

June 3, 2020

The Work Session of Lansdale Borough Council was held on Wednesday, June 3, 2020 online via Zoom Meeting and called to order at 7:05pm by President, Denton Burnell.

ROLL CALL:

- (X) Councilman Angelichio
- (X) Councilman Breish
- (X) President Burnell (arrived 7:10pm)
- (X) Councilwoman Hawkins Charlton
- (X) Councilman DiGregorio
- (X) Vice President Fuller
- (X) Councilman Henning
- (X) Councilwoman Currie Teoh
- (X) Mayor Herbert

Borough Representatives:

Borough Manager, John Ernst
Finance Director, John Ramey
Police Chief, Mike Trail
Parks & Rec., Karl Lukens
Electric Superintendent, not present
Public Works, Rick DeLong
Fire Marshal, Rick Lesniak

Borough Solicitor, Patrick Hitchens
Borough Engineer, Chris Fazio
Library Director, Tom Meyer
IT/GIS Coordinator, Bryan Poster
Code Enforcement, Jason Van Dame
WWTP Superintendent, Dan Shinskie

Residents

Nancy Frei – Cypress Street
Fran Crowe – no address given
Selma Robison – 350 S. Cannon Avenue
Fran Wieber – longtime pool employee
Manny Matos – 432 N. Chestnut Street
Justin Weathers – co-owner Stove & Tap
Jean Fritz – Pennbrook Avenue

Vice President Fuller – started the meeting until President Burnell could join. She read a statement from President Burnell as follows, “As we continue to suffer the ongoing effects of the COVID-19 pandemic, the past week highlighted an ongoing challenge faced by our nation. Unfortunately, it is not a new subject, and one that we have been confronted with far too many times in recent memory. We should all be deeply disturbed by the murder of George Floyd. On behalf of this Council, and the Borough of Lansdale, I want to offer my sincerest condolences to his family, and all those affected by his tragic loss, and the loss of so many others.

But that is hardly enough. As the earnest and peaceful nationwide protests have shown us, something must change. I was heartened by the large and peaceful protest we witnessed on our Borough streets last evening -- and so very proud of our community and of our women and men in uniform, demonstrating their solidarity with those expressing their frustration in a meaningful way. This is a small start, but a good one.

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We have a great opportunity to lead by example here, as we did last night. Chief Trail has already stated that, 'It is time to end idle talk and move toward solutions.' I couldn't agree more and I offer him my fullest support in working earnestly together to take meaningful action. The time for that meaningful action is now."

Agenda Item #4 – Committee Reports

Administration and Finance Committee – John Ramey

1. General fund revenues are down \$61K and expenses are down \$300K year-to-date though 4/30/20. Revenue highlights include: transfer taxes are down \$50K; EIT is down \$11K; and Apartment licenses are down \$80K which is mainly due to 2019 being higher from the changeover to Energov in 2018 forcing the applications going out late. Real estate taxes are up \$89K due to the tax increase. The decrease in general fund expenses is mostly in public works with \$70K less expenses than last year mainly from the calm winter, two specific line items making up the savings are \$28K in OT and \$42K in supplies.
2. Electric Fund revenues are up \$7K which is less than .1% and expenses are down \$481K. Most of the savings is in electric purchases at \$415K. This savings is from the new PPA that was approved last year. Also, there was a decrease in Overtime of \$21K. Another item that the borough is watching is the accounts receivable balance for electric accounts. As of 4/30, the balance is above the five year average by 14% which is lower than what was expected since no penalties or shutoffs are being enforced.
3. Since the beginning of the pandemic we have been tracking expenses that are related to Covid-19. Rick Lesniak and I have been moving forward with the process of getting reimbursed, but currently the FEMA process is shutdown.

Councilman Angelichio - What items are eligible for reimbursement?

Mr. Ramey - Any unbudgeted purchases for PPE including gloves and masks, sneeze guards and cleaning supplies. This reimbursement will be funded 75% by FEMA and 25% by PEMA.

Councilwoman Hawkins Charlton – How much have we spent to date?

Mr. Ramey – About \$50,000 to \$60,000.

4. Mr. Ramey volunteered to be on a Montgomery County Consortium financial forecast committee to come up with forecast for municipalities county wide that can be individualized for each municipality.

Councilman Angelichio – He attended the protest last night and it is important that cameras in the downtown are running and on the fiber optic loop. These cameras are critical tools for the borough. Please keep them on the radar as we move forward.

