

Langhorne Borough Council Meeting

October 12, 2022

A meeting of the Langhorne Borough Council was held Wednesday, October 12, 2022, at Borough Hall with in-person and Zoom attendees.

In attendance: President Paul Murdock, Vice President Rich Mason, Councilpersons Nancy Culleton, Scott Haldeman, Kathleen Horwatt, Cou and Tony Marfia; Solicitor Catherine Anne Porter; Mayor Joseph Taylor; Police Chief John Godzieba; Treasurer Ellyn Schoen; Manager Paul Leonard; Clerk Mary Zimmerman. **Absent:** Councilperson Kristen Farry.

President Paul Murdock called the meeting to order at 7:30 p.m. and invited those in attendance to pledge allegiance to the Flag.

Mayor's Report: None.

Police Chief's Report: Chief Godzieba reported that the four solar speed signs were put out, that the old signs would get solar batteries, and that the new sign on West Richardson would be adjusted. The day of Porchfest went well. Police will be on duty for Halloween.

Public comment:

Kari Thomas 215 Station Avenue, on behalf of LBBA, requested Council's approval for a group of Civil War reenactors to camp on the grounds of the Richardson House the night before Harvest Day. Approval was granted.

Brian Sayre, 140 E Marshall Avenue, and Michael Berling, 224 Pine Street, reported on additional disturbances since the last Council meeting created by the tenant on Councilman Marfia's property.

Carol Zetterberg, 129 W Marshall Avenue, and Dora Mitchell, 202 W Richardson Avenue, asked for better communication with residents about the RC3 project. Fran Grous, 360 Greenridge Avenue, Middletown Township, asked if Council had arranged for PennDOT to talk directly to residents about it.

Beverly Adams, 118 West Richardson Avenue, reminded Council about the defective streetlight in front of her house and the dangerous intersection at S. Bellevue and Gillam Avenues. She felt that all residents and landlords should be held to the same standards.

Earned Income Tax Ordinance:

Motion: Councilperson Haldeman, seconded by Vice President Mason, moved to adopt "An ordinance of Langhorne Borough, Bucks County, Pennsylvania, levying an earned income tax on residents and non-residents of the Borough of Langhorne pursuant to the local tax enabling act for general revenue purposes" at the rate of 1% of earned income.

President Murdock invited the public to comment and Council to respond before the vote was taken.

Public Comment:

Scott McClesky, 139 W Maple Avenue; Wayne Kaplan, 325 N Bellevue Avenue; Douglas Hanisch, 221 Station Avenue; Greg Stobb, 175 Country Lane; and Eugene Sonn, 321 Station Avenue, felt that residents

should have been better informed in advance about the vote; that more information should have been provided about the reasons for the tax, such as how much money would be raised, exactly what it would be spent on and how it would be accounted for; and, that there should be an explanation why an EIT tax was chosen over other means of raising revenue. They pointed out the bad timing of the vote, the lack of information on the Borough website and Facebook page, and the possibility that the tax would bring in more revenue than needed.

Cameron Shaffer, 313 Station Avenue, felt that municipal candidates should have campaigned on the issue of raising taxes and said that the tax will hurt his family.

Jean White, 149 W Richardson Avenue, asked how much it costs to collect the tax. Manager Leonard replied that Keystone Collections charges about 1% of the revenue collected.

Barbara Duncan, 348 Station Ave, asked if those working in Philadelphia would have to pay the tax, and was told they would not.

Council Responses:

President Murdock made the following points: taxes have not been raised since 2014, and over the last three years the Borough has lost \$120K of purchasing power. Sediment reduction issues could cost up to \$340K. Two more disasters, such as the recent storm drain collapse, could bankrupt the Borough. Costs were rising for the police and fire departments. It was hard to get police officers for what the Borough currently paid. Currently, the Borough had no manager and couldn't afford to pay one. The Borough had been running on grants and volunteerism, which could not continue forever. Regarding transparency, the Borough had advertised the vote as required and scheduled a special session for public comment. Further, raising property taxes would hurt those on fixed incomes and those who had a bad year, whereas the EIT was a fixed percentage of income. Rebalancing taxes was a possibility if the EIT brought in more revenue than needed. It was not clear exactly how much the EIT would bring in, but at minimum it would be the \$114K that Borough residents were already paying in EIT to other municipalities. The proposed rate was 1%, the maximum allowed by law, because the school district could take half of that (.5%) if it enacted its own EIT.

