, regrading and cost issue. He assumed Mr. Grupp is going to sell the lot which would also have to have the sidewalk. He suggested to leave things the way they are for now and then

put the sidewalks in when the parcel is sold as there would be money and the tree may not be an issue at that point.

Ms. Gasparovic stated she would be fine with Mr. Niwinski's suggestion if there is a legal way to do it. She stated that she is concerned with the new sewer line being in conflict with the tree. She stated that she would hate to see a sidewalk get passed up because of a tree that may eventually have to be removed anyway.

Mr. Fiovanti explained how the sewers would be added in ways that would not harm the tree. He stated that there were suggestions at the hearing that there be conditions placed stating that at the time the new dwelling is constructed the new owners would contribute to the cost of the sidewalks. Ms. Gasparovic questioned how that would work.

Mr. Niwinski asked Ms. Gasparovic as the DEP/MS4 is her committee, about the impact to the MS4 as far as the increase in impervious ratio. She stated it would slightly increase the impervious ratio, but not impact the process.

Mr. Niwinski asked for clarification on what Mr. Fioravanti said about waiting to put in the sidewalks until Lot 2 is developed. Mr. Fioravanti stated there are conditions from the zoning approval about the maximum size house and thought a condition could be added and the appropriate time would be when the application for a building permit for Lot 2 is made. The contribution could be made for the new sidewalk at that time as opposed to when the subdivision is recorded.

Ms. Gasparovic questioned that if the philosophy has been "no sidewalks", then why the Subdivision and Land Use Ordinance says "sidewalks" and is confused about the history on this.

Mr. DeBias stated that Mr. Fioravanti was speaking about a Fee in Lieu of Installation which means that the sidewalk does not get built but the developer or the owner makes a contribution to the General Fund of the municipality for what would have been the cost of putting in the sidewalk. This satisfies the Ordinance, rather than being improved, it goes to the General Fund to be used for other improvements in the municipality. Mr. DeBias stated that just because the subdivision is granted, it does not mean the sidewalks have to go in now, there could be an agreement that they could go in during the land development.

Ms. Gasparovic stated that she is not in favor of the Fee in Lieu of Installation, and that we want the sidewalks, not the money. She is in favor of holding off on building the sidewalks until the second house starts to be built and it is a great solution.

Mr. Peterson stated that there is 20 feet from the edge of right-of-way to the edge of pavement. The tree falls center, 10 feet off the roadway and about 2 feet in diameter. To stay in line with the Subdivision and Land Development Ordinance, section 518, Part a, requires a minimum of a 6 feet wide planting strip between roadway and/or curb to the sidewalk. If the sidewalk is going to stay on the roadway side of the tree, Mr. Grupp would have to pursue another waiver of section 518, Part a, to do this. If he goes to the other side of the tree there is room to do it with the existing right-of-way. In either case the root structure of the tree would be disturbed. He

stated that waiting to add the sidewalks until the time of land development could be a condition of the Resolution of the subdivision. Mr. DeBias stated this is up to Council.

Mr. Niwinski asked Mr. Grupp what his thoughts were on waiting on the installation of the sidewalks. Mr. Grupp stated that Mr. Peterson's thoughts on the sidewalks going between the street and the tree seem impossible. He stated if it gets looped around the tree it would be coming 6-8 feet into the property. He would not be in favor of this at all and it does not solve the problem with the funeral home. Mr. Peterson stated that it would be rather tight to put the sidewalk on the street side of the tree as it would be right up against the tree. He stated there may be space on the north side of the tree, but Mr. Grupp stated that he felt that looping the sidewalk around the tree would kill the tree and he has never seen one anywhere.

Mr. Peterson stated that the sewer lateral for Lot 2 would not disturb the roadway with that connection, but the root structure of the tree will be encountered. He stated there are concerns with the development of Lot 2 with relationship to the sidewalks and the sanitary laterals.

Mr. Fioravanti gave the particulars of how they can resolve the sewer connections and protecting the tree at the time of development. He stated there is a possibility the sidewalk could terminate at the tree, then go around the tree with another surface material. Mr. Peterson stated it would still have to be a minimum of 6 feet between the roadway and the sidewalk.

