

Langhorne Borough Council Meeting
April 10, 2024

A Langhorne Borough Council Meeting was held at Council Chambers on Wednesday, April 10, 2024. President Culleton called the session to order at 7:30 p.m. and invited those in attendance to pledge allegiance to the Flag.

IN ATTENDANCE: President Nancy Culleton; Vice President Kathleen Horwatt; Councilpersons Tim Harris, Bob Cumming, Anthony Marfia, and Adam Zielinski; Solicitor Barbara Kirk; Police Chief John Godzieba; Treasurer Ellyn Schoen; Manager Steve Bradshaw; Clerk Gabriel Tenaglia

ABSENT: Councilperson Scott Haldeman, Mayor Joe Taylor

AGENDA REVIEW: President Culleton announced that Ordinances 2024-1A, 1B, and 1C will be tabled, as will the motion to elect President Pro Tem.

ANNOUNCEMENT: President Culleton announced that Langhorne Borough has been approved as a Tree City USA for 2023. It will be announced at the Arbor Day celebration on April 27th. Vice President Horwatt said that Adopt a Highway will be on the 25th, not the 11th as was stated in last month's meeting.

PUBLIC COMMENT: Paul Schneider, 233 N. Bellevue Avenue, suggested that the Borough fly POW/MIA flags. The fire department would have to sign off on it.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 6-0 to purchase POW/MIA flags if permitted.

MAYOR'S REPORT: Mayor Taylor was not present. No report.

POLICE CHIEF'S REPORT: Chief Godzieba expanded on some of the items in his report. He announced the date for drug takeback day of April 27th from 10:00 a.m. to 2:00 p.m. He also spoke about "skills machines" that have been in several gas stations for several years. Bensalem Township created an ordinance to restrict these machines, and many police departments are requesting the ordinance so that their municipalities can come up with ordinances of their own. He provided Council with more details about the machines and said that he will give a copy of the ordinance to the Solicitor whenever he receives it. Vice President Horwatt mentioned the possibility of a grant for a thermal imaging camera, which Mayor Taylor proposed in last month's meeting. Chief Godzieba said he would look into that.

ENGINEER'S REPORT:

Update on Mayor's Playground Grant Application: CKS is compiling material and fine tuning the grant application content for submission ahead of the April 20th, 2024 deadline. There are nearly two dozen letters of support on the application. CKS estimates that the cost of the project to be \$1.225 million. He described some of the changes that CKS proposed and said that aeration and seeding of the soccer field has been moved up to April and May. There was some more discussion about the work that would be done to the playground.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Zielinski, Council voted 6-0 to approve the Mayor’s Playground Grant Application for the amount of \$1,225,000.

DISCUSSION: Carol Zetterberg, 129 West Marshall Avenue, asked if a resolution needed to accompany the application. Council said it was not necessary. Solicitor Kirk suggested making a motion to preapprove the signing and submission of a resolution if one is necessary.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 6-0 to preapprove the submission of a signed resolution if needed for the grant application, understanding that Borough management and administration can sign off to submit.

Drainage of Hulmeville Avenue: CKS contends that the inlet and swale design is functioning as intended; however, additional work that could be performed was summarized in an email to the Borough Manager on March 28th, 2024. Concerns were raised following high intensity storms. CKS presented three options for additional work:

1. Regrade/widen the Hulmeville Avenue roadside swale and add more riprap.
2. Replace or add second cross pipe at 205 Hulmeville Avenue driveway.
3. Extend drainage piping from flared end section to Borough line.

Mr. DiPersio noted that the third option would be the most expensive. Councilperson Harris, who lives at 205 Hulmeville Avenue, brought up the issue of water buildup on his property. He said that extending the drainage piping would just move the problem elsewhere. The property downstream of Councilperson Harris is in Langhorne Manor Borough. Vice President Horwatt asked where a second pipe at 205 Hulmeville Avenue would go and Mr. DiPersio said that it would run parallel to the existing pipe. President Culleton asked if there was a way to slow the flow of water, and Mr. DiPersio said that the first option would help. There was further discussion of the options. Mr. DiPersio also pointed out that any work would require approval from PennDOT. Council decided that the next step would be for CKS representatives to investigate the conditions during a major rainfall and meet with Councilperson Harris.