Mayor Taylor stated that he had wanted the EIT tax for years. Because most surrounding municipalities have the tax, they did not have to rely on grants. Grants can be denied when grantors don't see evidence that grantees are raising their own revenue. The Borough police equipment had come from grants. The department needed another fulltime officer.

Councilperson Horwatt explained that transparency was a problem because the Borough did not have staff to get the word out. Borough business had been getting done through grant money and the work of volunteers. EIT tax money would help address these issues. Many residents were already paying the tax in municipalities where they work and that money would come back to the Borough. Residents would not be double taxed and retired people would not have to pay the tax.

Councilperson Haldeman said he had not supported the tax when it was proposed in 2014 but he reluctantly supported it now because the Borough was broke. It did not have the money to deal with stormwater or to hire a manager. The EIT money would make the Borough a better place for everyone.

Councilperson Culleton apologized for the fact that due to staffing and communication infrastructure challenges, residents had not been better informed, even though the vote had been correctly advertised. Council had intended to be fully transparent and get public comment sooner. She reluctantly supported the tax after seeing how little money the Borough had, especially compared to nearby boroughs of similar size.

Councilperson Marfia said he did not support raising property taxes as an alternative to an EIT.

Vice President Mason acknowledged that people's frustration about timing was justified. Council would have liked more time to discuss the proposed tax with the public but unfortunately it did not have that option. Recent inflation hindered attempts to hire a manager or public works person and as a result volunteers have been doing the work. Due to implementation protocols, if the tax was not passed this month, it could not be implemented for another year. Municipalities in which services were inadequate go into a downward spiral. If the EIT brought in more money than the Borough needed, Council could lower taxes or offer rebates.

President Murdock and Manager Leonard said that one reason for communication difficulties was that the office needed modernizing. Information was difficult to find. Transparency required an investment in resources, staffing, and technology. Files and ordinances needed to be codified and digitized. Most other boroughs had paid to have it done.

Further public comment:

Beverly Adams, 118 W Richardson Avenue, said she had been at recent meetings and had heard about the tax.

Several other residents who had previously commented said that they now had a much better understanding of the need for the tax, but that Council still had a lot of work to do in terms of communication and transparency. Website and newspaper advertising were not enough. Residents still wanted clarity and accountability about how the tax money would be spent and what would happen if the tax brought in more money than needed.

Several residents thanked Council for its work.

Kari Thomas, 215 Station Avenue, pointed out that the community had survived on volunteers and people willing to work for low pay because they love the Borough, but that volunteers get tired and others needed to step up. She asked about the procedure for businesses to collect the EIT from employees. Treasurer Schoen replied that it would be set up through their payroll companies.

Lillian Rossiter, 375 S Bellevue Avenue, asked how much Woods Services supported the budget. Solicitor Porter replied that Woods made a donation in lieu of taxes to the Borough at the end of each year.

Clerk Mary Zimmerman circulated a list for names and email addresses for Constant Contact communication and invited suggestions for better communication.

Further Council Responses:

Several Councilmembers noted that they themselves would have to pay the tax. If the EIT brought in more money than needed, Council could consider reducing taxes or canceling solid waste billings.

President Murdock said he would rather lower the EIT than reduce property taxes and then have to raise them again in lean times. The EIT ordinance exempted people making less than \$12K per year, which was a higher threshold than most other municipalities. A fund could be created to help residents in need.

It would be several years before it was fully understood how much revenue the tax would bring in; however, it was already clear how much money the Borough did not have to cover immediate needs. The Borough was already almost over its 2022 budget even though it had not had full staffing. As it was known that the EIT would bring in at least \$114K, that amount and no more would be added to the 2023 budget. The 2023 budget would be discussed at the November 9 Council meeting and available for review by the public before being approved at the December 14 Council meeting. The Treasurer provided a full accounting each month, which could be reviewed in the Borough office.

By a vote of 6 – 0, Council voted to enact the Earned Income Tax Ordinance.

New Manager's Contract: On motion by Vice President Mason, seconded by Councilperson Haldeman, Council voted 6 – 0 to approve offering the form of contract to the new Borough Manager, with salary to be negotiated by the Personnel Committee within the range previously agreed upon. The new manager would be making a commitment to work for two years.

Manager's Report: Interim Borough Manager Paul Leonard announced that his term as Manager was finished as of this evening. He expressed appreciation for the opportunity to serve and the dedication of the community. He also expressed appreciation for new clerk Mary Zimmerman.