Mr. McTigue questioned exactly where the sidewalks are on Gillam. Ms. Seader stated there are none directly across Gillam Avenue. Ms. Gasparovic stated that there are sidewalks on Gillam Avenue walking west on the same side as the Grupp property. Mr. Pizzola stated that the sidewalk stops halfway through the block. Ms. Gasparovic stated there is one residence where the sidewalks were allowed to be removed. Mr. McTigue stated that it seemed a lot of this seems to be driven by the need of people getting to the funeral home and he did not know why this is Mr. Grupp's problem. Ms. Gasparovic spoke to the needs of Wood Services, adults, strollers and bicycles. Mr. Pizzola stated this is the norm in the Borough. Ms. Gasparovic stated that this is one portion of a whole block that has sidewalks and close to Bellevue Avenue which is a busy street along with Gillam and Station Avenues which are also busy. Mr. Pizzola stated this is a solution looking for a problem and the sidewalks are not going to accomplish anything more than has been accomplished without sidewalks. Mr. Pizzola stated they will not improve on the historical safety record that has been experienced in this location in the 30 years he has lived here.

Ms. Barnes stated that she had been kicked off the meeting when Mr. Fioravanti began. She stated that in case this happens again, she is opposed to the addition of the sidewalks. She said that the sidewalks that continue down Gillam are partial along the way. She stated that she is opposed to moving the driveway.

Mr. DeBias asked Mr. Fioravanti if the applicant was agreeable with all of the comments from the Planning Commission report. Mr. Fioravanti responded yes.

Ms. Seader asked for comments from residents.

Jay Ferraro, 402 Hill Avenue-Opposed to the sidewalks. Reasons given: there are only sidewalks on the north side of Gillam where Dr. Javian's property is which mostly goes unused due to the large trees and age; not all of the community is looking for the addition of sidewalks; there is no sidewalk from the property line to the driveway of the funeral home and the shrub and fence come out to the road's edge; it is appalling that someone would think we should turn a neighbor in for the fence, it is not what neighbors should do; the fence is not illegal but may not be in compliance with the code and there may be a consequence; he believes that there is an issue with the sidewalk affecting the MS4 and is surprised people are disregarding it; anytime land is covered, especially when coming off the road's edge, the watershed is impacted; the Borough is responsible for reducing sediment, not increasing it; MS4 is going to cost the Borough a lot of money and it should not be made worse; if the sidewalk is routed around the tree, it may not die, but it will continue to grow and cause the same tripping hazard where all large trees and sidewalks are and puts Mr. Grupp at greater risk for claims against his insurance; does not see a valid reason for the sidewalk and does not like that someone is speaking as if for the whole community and asked to be told who has been spoken to and wants the sidewalks.

Steve Runk, 404 Station Avenue-In favor of the sidewalks. Reasons given: safety-vehicles speeding and rolling through the intersection; need for people to get safely to the funeral home; important for walkers and he does not feel safe there; the Borough has been generous in granting variances to Mr. Grupp for his benefit and it is not unreasonable to ask for this accommodation for the good of the entire community; sidewalks are contiguous from Langhorne Borough and different from the other side of the highway.

Beth Bartnikowski, 204 Central Avenue-In favor of the sidewalk. Reasons given: safety when walking-increased traffic in the Borough as a cut through, she will not walk on this side; beneficial for the main purpose of assisting the people who are attending the funeral home; historically most of Gillam Avenue had a sidewalk.

Ken Rouse, 302 Hill Avenue-In favor of the sidewalks as soon as possible. Reasons given: valuation of young families and their safety-should be a priority; does not allow his children to walk without an adult on the outside or let them ride their bikes; speed is an issue; should be proactive instead of waiting for an issue; walking is a quality of life issue; favors a sidewalk over a tree; sidewalks are friendlier to young families and increase desirability; this should be done for all land development.

