

Langhorne Borough Council Meeting
July 12, 2023

A Langhorne Borough Council Meeting was held at Council Chambers on Wednesday, July 12, 2023. President Murdock called the session to order at 7:37 p.m. and invited those in attendance to pledge allegiance to the Flag.

IN ATTENDANCE: President Paul Murdock; Councilpersons Tony Marfia, Nancy Culleton, Kathleen Horwatt, Scott Haldeman, and Kristen Farry; Mayor Joe Taylor; Solicitor David Truelove; Police Chief John Godzieba; Treasurer Ellyn Schoen; Manager Steve Bradshaw; Clerk Mary Zimmerman.

ABSENT: Vice President Rich Mason.

MAYOR'S REPORT: No Report.

POLICE CHIEF'S REPORT: See attached document.

ANNOUNCEMENTS & PRESENTATIONS: None.

ENGINEER'S REPORT: George DiPersio from CKS Engineering reported:

Richardson Drainage Project: Work commenced the week of June 26, 2023 and is ongoing. Pipe and inlet work is about 80% complete. Curb, sidewalk, and ramp installation is currently in progress. The repairs are using the same diameter piping that was previously installed.

Construction and inspection will continue. PennDOT informed CKS's inspector that upcoming PECO gas line work has been coordinated with ramp installation and will not disturb the Borough's project improvements.

COUNCIL DISCUSSION: Councilperson Culleton said she and her neighbors are noticing overflow issues. George DiPersio explained that there are temporary protective filter bags in the drains to keep out debris, which could be affecting the flow at this time.

PUBLIC COMMENT: Timothy Harris, 205 Hulmeville Ave, who lives just below the current drainage repair, was concerned that he might have drainage issues with more water swelling in front of his property in the road and onto his driveway. Mr. DiPersio responded that if there are residual issues after the project is completed, they will be addressed.

Crestwood – Bellevue Avenue Residential Development Project: Toll/ESE attended the June 21, 2023, Planning Commission meeting and June 29, 2023, Council Work Session to present a response to the Guiding Principles and a revised concept plan.

There will need to be further discussion with Borough Planning Commission, Borough Council, and the Borough's Professional Consultants to arrive at density and layout that are agreeable to all parties.

An outline of the proposed overlay ordinance was prepared by BCPC and will be discussed further at the upcoming July PC meeting. Mr. DiPersio said that Toll/ESE contacted Scott MacNair, Zoning Hearing Board solicitor, earlier that day requesting a date for a Zoning Board hearing. However, it was not yet clear what variances they were seeking.

MOTION: On motion of Councilperson Horwatt, seconded by Councilperson Marfia, Council voted 6 to 0 to approve advertising the July 12th Safe Report with the reference to West Richardson Avenue changed to East Richardson Avenue.

ACTION: On the July 12th signed copy of the Safe Report, Manager Bradshaw will initial his handwritten changes and send the report to Representative Hogan to forward to PennDOT leadership. After that it could be sent directly to PennDOT, posted to the website, and shared with other municipalities.

Councilperson Horwatt recommended that Mr. Fiocco meet with Middletown Township and Langhorne Manor to discuss the report.

MOTION: On motion of Councilperson Horwatt, seconded by Councilperson Haldeman, Council voted 6 to 0 to approve to amend the agenda to vote on Resolution 2023-09, *A Resolution by the Langhorne Borough Council supporting a less costly alternative proposal to PennDOT's US 1 Section RC3- Northern interchange of PA 413 project and the reallocation of saved monies to the reconstruction of Interstate 95 in Philadelphia.*

MOTION: Councilperson Horwatt, seconded by Councilperson Haldeman, made a motion to pass *Resolution 2023-09*. The motion failed 2 - 4. Councilpersons Horwatt and Marfia voted in favor; President Murdock and Councilpersons Culleton, Farry, and Haldeman voted against.

COUNCIL DISCUSSION: Councilperson Haldeman felt it was in bad taste to use the I-95 tragedy as an argument against the RC3 project. Councilpersons Farry and Culleton felt that the argument for reallocating funds was faulty and that the resolution would present a strong argument by sticking to the facts.

ACTION: Councilperson Horwatt agreed to edit the resolution to remove the references to I-95 and resubmit it to Council.