He reported that things were moving along well with the draft of the overlay ordinance to cover the proposed Toll Brothers development. A broad first draft was in the hands of the Planning Commission with the next draft likely to come in November and the final draft for Council to vote on early in the new year. Once a new ordinance was passed, Toll would have to show how they would meet it. The land development process was likely to begin in the spring. Council would have a lot of discretion on guidelines for finishes and appearance, which were separate from zoning issues.

Engineer's Report: None.

Approval of the Minutes, Treasurer's Report, and Bills:

On motion of Councilperson Horwatt, seconded by Councilperson Marfia, Council voted 6 – 0 to approve the minutes of the September 14 Council Meeting and the September 6 Council Work Session.

Treasurer Schoen noted that the negative balance listed on the Treasurer's Report for Solid Waste was incorrect. On motion of Vice President Mason seconded by Councilperson Culleton, Council voted 6 – 0 to approve the Treasurer's Report with that correction.

On motion of Councilperson Marfia seconded by Councilperson Haldeman, Council voted 6 – 0 to pay the bills.

Environmental Advisory Committee: Vice President Mason explained to the public the legal requirement for the Borough to obtain sediment reduction credits. It was very hard to get these as a small borough. He was trying to get the DEP to grant some exemptions and would like more time to get PennDOT to partner with us.

Fire Company: No report.

HARB: Councilperson Marfia reported that HARB recommended the approval of his application to repave his driveway. On motion of Vice President Mason, seconded by Councilperson Haldeman, Council approved the HARB recommendation. Voting yes were Councilpersons Mason, Haldeman, Horwatt, Murdock, and Culleton. Councilperson Marfia abstained.

LOSI: Pat Carr reported on upcoming events at the Farm and noted that the Flea Market scheduled for October 15 was oversubscribed by vendors.

Planning Commission: On behalf of Chair Brian Smiley, Pat Carr reported that Planning Commission supported the rezoning of the Mayor's Playground to Open Recreation. The Commission passed two motions: 1) a strong recommendation that the Borough retain and continue to pay SAFE Engineering to work on issues related to the RC3 project, and 2) a strong recommendation that Council continue to insist that PennDOT hold public meetings for residents of the three municipalities affected by the RC3 project, that it make the purpose of the project clear, and that it allot time for people to understand the issues.

Councilperson Horwatt said she would ask JMT if Joe Fiocco of Safe Engineering could be invited to the public officials meeting scheduled for October 20. Councilperson Haldeman said that Council had been fighting against PennDOT's partial cloverleaf plan but that PennDOT still would not alter its plans.

Planning Commission generally supported the sample residential licensing and inspection ordinance but asked whether it would be enforced only on renters and not property owners. Solicitor Porter replied that its disorderly conduct provisions would cover owners and encourage them to regulate their disorderly renters. The proposed ordinance would be simplified and updated from the outdated sample one provided.

Recreation Board: Councilperson Horwatt reported that she had requested a replacement for the missing recycling can at the Mayor's Playground and that help was needed to hang flags and wreaths around the Borough. Council approved, with thanks, Amy Johnson's offer to donate \$1,000 for a bench for the playground with a plaque in honor of her late husband.

Shade Tree Commission: Councilperson Culleton reported that new trees were being planted this week, that Arbor Day would not take place until next spring, and that the Commission had no immediate concerns about the section on trees in the preliminary draft overlay ordinance. Estimates should be requested from Transue and Spencer for tree trimming on Maple Avenue.

Communications Team: The team would like to meet with the new manager and the clerk in December to assign responsibilities, determine protocols, and set up an infrastructure.

Public Comment:

Carol Zetterberg, 129 West Marshall Avenue, asked about the consequences of not meeting the DEP requirement for sediment reduction. Vice President Mason replied that the Borough could be heavily fined.

Wanda Search, 221 S Bellevue Avenue, felt that the Toll Brothers development would create more sediment. Vice President Mason suggested asking Toll to do something that would get reduction credits

for the Borough. Solicitor Porter noted that ultimately Toll will have to bring a Land Development Plan to Council in response to the new overlay ordinance.

Solicitor's Report: Solicitor Porter reported that the Wifi had been malfunctioning for Zoom attendees.

Chief Godzieba expressed appreciation to Manager Leonard for his work and wished him well.

On motion of Vice President Mason seconded by Councilperson Marfia, Council voted 6 – 0 to adjourn the meeting at 9:55 p.m.

Respectfully submitted,

Nancy Culleton, Councilperson/Interim Secretary