Joe Vitella, 314 Hill Avenue-In favor of sidewalks when the property is sold and construction begins. Reasons given: Gillam Avenue is more travelled than other roads and would not walk it at night; not comfortable with asking a neighbor to add a sidewalk and pay for it, would not want anyone to ask him to do it as he does not want one and feels that no sidewalks are part of the charm in the neighborhood; it is a big ask to a homeowner for a sidewalk but asking for a subdivision to put another home in is also a big ask so in the spirit of compromise and the appropriateness of sidewalks in that area, the sidewalks should be put in.

Tim Russell, 407 Station Avenue-In favor of sidewalks. Reasons given: his family makes use of them where they exist as they are safer; beneficial to the neighborhood.

Ken Eiker, 404 Station Avenue-In favor of sidewalks. Reasons given: safety- a lot of vehicles and a lot of foot traffic; the Borough is not rural anymore and the sidewalk is needed.

Mark Clayton, 401 Hill Avenue-In favor of sidewalks, no problem with leaving driveway where it is. Reasons given: the only place on Gillam Avenue that does not have sidewalks are Mr. Grupp's property and the property on the other side of Dr. Javian's. This property did have a sidewalk but previous owners took it out and the Borough never did anything about it; sidewalks are needed especially by the Funeral Home; it is a walking neighborhood, people need to go into the street when there are cars parked for a funeral and room for only one car; it is unsafe in this area; Mr. Grupp asked for a subdivision which needed special variances which the Borough went along with so it is not too much to ask for him to put in sidewalks; if we talk to the funeral home the fence issue could be rectified.

James Keba, 604 Hill Avenue. Mr. Keba is on the Planning Commission and stated that it is a code requirement for driveways to be 40 feet away from an intersection which is why it was voted to be moved to the Council to decide. It was not a matter of accidents at the driveway.

Stephen Perloff, 301 Hill Avenue-He stated that Jay has now heard about who wants sidewalks and if he is opposed to increasing the impervious surface due to the sidewalks he should be opposed to building the house on the second lot.

Deborah Macchia, 402 Station Avenue-In favor of sidewalks and has no problem with driveway. Reasons given: congested area due to activity at the funeral home; cones put out during a funeral so people do not park on the lawn on either side of the street which narrows the road and people walking dodge in and out of cars; Council should take to opportunity for code enforcement.

Nancy Culleton, 207 W. Richardson Avenue, Langhorne Borough (non-resident)-In favor of sidewalks. Reasons given: she walks a lot in the Manor and feels safe because of sidewalks and they are a community enhancer; does not feel unsafe on Hill Avenue; the stretch of Gillam is problematic with kids, dogs and school buses.

Mark Moffa, 482 Cynthia Avenue, Penndel, Penndel Borough Council member (non-resident)-He stated that people have stated that no one has gotten hurt in this particular area but you do not want to wait until someone gets hurt before you take preventative measures to increase safety for your residents. The burden of granting the waiver should be on the applicant and not on the Borough. There are laws on the books as to sidewalks being required.

Mr. Grupp stated that he appreciates the comments from his neighbors. As for sidewalks, they are desirable in the long run but there has to be a solution presented at the funeral home. It has 50 feet of sidewalk, then 100 feet of no sidewalk and then another 200 feet of proposed sidewalk so this 100 feet needs to be solved. He stated that perhaps this issue could be resolved when Lot 2 goes for Preliminary and Final Land approval, that a solution could be made at that time about the sidewalk and have that deferred until that time.

Mr. DeBias stated that this is an issue for Council at the time of subdivision and is part of the Subdivision Ordinance. The decision as to whether or not to approve the sidewalks needs to be made now rather than defer to Land Development. Mr. Peterson agreed. Mr. Grupp asked if the sidewalk was approved by Council, would they have to be put in now. Mr. Fioravanti asked if it was possible to have a condition that at the time of building permits the sidewalk would need to be constructed. Mr. DeBias responded yes, Council could deny the waiver with the condition that the sidewalks would not have to be installed until the land is developed. Mr. Fioravanti stated he thought they were in agreement with that.