Code Enforcement Committee – Jason Van Dame

1. Motions to appear before Council at the next business meeting:
 - a. Prepare and advertise ordinance related to bee keeping
Mr. Hitchens – This will give the borough the authority to enforce what is in the State Code book.
Councilman Angelichio – Will there be a permit fee? Are there setback requirements?

Mr. Van Dame – If we do decide to require a fee, he suggests no more than \$10 as that is what the State charges. We could add setbacks.

President Burnell – We need to evaluate what is permitted and include setbacks.

Councilman Breish – The State does not have hive locations setbacks or flyaway.

Mr. Hitchens – Hatfield Borough added setbacks and such in their ordinance.

Councilman Breish – More specifics need to be added to the nuisance section.

Mr. Hitchens – There is a difference between private and public nuisance. We may not be able to craft an ordinance to include private nuisance, but we can add what Hatfield Borough has included in their ordinance.

Ms. Nancy Frei of Cypress St. – She has a different opinion. Beekeepers know when their bees swarm. She thinks the nuisance portion needs to be more defined.

b. Amendment to the Industrial District Parking ordinance

Mr. John Kennedy, Borough Planner – This amendment was made from the land development applicant for 1000 N. Cannon Avenue who is adding 750,000 square feet of warehouse space. As the code is written for every 400 sq. ft. one parking space is required which is very aggressive. Most municipalities require 1 space per 1,000 sq. ft. Instead of changing zoning we can amend the zoning ordinance to allow a change by having a conditional use hearing to request a reduction in parking which keeps the entire process in Council's hands and not the Zoning Hearing Board. Council can put limits on the conditional use if they so choose depending on the use of the building or not allowing 3rd party parking on the property, for instance Amazon vans.

Councilman Henning – If the building were to change ownership in later years and needs more parking what happens then?

Mr. Kennedy – Because it is a conditional use it can be changed again by conditional use. This is why you do that over changing the zoning requirements. It makes it flexible.

Councilman Breish – Can we make sure that they can only use the parking lot for parking and not storage? And would this cause issues for the fire department?

Mr. Kennedy – The owner would not want to use the space as storage. The Fire Marshal approved the plan.

c. Resolution for deed of dedication of sewer infrastructure for Madison Lot Apartments to the Borough.

Mr. Van Dame – This is a housekeeping item that got postponed because of COVID-19.

Electric Committee – Andy Krauss

1. Motion to appear before Council at the next business meeting:
 - a. ARLE grant retainage release for traffic signal modifications.

Mr. Krauss – We are waiting for the final paperwork from PennDOT which was held up due to COVID-19. We will release \$20,000 to the contractor and close out the project.

Library Committee – Tom Meyer

1. We have teams of two staff members working together inside the library to get ready for re-opening whenever that happens. We will start curbside pick up of books on June 15. They can call or email to request books and then come pick them up without leaving their vehicle.
2. We have received \$900 so far in donations to put towards tablets with hot spots to be able to loan out to the patrons who need them.

Councilman Breish – Are we still doing Books in Motion for the summer?

Mr. Meyer – Maybe we can start again in the Green Phase.

Parks and Recreation Committee – Karl Lukens

1. Skatepark signage – There are several samples to look at in Dropbox related to the rules and regulation signs for the skatepark. The question is do we allow BMX bikes or not?

Vice President Fuller – She liked Middletown's signage the best. It was never anyone's intention to exclude any group of users from using the skatepark.

Councilman Henning – He is a little concerned about bikes flying out of control while doing tricks and the foot pegs that could do damage to the concrete. He thinks we should require plastic coverings for the foot pegs and give it a try and see how it all works out with bikes.

Councilwoman Currie Teoh – She is hesitant about bike usage but thinks we should give them a chance to use the park too.

President Burnell – Being that bikes are larger will they take up more space and prevent skateboarders from using the park?

Mr. Lukens – The bowl use is one at a time and the rest of the park everyone will naturally follow the flow.

Mayor Herbert – Has there been consideration for rentals for private events?

Vice President Fuller – We talked about it for competitions/lessons but hadn't moved beyond talking yet.

Mr. Lukens – There is about 6-8 weeks of work left to be done by 5th Pocket including the wall that they are adding at their expense.

2. Pool refund request – The person who asked for a refund for the 2019 season was in the hospital for a long period of time and wanted a credit for 2020 but as we are not sure when the pool will open, she would take a credit for 2021 season.
3. White Road Concert series – The first three concerts were moved to the end of the season. How far in September does the committee want the concerts to go?