EAC Request for Engineer’s Opinion Regarding the Methodist Church Basin: Prior to the March 7th Recreation Board meeting, Mr. DiPersio went to inspect the basin. He presented photographs of his findings and potential options. He said that the Borough has until the end of December 2026 to implement BMPs, or Best Management Practices. The EAC can review and advise, but Mr. DiPersio pointed out that retrofitting the entire basin is more expensive and will give the Borough far more sediment reduction credits than they need and suggested using a combination of less expensive measures. President Culleton conveyed EAC chair Rich Mason’s request that CKS contact the Department of Environmental Protection prior to taking action and find out what options DEP would be likely to accept. Mr. DiPersio requested that the EAC review CKS’ proposal and select the options they are most amenable to.

Grant Options for Street Lighting and Traffic Signals: Mr. DiPersio told Council about the DCED Multimodal Transportation Fund, which could allow the Borough to convert all street lights to LED. However, the deadline is May 31st, making it unlikely the Borough could apply this year. Mr. DiPersio then presented the Green Light Go program through PennDOT, which could be used to update the Borough’s traffic signals. Manager Bradshaw asked when the Borough should start applying if they want to pursue the street light grant for next year. Mr. DiPersio said that the program usually opens in

February, so the Borough could put together an application if they gathered all the necessary materials by this winter. Then there was further discussion of the street lights.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Cumming, Council voted 6-0 to table Ordinances 2024-1A, 2024-1B, and 2024-1C until the May 8th Council meeting.

PLANNING COMMISSION REPORT: After some discussion, Solicitor Kirk stated that the Planning Commission needs to formally vote at their next meeting on which revisions to the amendments to the Zoning Ordinance they recommend. Then Council will decide during their May meeting whether to approve the ordinances as drafted or accept the recommendations and direct that the ordinances be revised. PC Chair Paul Schneider reported that they spoke with the owners of 375 South Bellevue and 116 North Bellevue and alleviated their concerns about the provisions changing uses in the PS district. They also spoke about preserving the care home facility and simplified the language clarifying the TND. PC discussed a possible motion to recommend that Council send a request to SEPTA regarding changes in their bus routes. Solicitor Kirk explained that PC could submit comments to SEPTA as a committee of the Borough. Mr. Schneider said that he will submit comments to SEPTA.

141-151 WEST MAPLE ZONING: Solicitor Kirk explained that there was a court decision in 1997 that precluded further subdivision of the properties. Moreover, the lot line change application for 141 did not include a specific letter of authorization from the new owner of 151. She said that a lot line change is treated as a minor subdivision under the Pennsylvania Municipalities Planning Code. Solicitor Kirk asked what Council would like to do with the 1997 agreement. Vice President Horwatt recommended that Council clarify that the intent was to stop construction. Solicitor Kirk said that she would modify the paragraph disallowing subdivision to clarify that it is meant to prevent further new development.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Marfia, Council voted 6-0 to direct the Solicitor to prepare an agreement to modify the 1997 court order and agreement that states no further division of land for new development or construction on the properties.

Council then discussed the new owner of 151 West Maple's request for a special exception for an additional apartment. President Culleton said that if they were to oppose the special exception, the Solicitor should represent the Borough at the Zoning Hearing Board meeting on April 24th. Solicitor Kirk explained the history of the apartments in 151 West Maple.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 3-3 to oppose the request for special exception to permit one additional unit and direct the Solicitor to represent the Borough's position at the Zoning Hearing Board meeting. Councilpersons Harris, Cumming, and Marfia voted for. President Culleton, Vice President Horwatt, and Councilperson Zielinski voted against. With no tiebreaking vote, the motion failed.

DEDICATION OF COUNTRY CLUB LANE: Solicitor Kirk explained that residents had approached the Borough about taking ownership of Country Club Lane. There was some discussion of the work required should the Borough take ownership of the road. There was further debate about the benefit versus the cost of maintaining the road and what the Borough would be responsible for. Multiple members of Council questioned why the Borough is shouldering the cost of the necessary repairs. Councilperson Cumming asked if the property owners could chip in, and Vice President Horwatt said Council had decided not to charge them for the repairs.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Harris, Council voted 3-3 to approve the petition filed for dedication of Country Club Lane, and Ordinance 2024-03: ACCEPTING DEDICATION OF THE ROADWAY COMMONLY KNOWN AS COUNTRY CLUB LANE LOCATED WITHIN THE BOROUGH. President Culleton, Vice President Horwatt, and Councilperson Zielinski voted for. Councilpersons Cumming, Harris, and Marfia voted against. With no tiebreaking vote, the motion failed.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Zielinski, Council voted 6-0 to table the approval of the petition for dedication of Country Club Lane, and Ordinance 2024-03 until May 8th.