Mr. DeBias stated that the threshold issue before the Council is whether or not to approve the subdivision. If Council is not inclined to approve the subdivision then the waivers are a non-issue. If Council is inclined to approve the subdivision the waivers need to be addressed. The applicant has agreed to all of the other requirements noted in the engineer's letter, Mr. Peterson's letter and Bucks County Planning Commission's letter.

Ms. Gasparovic stated that she would support that the subdivision be granted, granting the waiver for the driveway and denying granting the waiver for sidewalks in front of both properties conditionally, they do not need to be put in until building commences. She stated that if discussion was done, she would make the motion. Ms. Seader stated that the subdivision needed to be voted on first. Ms. Barnes made that motion. Ms. Gasparovic asked if it depended on the waivers. Mr. DeBias stated it could be made in one motion. Ms. Barnes, Mr. Niwinski and Mr. Pizzola stated that they wanted three separate motions. Ms. Gasparovic questioned the order of the motions that should occur. Mr. DeBias said the threshold issue would be to grant the application for Preliminary and Final Minor Subdivision Plan contingent upon the votes on the waivers that follow. Ms. Barnes made a motion to grant the application for Preliminary and Final Minor Subdivision Plan contingent upon the votes on the waivers that follow. Mr. Niwinski seconded. Mr. DeBias asked for questions on the motion. Ms. Gasparovic asked if a vote to approve the subdivision-the subdivision would not be finalized if the two waivers would not be granted. Mr. DeBias said Council would be voting on whether or not to grant the waivers. He stated that the motion that was made was to approve the subdivision contingent on the votes to follow on the waivers. Ms. Gasparovic asked that shouldn't they decide the contingencies first. Mr. DeBias stated there are no contingencies if you do not approve the subdivision and vote on the waivers separately. Ms. Gasparovic stated she would approve the subdivision if the sidewalks go in but she is unsure how to vote because of the order. She stated because of the order of the vote, she cannot express that she would not approve the subdivision if the sidewalk waiver was approved. Mr. DeBias stated there was a motion on the table. Ms. Gasparovic asked if it was okay to make a motion to table the vote until they discuss and vote on the waiver first, that is appropriate parliamentary procedure here. Ms. Barnes stated that there are many parts to this. Ms. Gasparovic made a motion to table the vote. Ms. Seader said there is already a motion in play. Mr. DeBias said that unless the majority of Council did not want to vote on Ms. Barnes motion, it should be voted on. The vote was called. Ms. Gasparovic opposed because of the order of votes. Mr. Niwinski-in favor, Ms. Pizzola-in favor, Mr. McTigue-in favor, Ms. Barnes-in favor. Ms. Judge-in favor, Ms. Seader-in favor. The motion carried 6-1-0.

Mr. DeBias stated Section #5 of the engineer's letter states that the Borough's Subdivision Ordinance requires that any driveway be located not less than 40 feet from an intersection. The applicant has requested a waiver of that requirement. Mr. Niwinski made a motion to grant the waiver of Section #5 of the Ordinance. Mr. McTigue seconded. Mr. Niwinski-in favor, Mr. McTigue-in favor, Ms. Gasparovic-in favor, Mr. Pizzola-in favor, Ms. Judge-in favor, Ms. Barnes-in favor, Ms. Seader-in favor. There were no objections. The motion carried 7-0.

Mr. DeBias stated that the applicant requested a waiver of section 7 of the engineer's letter concerning the requiring curbs and sidewalks on abutting streets. Ms. Gasparovic made a motion to grant the waiver for the curbs and road widening, but not the sidewalks requirement. Mr. Niwinski asked when the sidewalks would be put in. Ms. Gasparovic amended her motion to grant the waiver for curbs, grant the waiver for the street widening, but deny the waiver for the sidewalks but to not be built until land development is approved and building permits are applied for. Mr. McTigue seconded. Ms. Gasparovic-in favor, Mr. McTigue-in favor, Mr. Niwinski-in favor, Mr. Pizzola-opposed, Ms. Barnes-opposed, Ms. Judge in favor, Ms. Seader-in favor. The motion carried 5-2-0.

