

June 17, 2020

The Business Meeting of Lansdale Borough Council was held on Wednesday, June 17, 2020 online via Zoom Meeting and called to order at 7:05pm by Council President, Denton Burnell.

ROLL CALL:

- (X) Councilman Angelichio
- (X) Councilman Breish
- (X) President Burnell
- (X) Councilwoman Hawkins Charlton
- (X) Councilman DiGregorio
- (X) Vice President Fuller
- (X) Councilman Henning
- (X) Councilwoman Currie Teoh
- (X) Councilman Work
- (X) Mayor Herbert

Borough Representatives:

Borough Manager, John Ernst	Borough Solicitor, Patrick Hitchens
Finance Dir, John Ramey	Borough Engineer, Chris Fazio
Police Chief, Mike Trail	Library Director, Tom Meyer
Parks & Rec. Director, Karl Lukens	IT/GIS Coordinator, Bryan Poster
Electric Superintendent, Andy Krauss	Code Enforcement, Jason Van Dame
Public Works Superintendent, Rick Delong	WWTP Superintendent, Dan Shinskie
Fire Marshal, Rick Lesniak	

Residents:

Nancy Frei – Cypress Street  
Julianne Ramic – 306 Crestview Road

Agenda Item #5 – President’s Comments

**President Burnell** – Reviewed the Zoom meeting process and procedures.

Agenda Item #6 - Petitions

None

Agenda Item #7 – Residents to be heard on any item

**Ms. Nancy Frei** of Cypress St. – Regarding the motion for bee keeping she would like to see what the nuisance part of the ordinance says. Also, has the comprehensive plan been adopted yet?

**Mr. Ernst** – We need to have a public hearing regarding the comprehensive plan before we can adopt it. We already did a prepare and advertise motion.

**Ms. Julianne Ramic** of 306 Crestview Rd. – She hopes that a plan has/will be established for the pools. She knows it will be difficult to open them, but feels it is important to do so.

Agenda Item #8 – Action Items

**Councilman Angelichio** presented Motion A and read as follows:

I move that Borough Council approve the Treasurer's Report for the month of May which shows the expenditures listed on the attachment.

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*Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.*

**Councilman Angelichio** presented Motion B and read as follows:

I move that Borough Council approve the bills \$1,000.00 and over as per the attachment.

**Councilman Angelichio** – When was the fuel oil delivery?

**Mr. Ramey** – The bill was paid in May so the delivery would have been in April.

*Motion seconded by Vice President Fuller and unanimously approved.*

**Councilman Angelichio** presented Motion C and read as follows:

I move that Borough Council approve the following meeting minutes:

Work Session: May 6, 2020  
Business Meeting: May 20, 2020

*Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.*

**Councilman DiGregorio** presented Motion D and read as follows:

I move that Borough Council adopt attached Resolution 20-15 accepting dedication of certain sanitary sewer facilities constructed within the development known as the Madison Lot Project.

**Councilman Angelichio** – What is the lease level for the apartments? Are there any contracts for stores in the commercial area of the complex?

**Mr. Ernst** – They are 35% rented. COVID-19 slowed down the rentals and people moving.

**Councilman Angelichio** – A significant amount of parking is already used with only 35/40% rented.

*Motion seconded by Councilman Angelichio and unanimously approved.*

**Councilman DiGregorio** presented Motion E and read as follows:

I move that Borough Council authorize the Borough Solicitor to prepare and the Borough Manager to advertise an Ordinance, amending Chapter 139, to include a new Article IV to set forth regulations for the maintenance of bees and bee keeping within Borough limits.

*Motion seconded by Councilman Henning and unanimously approved.*

**Councilman DiGregorio** presented Motion F and read as follows:

I move that Borough Council authorize the Borough Solicitor to prepare and the Borough Manager to advertise an Ordinance, amending Chapter 405, Section 1703.B of the Lansdale Borough Zoning Code to permit, by conditional use, a reduction of required parking for properties located in the Industrial Zoning District providing certain criteria and requirements are met including but not limited to, submission of a parking study from a licensed traffic engineer and prohibiting the use of on-street parking on public roads by occupants and tenants of the property.