Vice President Fuller – She feels we can be flexible and move concerts into September.

Councilwoman Currie Teoh and Councilman Bill Henning agree.

4. Motions to appear before Council at the next business meeting:
 - Request for payment #3 for site work completed on the skatepark for Marino Corp.

- Prepare & advertise bid specifications for the White's Road Playground upgrade. Playground equipment will be ordered now so when it is ready to be installed, we will have it.

Councilman DiGregorio – Who will install the equipment, our crews?

Councilman Breish – Will any tree work be done first? Will the signage in the park be redone so it is all the same like we talked about before?

Mr. Lukens – No, installation will be done by a professional company.

Ms. Fran Crowe – Will the playground be fenced for special needs children.

Mr. Lukens – Not at this time.

5. 2020 Pool Season – We feel that we can handle the guidelines given by the CDC and State. PPE has been ordered already. The pools are already up and running as we have to do that for maintenance reasons. A concern is if a staff member tests positive, do we have to shut down the pool for a certain amount of time? Also, if bad weather hits there is the concern of too many people standing inside the building to get out of the rain/storm. It will be difficult to maintain social distancing and we are not comfortable asking young staff members to enforce those rules. Another issue is the cost/lack of revenue to open the pools to the residents and what we will charge for a membership as it will need to be prorated. One thought was to do memberships and then count how many days used and give a credit for 2021 memberships. Also, we would open up for Borough residents and last year's non-resident members only.

Vice President Fuller – She would like to open this year with a limit on the number of people in areas that require masks and have one area to enter and one area to exist. There would also need to be a lot of stipulations this year.

Councilwoman Currie Teoh – She has a lot of safety concerns and is very uncomfortable opening the pools.

Councilman Breish – There is so much to think about and be aware of. He feels confident we can open safely and that most people who will use the pools will follow the rules.

Councilman Angelichio – We need to have hard rules and not just recommendations.

Vice President Fuller – Special training will be needed for the staff and there will be extra cost because of that and PPE and cleaning supplies.

Mr. Ernst – The rules given to us by the CDC and the State and are fluid and change all the time so it has been difficult to have a definitive written plan in place.

Mr. Lukens – He needs direction from Council of what he should do if someone has been exposed.

Vice President Fuller – She didn't feel that it was necessary to create a plan and send it to Council until they could actually have a final plan as it was changing by the hour.

Councilwoman Hawkins Charlton – How many people will be permitted in a pool at a time?

Mr. Lukens – During the Green Phase up to 250 people can gather in one place. It will be very difficult to separate people by 6 feet.

Councilwoman Hawkins Charlton – Could we add pool monitors to help with assisting in 6-foot social distancing?

Mr. Lukens - He is not comfortable having a very young staff member “police” that.

There was a bit of conversation back and forth regarding how to social distance while on the pool decks.

Vice President Fuller – She feels that memberships should be residents only.

Councilwoman Hawkins Charlton – Will the pool open earlier since there are no swim team practices or lessons?

Mr. Lukens – We are opening normal hours.

Councilman DiGregorio – He has mixed feelings about opening and would like to see a plan in writing but does feel that it would be beneficial to the community to open.

Councilman Breish – He hasn’t heard anyone say so far not to open the pools. There will be a learning curve.

President Burnell – We are trying to create an environment that is safe but it won’t be perfect. The pools will operate differently this year and people should expect and respect that.

Ms. Selma Robison of 350 S. Cannon Ave – It will be hard to figure out a plan but not impossible. She feels that if people are not respecting the rules the manager should be the one to address the situation, not a young staffer, as that is part of their job. She was a manager for many years at the pools. A few people should not be allowed to ruin it for all.

Ms. Robison made several recommendations that the committee took under advisement.

Ms. Fran Wieber, Longtime pool employee – She has been working with Karl to help come up with the plan for the pools. She also feels that we should limit the pools to residents and past loyal non-residents only for this year.

There was continued discussion about opening the pools.

Mr. Manny Matos of 432 N. Chestnut St. – Is the plan for the pools available to the public for review?

President Burnell – Once the plan has been reviewed and approved by Council we can discuss publicly.