Mr. DeBias stated that the request for the waiver is denied contingent upon the sidewalks being installed at the time of land development. Mr. Fioravanti stated it was clear and they were in agreement.

Chris Peterson stated Council stated it is a partial waiver because the curbs and road widening waivers were approved. Council agreed. He stated that at the time when the land development comes through that the new sidewalks should adjoin the existing sidewalk at the intersection and continue to the eastern most boundary of Lot 2. Mr. DeBias stated that is correct and Mr. Fioravanti agreed.

Mr. DeBias stated that the next step is that he writes an approval letter to be sent to Mr. Fioravanti, Ms. Seader, Mr. Peterson and the Bucks County Planning Commission which summarizes the meeting. He asked Mr. Fioravanti to grant a 15 day extension to the 15 day requirement. Mr. Fioravanti agreed.

5. POLICE REPORT -

Mayor Byrne's report for August 2020:

- Total hours - 258.5
- Total fuel - 94.8 gallons
- Total mileage - 673 miles
- Traffic stops - 9
- Total citations - 9
- Total complaints - 26

Mr. Niwinski asked if Council could get State Police information as to their coverage. Mayor Byrne responded that they will not give any information to the Borough. Mr. Pizzola stated that he spoke to Chief Bumm who said the State Police would need to be sued in order to get

information. Ms. Gasparovic asked if the Borough could do Right-To-Know requests each month to the State Police. Mayor Byrne stated he did not know and the State Police only respond when none of the Borough's officers are on duty.

(Item #4 – Grupp Subdivision ensued)

Ms. Seader called for Mr. Profy and Ms. Brucie to be re-admitted to the meeting after Item #4.

Ms. Seader asked if there were any more questions on the Police report.

6. INSPECTOR'S REPORT -

Ms. Ferraro's Inspector's report for August 2020:

- Building Permits - 6
- Construction Inspections - 4
- Zoning review - 1
- Resale Inspection - 1

7. COMMITTEE REPORTS -

- **Ms. Barnes:**

No report.

Ms. Barnes stated that ever since curbs and sidewalks were installed on Station Avenue, it is documented that Hill Avenue has flooded.

- **Ms. Judge:** No report

- **Mr. Pizzola:**

Mr. Pizzola read the revisions to the Truck Ordinance. Mr. Pizzola asked for a motion to advertise. Ms. Gasparovic made a motion to advertise the Truck Ordinance for comment at the October meeting. Mr. Pizzola seconded. There were no objections. The motion carried.

Mr. Pizzola reported that he made the payments that were approved last month to General Asphalt and the engineer. General Asphalt expects the job to be done by the end of this month.

- **Ms. Seader:**

Ms. Seader reported that the Tree Lighting Committee had met and discussed how to move forward. She asked Ms. Pizzola to speak. Ms. Pizzola stated it will be an outside venue with provisions made to keep socially distant. She stated there will be music, s'mores and Santa. They are looking at Saturday, December 5th.

Ms. Seader reported that Zoom is changing and will be requiring passwords by the end of the month. This will be communicated.

Ms. Seader reported that Council is continuing to work with Republic who are being very responsive to issues with collection on trash day.

Ms. Seader reported that Penn is providing new ways of dealing with Spotted Lantern Flies and the Shade Tree Commission is looking into the Borough being part of the study. They will be reporting in the next few months.

Ms. Seader suggested a second meeting on September 15, 2020 to discuss hiring a part-time Borough Manager. She stated that it could help in the coordination of codes, variances, ordinances and decrease the frustration of residents. She will provide bullet point job description items for discussion. She asked for feedback. Ms. Gasparovic stated that she thinks it is a good idea to discuss, Ms. Ferraro's hours have increased and we are asking so much of her. She does not want to make the decision in two weeks. Ms. Seader stated the discussion would take place on September 15, 2020.

- **Mr. McTigue:**

Mr. McTigue asked Ms. Gasparovic to report on Stormwater Commission.