**Councilman Angelichio** – Why are we doing this motion?

**Mr. Ernst** – This change would apply to all of the industrial district. The owners of the Stoltz property have suggested this amendment as it would benefit all industrial properties now or in the future. By making text amendments we can require each applicant, current or otherwise, go through a conditional use hearing which Council can then apply conditions instead of just changing parking requirements for the entire industrial district.

**Mr. Hitchens** – This puts the decision in Council's hands, not the Zoning Hearing Board.

**Councilman Angelichio** – Would this be cost prohibitive to smaller businesses?

**Mr. Hitchens** – The business size doesn't matter. Fees for traffic studies and conditional use hearings are not that great. This is more about the process.

**Councilman Breish** – Is a variance attached to the property or the business owner?

**Mr. Ernst** – Variances and conditional use are two different things. Zoning variance goes with the property address. Conditional use is related to the specific use of the property.

**Mr. Hitchens** – Usually the conditional use would stay in place if the business was sold to someone else because, most likely, the new owner is running the same kind of business.

*Motion seconded by Vice President Fuller and unanimously approved.*

**Councilwoman Hawkins Charlton** presented Motion G and read as follows:

I move that Borough Council approve Payment #2 (Final) in the amount of \$20,549.60 to Armour & Sons Electric, Inc. for work completed on the Borough Wide Traffic Signal Modifications per the recommendation of Pennoni Associates, Inc. This project is fully funded by an Automated Red Light Enforcement (ARLE) Grant.

*Motion seconded by Vice President Fuller and unanimously approved.*

**Vice President Fuller** presented Motion H and read as follows:

I move that Borough Council authorize Remington & Vernick Engineers to prepare and advertise bid specifications for the White's Road Playground Improvements Project.

*Motion seconded by Councilman Henning and unanimously approved.*

**Vice President Fuller** presented Motion I and read as follows:

I move that Borough Council approve Payment #2 in the amount of \$25,383.02 to 5th Pocket Skateparks for work completed on the construction of the Lansdale Skatepark per the recommendation of Remington & Vernick Engineers.

**Mr. Ernst** – This was not discussed in committee as it was accidentally overlooked. It is our contractual obligation to pay for the work completed. 5<sup>th</sup> Pocket has about three more weeks of work left to do then Marino Corp. will come back in and finish. We anticipate them to be completed by August.

*Motion seconded by Councilwoman Currie Teoh and unanimously approved.*

**Vice President Fuller** presented Motion J and read as follows:

I move that Borough Council approve Payment #3 in the amount of \$28,723.80 to Marino Corporation for work completed on the site work for the Lansdale Skatepark per the recommendation of Remington & Vernick Engineers.

*Motion seconded by Councilman Henning and unanimously approved.*

**Vice President Fuller** presented Motion K and read as follows:

I move that Borough Council authorize the opening of White's Road and Fourth Street pools for the 2020 season beginning July 1, 2020 in accordance with the Borough's pool operation plan and applicable CDC and State guidance relating to COVID-19, which opening and operation may immediately cease if required by law or if Montgomery County's phased status is changed to "Red" under the Governor's Phased Reopening Plan.

**Councilman Angelichio** – He has at times opposed the opening of the pools and he can empathize with everyone affected by COVID-19. He read all the emails from residents in their request to open the pools. Because we will open late there will be a financial strain on the budget for something that is a loss leader anyway. The deficit will be even greater. Right now we do not know the future of the Borough budget. We are asking young kids to shoulder the burden of monitoring social distancing. For those reasons he is not in favor of opening the pools.

**Vice President Fuller** – Pools never make money, we know that. This will be an absorbable loss within the Parks Department for this year. People can choose to join or not. It is normal for people to wear masks in public and social distance on their own. She thinks we can open safely.

**Councilman DiGregorio** – When a person is socializing with the group next to them, not their family group, masks should be worn. Also, those picking up trash around the pool should wear gloves. Isn't the capacity 250 people per guidelines? What happens if a lifeguard has to save someone?

**Mr. Lukens** – Those picking up trash have always worn gloves even in past years. As far as capacity, we can measure by 36 sq. ft. per person. There will be proper lifesaving protocol. Members will have to abide by new rules and regulations and review them when they sign up.

**Mayor Herbert** – Karl and John did a great job on the plan. Masks should be mandatory not recommended. He would like to know what the consequence will be for those who do not follow the rules. The pools usually lose about \$75,000 per season and this year that number will be doubled. It is great that we will have the funds to cover that cost, but there is nothing to help those who can't afford to join the pool.