CONDEMNATION OF EASEMENT AT 7-11 PROPERTY: Solicitor Kirk sent three letters to the owner of the 7-11 building and two letters to the company in Texas that is listed as the owner of the real property. Neither responded, so the only way to acquire the easement to proceed with the route 413 storm inlets and new pedestrian crossing project is by condemnation. Solicitor Kirk further explained the process, including the appraisal.

MOTION: On motion of Councilperson Zielinski, seconded by Councilperson Marfia, Council voted 6-0 to approve Ordinance 2024-04: AUTHORIZING THE CONDEMNATION OF A TEMPORARY CONSTRUCTION AND PERMANENT EASEMENT OVER A PORTION OF CERTAIN REAL PROPERTY AS MORE PARTICULARLY DESCRIBED BELOW FOR THE PURPOSE OF INSTALLATION OF CROSSWALKS AND OTHER PEDESTRIAN ROAD UPGRADES ALONG ROUTE 413 IN THE BOROUGH.

BOROUGH MOTTO: The Communications Team narrowed down the motto submissions to seven finalists. President Culleton read them aloud and Council discussed.

MOTION: On motion of Councilperson Harris, seconded by Councilperson Cumming, Council voted 6-0 to adopt “Where History & Community Meet” as the Borough motto.

The author of the winning motto, Mr. Shaun Pall, 2304 Brownsville Road, Trevoise, PA, must sign a legal waiver before the Borough can use his submission. Manager Bradshaw will reach out to Mr. Pall.

PENNDOT RESPONSE TO JULY 2023 SAFE ENGINEERING REPORT: PennDOT took issue with the traffic safety study conducted by Joe Fiocco of SAFE Engineering. Vice President Horwatt said that Council should pay SAFE to respond to PennDOT’s letter. SAFE expects no more than \$1,000 to put together a formal response. President Culleton reported that the Borough would owe SAFE \$1,850, including \$850 in unpaid fees. She raised concerns about how much money it is feasible to put into fighting PennDOT. The general consensus was that the Borough should continue to send communications to Senator Farry’s office while being able to communicate with PennDOT directly. Council tabled discussion about a possible motion to modify the communication process between the Borough and PennDOT until the April Work Session.

MOTION: On motion of Councilperson Marfia, seconded by Councilperson Zielinski, Council voted 6-0 to authorize SAFE Engineering to prepare a formal response to PennDOT and Senator Farry to clarify PennDOT’s misrepresentation of the facts, not to exceed \$1,000 in addition to the \$850 already owed by the Borough.

RESPONSE TO HECKMAN PROPERTY DEVELOPERS: Solicitor Kirk received no response from Erin Development. Vice President Horwatt strongly advised against waiting for Middletown to respond

before taking action and said the Borough should state its position. President Culleton proposed that Council wait for PC's input and at the May meeting ask the Solicitor to draft a letter to Middletown expressing Council's preferences. Vice President Horwatt said that the letter would also have to go to Neshaminy School District, as they own the property. Solicitor Kirk asked if a copy of the sketch plan should be submitted to PC, as there was no formal submission. It was decided that Council will give no formal response until PC provides recommendations after looking at the sketch.

BOROUGH INSURANCE: Councilperson Cumming had suggested reaching out directly to insurance agents to get quotes. In preparation for the renewal, Brown & Brown obtained a pre-quote from Selective, the insurance company Brown & Brown is looking to hire for the Borough next year, and blocked Selective from any other agent or broker. Councilperson Cumming objected to this. President Culleton expressed concern about compromising the Borough's relationship with Brown & Brown.

ARMOUR AND SONS: Vice President Horwatt spoke with Armour & Sons. She said that there is no need to replace the black control boxes. Armour & Sons said that the damage to the boxes was caused when work was being done on the security cameras. There is no evidence of who did the damage so the Borough cannot file a claim.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 6-0 to approve the minutes from the March 13th Council meeting and March 28th Work Session, the event permits for the Four Lanes End Garden Club, the Treasurer's Report, and payment of the bills.

MANAGER'S REPORT:

- Manager Bradshaw set up a meeting to talk with a representative from the DVRPC about potential services they can offer.
- A PECO pole that is leaning into the road near 134 W. Maple has been reported. PECO will send someone out to look at it.
- The paving on Richardson will be completed within the following day.
- The meeting OWL device will be sent out for repairs tomorrow.
- The removable bollards for the generator at the back of Borough Hall have been ordered.
- The fire company has the tax credit paperwork.
- Codification and Scantek projects are both on track. Manager Bradshaw thanked Clerk Gabriel Tenaglia for his assistance with the projects.