- **Ms. Gasparovic:**

Ms. Gasparovic reported that there have been two successful meetings of the Stormwater Commission. They are pursuing two tracks of options. They want to meet with Christopher Peterson who suggested they speak to RETTEW. The second track is to pursue what they know the DEP approves and that is to sponsor/pay for another project in another municipality as long as they are in the same watershed. They would like to start officially reaching out to Hulmeville and Middletown. She stated if it is okay with Council, it will incur engineer and legal expenses. The Commission is concerned about preserving swales and the trees near the swales and what their options are. Ms. Barnes stated she felt Council should know what the expenses are before they are incurred. Ms. Gasparovic stated that it would be the engineer's hourly rates. She will reach out to Council and Supervisors first. Ms. Barnes asked if that was for an estimate. Ms. Gasparovic responded that they do not know what the projects are yet but are going to ask if there are any. They want permission to reach outside the Manor for now. Mr. McTigue stated when making the inquiry, they talk about both the Mill Creek and Neshaminy. Ms. Gasparovic stated she is most concerned with Neshaminy as Mill Creek may be met by Cairn in the future. She stated if there are no objections they would move forward. Carroll Engineering is getting the final draft of the MS4 report which Ms. Seader will have to sign. Ms. Gasparovic asked for the \$500 Stormwater Permit fee due September 30, 2020 owed to the DEP to be added to the bills list. Ms. Gasparovic asked Council to approve Christopher Peterson to come to the next MS4 meeting at his hourly rate. The meeting is on September 28, 2020 at 7:30 P.M. via zoom.

Ms. Gasparovic reported that the pollution policy for the sewers renews on October 1, 2020. The broker feels the Borough is getting a good rate and is on the bills list. Mr. Niwinski asked if there is a retroactive date on the policy. Ms. Gasparovic stated it there is. Mr. Niwinski stated that it is possible to have the retroactive date removed which improves the coverage at no cost. Ms. Gasparovic stated she would ask and would send him the policy. Mr. Niwinski stated an affidavit would need to be signed if it is a Surplus Lines policy. He stated that every year it renews, there needs to be two plus declinations. Ms. Gasparovic stated that it is possible the broker has it. Mr.

Niwinski stated Council should get the declinations and the affidavit that Council is aware it is a Surplus Lines policy. Mr. Niwinski explained that when there is an admitted insurance company, if they go bankrupt, the state will pay claims. Surplus Lines carriers are not licensed in the state but can be accessed.

Ms. Ferraro asked if there needed to be approval for Mr. Peterson to attend the Stormwater Commission meeting at the Borough's expense. Mr. McTigue stated in his experience they do not typically get hour by hour approvals.

There are no CSX updates.

Ms. Seader asked for a motion to approve an application to the RDA for a grant of \$200,000 to pay down the road paving loan. Ms. Seader read the resolution. Mr. McTigue made a motion to approve the Resolution to approve the RDA grant application for \$200,000 to pay down the road paving loan. Mr. Niwinski seconded. There were no objections. The motion carried.

Ms. Seader asked for a motion to approve an application to the RDA for a grant not to exceed \$40,000 for safety items (radar speed signs, road barriers, crosswalks, flashers, signs, inroad signs, larger stop signs, children at play signs). Ms. Seader read the resolution. Ms. Gasparovic made a motion to approve the application to the RDA for a grant not to exceed \$40,000 for safety items. Mr. Niwinski seconded. There were no objections. The motion carried.

Ms. Seader asked for a motion to approve an application to the RDA for a grant not to exceed \$70,000 for LED lighting and installation. Ms. Seader read the resolution. Mr. Niwinski made a motion to approve an application to the RDA for a grant not to exceed \$70,000 for LED lighting and installation. Ms. Judge seconded. There were no objections. The motion carried.

Ms. Seader stated the priority should be safety, LED lighting and the Road Pavements and asked if there was discussion. Mr. McTigue stated that if it was prioritized, it should be made clear that Council is asking for at least a portion of the \$200,000. Ms. Seader responded that would be included in the letter.

- **Mr. Niwinski:**

Mr. Niwinski reported there were no lights out.

Mr. Niwinski reported that the HVAC system was put in on September 25, 2020. Ms. Seader stated it was comfortable and working well.