**Councilman Angelichio** – He is concerned about cutting a capital project to cover the extra loss.

**President Burnell** – He had questions about the money too, but it is coming from the operations budget not capital. We will have to do some re-budgeting for 2021.

**Councilman Breish** – He is thankful for all the work done on the plan by staff. He heard from many that they want the pools open. His concern is about those who are really struggling right now and we need to be helping them out.

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**Councilman Henning** – He would like masks to be mandatory as well. Not having guest admissions will be a financial loss. Could we reconsider that? At a grocery store people pass each other and cash all the time and they seem to be okay.

**Mr. Lukens** – By eliminating daily passes it lessens the contact with staff and helps control the maximum number of people per day. He is concerned for our staff's safety more than making money.

**President Burnell** – It seems that area swim teams would be interested in renting the pools early morning for training. Could we possibly do that?

**Mr. Lukens** – We could look at that after we open and see how things go. He will reach out to the regular swim teams who have rented the pool in the past.

**Councilwoman Currie Teoh** – She will vote no for the opening of the pools for many reasons, but there are so many residents struggling financially and she can't justify spending more money on the pools to open than helping those in need.

**Councilwoman Hawkins Charlton** – She understands that some people may need help, but there are many ways to help those in need. Pools are safe to use. Not everyone uses the pool and not everyone has an alley or uses the baseball fields, but taxes are used for those users.

**Vice President Fuller** – We are here to serve the entire community and people need/want this more than ever this year. She understands the financial aspect, but this is not the only time people will/have had hardships. Maybe we could ask those who can afford one to start a fund for those who cannot afford a pool membership.

**Mayor Herbert** – We will still have a double loss of income this year for the pools.

**Councilwoman Hawkins Charlton** – She suggested many options to generate more income at the pools back in the fall. We need to be more flexible this year.

**President Burnell** – The financial loss will be in the Parks Department budget. He thinks we need to think harder on generating revenue for the pools and we need to think about how to help the underserved in our community too. Also, the rules need to be strong and clear when people sign up for memberships.

**Roll Call Vote:**

BJ Breish – yes

Marry Fuller – yes

Bill Henning – yes

Rich DiGregorio, Jr. – yes

Meg Currie Teoh – no

Leon Angelichio – no

Denton Burnell – yes

Carrie Hawkins Charlton – yes

*Motion seconded by Councilwoman Hawkins Charlton and approved 6-2 roll call vote.*

**Councilwoman Currie Teoh** presented Motion L and read as follows:

I move that Borough Council extend the approval of the Special Events application submitted by Stove & Tap for the closure and use of a portion of North Wood Street between the hours of

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3:00pm to 12:00 midnight for outdoor dining for the following additional dates: Friday, June 19; Saturday, June 20; Friday, June 26, Saturday, June 27; Friday July 3; and Saturday July 4 with the conditions as previously stated in Council's prior June 3 approval including dining limited to reservations only, compliance with CDC guidelines for safe social practices, and partial reimbursement for the costs of safety barriers, as well as, the additional condition that this Special Event approval shall immediately terminate for any of the aforementioned dates that have not yet occurred if Montgomery County is moved to the "Green" phase as to allow for indoor dining.

**Councilman Breish** – Why are Sundays not included?

**Mr. Ernst** – They withdrew with their request for Sundays.

**Councilman Breish** – Could we add Sundays to the motion? Suppose they have a rain out on Friday or Saturday night they could make up a day with Sunday.

**Chief Trail** – Sundays will cost more as we have to pay more per the union contracts and Stove & Tap may not want that option since they opted out already.

**President Burnell** – They would need to have a say in this as they are responsible for half the cost of paying to have the road closed.

**Mr. Ernst** – It costs them about \$350 per weekend to close the road.

**President Burnell** – Maybe we just add a sentence that it is an option if they chose to utilize it.

**Councilman Henning** – Their request came from Stove & Tap that they do not want Sundays as an option. If they wanted that they would have asked for it.