Public Safety Committee – Chief Trail

1. Traffic Calming policy – Held off on this during the pandemic and will have to wait until we get back to full traffic patterns before we can look at again.
2. Police activity during COVID-19 – Officers are working very hard during this time. Crime has moved “back to business” as usual unfortunately.
Mr. Matos – Is there a policy that the public can view at this time?
Chief Trail – They go through a lot of anti-defamation training for non-bias policing and they are working on a non-force policy as we speak. They will have policies open to the public and show as much as they can.
3. Public Safety in Yellow Phase – Chief suggests that everyone read the parameters that Governor Wolf has mandated so we are all on the same page.
4. Motions to appear before Council at the next business meeting:
 - a. Allow the closure of N. Wood Street for Stove & Tap to have outdoor dining Friday and Saturday evenings.

- Jersey barriers or trucks will be needed at each intersection for safety purpose.

President Burnell – Stove & Tap has a plan put together per Governor guidelines as well as the CDC. They are requesting Friday and Saturday nights only for dining from 5:00pm to 10:00pm as long as we are in the Yellow Phase and there are no curfews instituted or protests happening.

Mr. Ernst – Reviewed the costs to the Borough and Stove & Tap has agreed to pay half the \$600 cost per weekend.

Councilman Angelichio – What do we do about other businesses who ask for the same thing? What about those who depend on curbside pick-up right now?

Mr. Ernst – We are encouraging Stove & Tap to not have their customers park in the curbside pick spots.

Councilwoman Hawkins Charlton – Each business needs a different plan we learned after having a call with them yesterday. She thinks the truck barrier option is better as it costs less to do that than Jersey barriers.

Conversation continued back and forth about whether to allow S&T to use N. Wood Street.

Councilwoman Currie Teoh – What about trash on the street?

Mr. Justin Weathers Co-owner of Stove & Tap – They will be responsible for cleaning up the street.

Councilwoman Currie Teoh made a motion as follows:

I move that Borough Council Borough Council approve the Special Events application submitted by Stove & Tap for the closure and use of a portion of North Wood Street between the hours of 3:00pm to 12:00 midnight for outdoor dining for the dates: Friday, June 5; Saturday, June 6; Friday, June 12; and Saturday, June 13 with the conditions that include dining limited to reservations only, compliance with CDC guidelines for safe social practices, and partial reimbursement for the costs of safety barriers and partial reimbursement for the costs of safety barriers.

Roll Call Vote:

BJ Breish – yes

Mary Fuller – yes

Bill Henning – yes

Rich DiGregorio, Jr. – yes

Meg Currie Teoh – yes

Leon Angelichio – yes

Denton Burnell – yes

Carrie Hawkins Charlton - yes

Councilman DiGregorio seconded the motion and unanimously approved via roll call.

Public Works Committee – Rick DeLong & Dan Shinskie

1. Motions to appear before Council at the next business meeting:
 - a. Payment Certificate #1 for the 2020 Mill and Overlay Program. RVE has reviewed and recommends payment in the amount of \$57,141.58 to Harris Blacktopping Inc. for work completed on this project.
 - b. Payment Certificate #2 for the E. Third St. CDBG Project. RVE has reviewed and recommends payment in the amount of \$34,730.42 to SJM Construction Co. for work completed on this project.
 - c. Change Order #1 for the E. Hancock St. Rehabilitation Project. RVE has reviewed and recommends approving this change order. This change order reflects adjustments in unforeseen conditions. The change order would reflect a reduction in the contract. This is a negative change order in the amount of -\$12,054.00.
 - d. Payment Certificate #1 for the E. Hancock St. Rehabilitation Project. RVE has reviewed and recommends payment in the amount of \$129,592.26 to SJM Construction Co. for work completed on this project.
 - e. RVE received 9 Bids for this project and found no discrepancies with the bids submitted. The Contractors submitted their bids for Base Bid, Alternate #1 and Alternate #2 ranging in price from \$599,995.00 to \$1,400,199.00. RVE has reviewed and recommends awarding this project to Land Tech Enterprises for Base Bid, Alternate #1 and Alternate #2 in the amount of \$599,995.00.
 - f. Payment #4 request from A N Lynch in the amount of \$79,598.70 for work completed on the Fire and Security Upgrade at the Wastewater Treatment Plant. This is payment number 4. We are about 40 percent complete.

Agenda Item #6 – Public Comment

Ms. Jean Fritz of Pennbrook Ave. – She does not think the pools should be open this year due to the virus.

Mr. Mantos – He was glad to see so many people attending last night’s protest.

Agenda Item #5 – Announcements

None

The meeting was adjourned at 11:55pm