MOTION: On motion of Councilperson Farry, seconded by Councilperson Haldeman, Council voted 6 to 0 to approve *Resolution 2023-08, Ratifying and confirming the transfer of funds from the Borough's General Fund to the Borough's Street Light Fund to cover emergency repair(s) and to cover the deficiency in the Street Light Fund for the balance of 2023.*

MOTION: On motion of Councilperson Horwatt, seconded by Councilperson Farry, Council voted 6 to 0 to approve *Ordinance 2023-02, Amending the Resource Protection and Stormwater Management Ordinance to be in compliance with the Pennsylvania Department of Environmental Protection requirements.*

MOTION: On motion of Councilperson Horwatt, seconded by Councilperson Marfia, Council voted 6 to 0 to approve advertising *Ordinance 2023-03, An Ordinance of the Borough Council of the Borough of Langhorne, Bucks County, Pennsylvania, Adopting the 2018 Edition of the International Property Maintenance Code for Use and Application in the Borough, Establishing an Effective Date and Other such Necessary Administrative Regulations.*

ACTION: The 2018 International Property Maintenance Code should be posted on the website.

Motion: A motion was made by Councilperson Haldeman, seconded by Councilperson Farry, to approve Hill Wallack to do the Borough's Codification.

COUNCIL DISCUSSION: Councilperson Horwatt reminded Council that Vice President Mason offered to work on the codification project. Manager Bradshaw had spoken with Vice President Mason, who said having Hill Wallack do it was a good solution. After further discussion, Council agreed to hold an executive session to discuss billing issues.

Motion: On motion of Councilperson Culleton, seconded by Councilperson Horwatt, Council voted 6 to 0 to table the motion for Hill Wallack to do the Borough's Codification.

POTENTIAL ANTI-DISCRIMINATION ORDINANCE: Councilperson Culleton had met with the solicitors to discuss issues related Borough potentially enacting an anti-discrimination ordinance that would mirror the Pennsylvania Human Relations Act, which is the state law that prohibits discrimination in housing, employment, and public accommodation based on race, sex, religion, and several other protected categories. The Borough anti-discrimination ordinance would also prohibit discrimination based on gender identity and sexual orientation, which are not covered by the state law. Councilperson Culleton felt that even if state law were amended to include gender identity and sexual orientation, there would be value in having a municipal ordinance that conveyed a message of welcome and protection that reflects the Borough's values and enabled issues to be addressed locally. Many municipalities including Doylestown, Newtown Borough, Newtown Township, Yardley Borough, and Middletown Township already have such ordinances that extend protection based on gender identity and sexual orientation and include protection in the area of education along with housing, employment, and public accommodation. It was Councilperson Culleton's understanding that such ordinances protect freedom of religion, do not apply to individuals who offer housing rentals within their personal residences, and do not require businesses to build new facilities such as restrooms.

The ordinance would require the Borough to set up a Human Relations Commission to handle complaints through a process that would enable them to be resolved by the HRC through discussion and mediation; litigation would be an option in the case of unresolved complaints. Members of the HRC would be residents or full-time employees in the Borough appointed by Council and could not be Council members. Councilperson Culleton felt that five members would be ideal. An alternative would be to invite Newtown and Yardley Boroughs to join in a shared commission.

COUNCIL DISCUSSION:

Councilperson Haldeman asked for more clarification on the PA State laws on discrimination, as a local ordinance seemed redundant. Others noted that recently there have been peaceful protests against a support program for LGBTQ+ youth that is housed in the Borough. Solicitor Truelove suggested the Borough could enter into an Inter-Municipal agreement with Newtown and Yardley Boroughs to have a shared Commission. The Borough could review their ordinances and have Hill Wallack prepare an ordinance for Langhorne Borough as early as August. Councilperson Culleton was encouraged to pursue the issue further. Council felt that it would be best for the Borough to set up its own HRC and then branch out with other boroughs if needed.

ACTION: Councilperson Culleton agreed to send the Borough Manager copies of local Ordinances and have him disseminate them to Council for review in preparation for a Draft Ordinance for Langhorne Borough and a plan for starting a new Borough Human Relations Commission.

MANAGER'S REPORT

- The American Legion Soby Post sent a letter of appreciation to Langhorne Borough Council for the donation to the 2023 Langhorne Memorial Day Parade fund.
- The Borough office is still waiting on the phones/internet upgrade.
- Manager Bradshaw is anticipating a PECO update on the gas line project.
- The office has been updating and organizing Meeting Minutes from 2008 through 2023 and researching the missing ordinances.
- The office would like to welcome new Public Works employee Nick Palladino. Nick is in the process of reorganizing the garage, painting gutter pipe in the front of the building, checking on the status of the yellow paint for the curbs, and doing various other smaller projects.

COUNCIL DISCUSSION:

Councilperson Haldeman asked if there was an update on the water leak at the playground from the standing pipe for domestic water for the plants that was leaking over the basketball courts.

Councilperson Horwatt reported the water is turned off. She reminded the Manager to let her know if the office receives a bill because it should be under warranty.