Mr. Niwinski sent out a package to Council regarding the heating oil. He explained the five package exhibits: 1 - compared Meenan with wholesale price per gallon; 2 - showed wholesale heating oil prices; 3 - showed heating oil prices in Pennsylvania depending on location; 4 - showed heating oil company comparisons: Meenan, PAPCO, Bucks County Fuel, DeLuca Fuel and Budget Oil. He compared price per gallon, purchase plan types, responsiveness, auto delivery, service plans, payment method, own delivery trucks, and insurance. He stated that PAPCO which is the Consortium which runs with Lower Southampton has been unresponsive to questions in emails and phone calls. Mr. Niwinski stated that he recommends Budget Oil. It can

be changed at any time as there are no contracts. There are other companies that are close in terms of pricing; 5 – PAPCO Summary. Mr. Pizzola agrees with Budget Oil. Mr. Niwinski stated that small businesses are much more responsive. Ms. Seader asked what the next steps are. Mr. Niwinski stated that the oil tank was topped off by Meenan when the new one was installed. He stated that in November things would transition to Budget Oil. Mr. Pizzola stated that this change would save the Borough approximately \$1,800.

8. MAYOR’S REPORT – none

9. SOLICITOR’S REPORT – no formal report

10. CORRESPONDENCE – none

11. APPROVAL OF BILLS FOR PAYMENT – Ms. Seader stated that all Council members received a copy of the bills list for payment for August 2020 and asked for questions and concerns on the General Fund bills. Mr. McTigue made a motion to amend the General Fund bills list to add the \$500 DEP Stormwater Permit fee. Ms. Seader asked for the Zoom invoice which she paid in the amount of \$15.89 to be added. Mr. McTigue made a motion to approve the General Fund Bills list for August 2020 as amended. Ms. Judge seconded. There were no objections. The motion carried.

Ms. Seader asked for a motion to approve the Sewer Fund Bills. Mr. Pizzola made the motion to approve the Sewer Fund bills for August 2020. Mr. Niwinski seconded. There were no objections. The motion carried.

12. APPROVAL OF TREASURER’S REPORT – Ms. Seader asked for a motion that due to the timing of receipt of the report, the approval would be deferred until the October meeting. Mr. McTigue made a motion to defer the approval of the August 2020 Treasurer’s Report until October 2020. Ms. Barnes seconded. There were no objections. The motion carried.

13. COMMENTS FROM RESIDENTS AND VISITORS –

- Bob Grupp, 305 Hill Avenue – He was surprised that there was quite a bit happening in the police report in one month. He referred to the sign ordinance which allows for signs for a certain period of time. He also asked about the political signs which have a 30 day before the election requirement. Ms. Seader responded that an opinion was received by the attorneys last year which states by law, the Borough cannot restrict the amount of time political signs are displayed. Mr. Grupp asked why it has not been taken out of the Ordinance. Ms. Seader responded it needed to be. Ms. Barnes stated it is not a problem as long as it is on the resident’s property and not in the right of way. Mr. Grupp questioned Mr. Profy as to when and why this took place. Ms. Gasparovic responded that it was a series of Supreme Court cases that ruled that political signs could not be treated any different than other signs. Mr. Grupp asked if there were restrictions on other signs. Ms. Seader stated there is and he could file a complaint. Mr. Grupp stated he does not see the reason and if it is in the Ordinance it should be applied and this means political signs can be up 365 days. Mr. Niwinski read the Supreme Court ruling that towns may not restrict political and other types of signs on residential property. Mr. Grupp asked if there

was anything Council could do. Ms. Seader stated Council can only enact an Ordinance or a Resolution that agrees with the Supreme Court and that they cannot be more restrictive.

14. ADJOURNMENT – Ms. Seader entertained a motion to adjourn the meeting. A motion was made by Mr. Niwinski to adjourn the meeting. Mr. McTigue seconded. There were no objections. The motion carried. The meeting adjourned at 9:52 P.M.

The next meeting will be September 15, at 8:00 P.M.

Respectfully submitted,

Barbara T. Ferraro
Secretary/Treasurer
Langhorne Manor Borough