COMMITTEE, BOARD & COMMISSION REPORTS:

Communications Team: The Communications Team discussed the Borough Motto and possible additional uses of social media platforms.

Environmental Advisory Council: No report.

Fire Company: No report.

HARB: Councilperson Marfia said that there were two HARB applications. One was for painting at 230 West Maple Avenue. The other was for construction of a shed at 239 North Pine Street. Both were approved.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Zielinski, Council voted 6-0 to accept the HARB report.

Heritage Farm/L.O.S.I.: President Pat Carr announced that there will be a cleanup at the Catawissa Trail on May 4th. The annual Jazz-at-the-Farm concert is Saturday, May 11th. The spring flea market fundraiser will be held on Saturday June 8th. Mr. Carr then explained the replacement of the electrical panel at 222 North Green Street. He asked that the project be approved and that the cost come out of the farm rental account. The Borough will waive the permit application fee.

MOTION: On motion of Councilperson Marfia, seconded by Councilperson Cumming, Council voted 6-0 to approve L.O.S.I. to move forward with the electrical panel replacement at 222 North Green Street.

Mr. Carr then informed Council that L.O.S.I. paid for the clearing of trees that fell across the Catawissa Trail. He said that he would like to pick out trees along the trails that are safety hazards. Once the trees are identified, they will have to be removed safely. He and President Culleton discussed and he said that he will provide Council with a quote for the cost of felling the trees next month.

Recreation Board: Vice President Horwatt discussed the use of the soccer field. Vice President Horwatt and Councilperson Harris then discussed updating the no parking signs at the church.

Shade Tree Commission: Shade Tree Commission will be moving its meeting times to 7:00.

ZONING/BUILDING REPORTS: At last month's meeting there was a request that the zoning officer and building inspector send monthly reports to Council. Manager Bradshaw pursued that and Council has received a report from the zoning officer. There was no discussion of the report.

COMMITTEE AND BOARD APPOINTMENTS: President Culleton appointed herself to the budget committee. She appointed Councilperson Zielinski to be the Rec Board liaison, taking over for Vice President Horwatt, who will still stay on the Rec Board until a recommendation for her replacement is made.

MOTION: On motion of Vice President Horwatt, seconded by Councilperson Harris, Council voted 6-0 to approve Resolution 2024-14: TO APPROVE THE APPOINTMENT OF ADAM ZIELINSKI TO BOROUGH COUNCIL TO FILL VACATED COUNCIL POSITION.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Zielinski, Council voted 6-0 to approve changing the starting time of Council Meetings to 7:00 p.m., starting May 8th.

CHANGING STATUS OF WORK SESSIONS: Tabled until the April 25th Work Session.

MOTION: On motion of Councilperson Marfia, seconded by Councilperson Harris, Council voted 6-0 to approve Resolution 2024-13: TO RESCIND RESOLUTION NO. 2024-06 AND TO APPROVE THIS RESOLUTION TO RATIFY APPOINTMENT OF MEMBERS OF THE HUMAN RELATIONS COMMISSION AND TO CONFIRM TERMS OF APPOINTMENT IN ACCORDANCE WITH THE ORDINANCE NO. 2023-04.

DISCUSSION: President Culleton explained that Council had appointed Kari Thomas to a four-year term, but the ordinance specified that Human Relations Commission members should have three-year terms. Resolution 2024-13 reduces three members' term length by one year.

MOTION: On motion of Councilperson Marfia, seconded by Councilperson Cumming, Council voted 6-0 to accept Hill Wallack's letter regarding conflict of interest.

DISCUSSION: Solicitor Kirk explained the conflict of interest.

MOTION: On motion of Councilperson Cumming, seconded by Councilperson Marfia, Council voted 6-0 to approve Resolution 2024-15: AUTHORIZING WAIVER OF ANY POTENTIAL CONFLICT OF INTEREST REGARDING THE FIRM OF HILL WALLACK REPRESENTING TOLL BROTHERS IN MATTERS OCCURRING IN THE STATE OF NEW JERSEY.

SOLICITOR'S REPORT: No report.

EXECUTIVE SESSION: Council entered into Executive Session at 10:56 p.m. They came out of Executive Session at 11:37 p.m.

ADJOURNMENT: With no other business, on motion of Councilperson Cumming, seconded by Councilperson Harris, Council voted 6-0 to adjourn at 11:38 p.m.

Respectfully submitted,

Steve Bradshaw, Borough Manager / Secretary

Next Council Meeting: May 8, 2024, at 7:00 p.m.