COMMITTEE, BOARD & COMMISSION REPORTS

Environmental Advisory Council: No Report

Fire Company: No Report

HARB: No Report

Heritage Farm/L.O.S.I.: No Report

Planning Commission: Chair Paul Schneider reported that Planning Commission did receive a new concept plan from Toll. LBPC is planning to continue work on the overlay Ordinance despite hearing the news of Toll filing a request for a Zoning Hearing Board meeting.

COUNCIL DISCUSSION:

Councilperson Haldeman expressed his disappointment that Planning Commission had not been able to move forward with this project, causing Toll to go before the Zoning Board.

Recreation Board: Councilperson Horwatt reported that Rec Board met on July 11th. During the weekly Service Learning time, Rec Board met with Michael Moore of Lyons Recreation, who walked the play areas and identified the following immediate needs and action steps:

- The playground mulch must be raised to a nine-inch depth. Lyons Recreation will get an estimate on CoStars for a company that can blow the wood mulch into the toy area. Rec Board hopes to have this work approved by Council and completed before the Pet Fair August 26th.
- Lyons will provide an estimate for two new basketball setups. (New poles are probably needed to meet updated Federal regulations)
- The toy equipment is OK but one step should be replaced if the original contractor (Gametime) can do so without replacing the whole unit.
- An estimate for the accessible swing will be provided; however, it must replace an older child swing given that federal regulations do not permit it near the tot swings.
- An estimate for replacement named benches will be provided.
- A local contractor should make repairs to the paved areas ASAP.

COUNCIL DISCUSSION:

The consensus was to proceed cautiously with expenditures.

Shade Tree Commission: Councilperson Culleton reported preparation continues for the application to be a Tree City. The Borough's status has lapsed and Chair Chris Blaydon is looking into whether a new or a renewal application is required. A newspaper article about Arbor Day is required.

It is unclear if there will be a tree planting on homeowners' property this fall.

The tree planting in memory of Art Sloan will be done by Harvey Spencer. A type of tree just needs to be selected.

Chris Blaydon plans to go through Catawissa with Pat Carr to completely identify which trees will be cut down and decide what to do with them.

Shade Tree would like to amend the current Ordinance to require all stumps on the right of way to be ground down to ground level for safety reasons, and vegetation such as a tree or bush impinging on the sidewalk to be trimmed back for a 36-inch clearance.

COUNCIL DISCUSSION:

President Murdock and Solicitor Truelove suggested that property maintenance codes usually cover these subjects.

Councilperson Marfia stated that a zoning complaint he had made to the Borough was dismissed as a dispute between residents. Manager Bradshaw responded that the Zoning office did respond to the complaint and the structure at issue was found appropriate and approved.

Communications Team: No meeting.

SOLICITOR'S REPORT: Solicitor Truelove said that his office had addressed a number of Borough issues.

DISCUSSION ON THE CURRENT EIT STATUS:

Treasurer Schoen stated the Borough has collected \$105,000 to date, which could be a quarter of the total EIT revenue for the year. With \$115,000 budgeted for the year, income is well ahead of projection.

TREASURER'S REPORT & BILLS:

MOTION: On motion of Councilperson Horwatt, seconded by Councilperson Haldeman, Council voted 6 to 0 to amend the agenda to include a vote on the transfer of investment funds.

MOTION: On motion of Councilperson Horwatt, seconded by Councilperson Marfia, Council voted 6 to 0 to follow the Treasurer's recommendation to transfer the current investment CD funds from First National Bank of Newtown to PA Invest.

Motion: On motion of Councilperson Farry, seconded by Councilperson Culleton, Council voted 5 to 0 to approve the Treasurer's Report. Councilperson Haldeman abstained.

Motion: On motion of Councilperson Haldeman, seconded by Councilperson Farry, Council voted 6 to 0 to approve paying the bills subject to any changes in the solicitor's bills.

MOTION: On motion of Councilperson Horwatt, seconded by Councilperson Haldeman, Council voted 6 to 0 to approve the minutes for the March 30 work session, the May 25 work session, the May 10 Council Meeting, and the June 14 Council Meeting.

PUBLIC COMMENT: Councilperson Haldeman reported being called by the State Police in Trevoise about a downed tree from the Woods property on Flowers Ave. that had fallen across the road to the other property. A tree service was called and removed the tree.

EXECUTIVE SESSION: Council entered Executive Session at 9:15 p.m. to discuss billing issues. Executive session ended at 9:26 p.m.

ADJOURNMENT With no other business, on motion of President Murdock, seconded by Councilperson Culleton, Council voted unanimously to adjourn at 9:35 p.m.

Respectfully submitted,

Steve Bradshaw, Secretary

Next Council Meeting: August 9th, 2023 at 7:30pm