*Motion seconded by Vice President Fuller and approved with the addition of closure on Sundays if Stove & Tap so chooses to take advantage of that option and unanimously approved.*

**Councilman Breish** presented Motion M and read as follows:

I move that Borough Council approve Payment #1 in the amount of \$57,141.58 to Harris Blacktopping, for work completed on the 2020 Liquid Fuels Mill and Overlay Program per the recommendation of Remington & Vernick Engineers.

*Motion seconded by Vice President Fuller and unanimously approved.*

**Councilman Breish** presented Motion N and read as follows:

I move that Borough Council approve Change Order #1 in the amount of ( -\$12,054.00) for the East Hancock Street Rehabilitation per recommendation of Remington & Vernick Engineers. This change order reflects adjustments to the scope of work due to replacing sanitary sewer lateral connections to the main without incurring additional costs for concrete removal.

*Motion seconded by Vice President Fuller and unanimously approved.*

**Councilman Breish** presented Motion O and read as follows:

I move that Borough Council approve Payment #1 in the amount of \$129,592.26 to SJM Construction, Inc., for work completed on the East Hancock Street Rehabilitation per the recommendation of Remington & Vernick Engineers.

*Motion seconded by Vice President Fuller and unanimously approved.*

**Councilman Breish** presented Motion P and read as follows:

I move that Borough Council approve Payment #2 in the amount of \$34,730.42 to SJM Construction Company for work completed on the 2018 CDBG East Third Street Improvement Project - Phase II per the recommendation of Remington & Vernick Engineers. This project is partially funded by the Montgomery County Community Development Block Grant Program.

*Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.*

**Councilman Breish** presented Motion Q and read as follows:

I move that Borough Council award the contract for the Whites Road Park Streambank Restoration - Base Bid, Alternate #1, and Alternate #2 to Land Tech Enterprises, Inc., the lowest responsible bidder per the recommendation of Remington & Vernick Engineers.

*Motion seconded by Councilman Henning and unanimously approved.*

**Councilman Breish** presented Motion R and read as follows:

I move that Borough Council approve Payment #4 in the amount of \$79,598.70 to A. N. Lynch Co., Inc. for work completed on the Fire Alarm & Security Upgrades at the WWTP per the recommendation of Schiller & Hersh Associates, Inc.

*Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.*

#### Item #9 – Information Items

##### **Mayor's Report: Mayor Herbert**

1. On Memorial Day Chief Mike Trail and I commemorated and remembered the lives of those lost in service to our country at Memorial Park and at Penndale Middle School. We reflected on what it means to serve our community and how each of us can try to live up to their sacrifice.
2. On May 27th, I met with eight fellow Montgomery Co. Mayors to discuss the ongoing challenges of the COVID-19 pandemic to share ideas and solutions to challenges all our communities are facing and how we can continue to work together to have a coordinated response. It is clear that this pandemic is not going away any time soon and we need to continue to treat it as a real and lasting emergency that is worthy of strategic coordination and planning.
3. On June 1st, Chief Mike Trail and I agreed that in 2021 we will budget for, and ask council to approve budget line items for, the addition of body worn cameras for Lansdale Police Officers. This request is not, and should not, be taken lightly. However, we must continue to be accountable and transparent as a Police Department by evolving with technology as it becomes reliable and available. This technology will enhance our department through improved training opportunities while also illuminating our departments interactions with residents.
4. On June 2nd and June 7th, I attended both rallies honoring the life of George Floyd who was murdered by a Minneapolis police officer earlier this year. These events were peaceful, appropriate, and necessary to help bring attention and change systemic racism and racial bias that does exist in every community in our country. Locally, Chief of Police Mike Trail and I are committed to continuing the evolution of our PD to better serve ALL residents of Lansdale. I am proud to say that our Use of Force Policy has been reviewed and is one of the most progressive in the area. We intend to improve that by adding additional language around the limitations of chokeholds when force is necessary.

5. Later this week, on Friday June 19th at 5:00 PM, I will be commemorating Juneteenth with the local branch of the NAACP and the police department by participating in a march of solidarity. Juneteenth, for those who do not know, is the day that Texas found out about the Emancipation Proclamation. This represented the last state in the union to hear the news about emancipation.

**Solicitor's Report: Patrick Hitchens**

1. Communications with Borough staff and related follow-up work regarding real estate matters – Less than 1 hour.
2. Communications with Borough staff and related follow-up work on various ordinance matters including business overlay revisions, mechanical parking amendments, vacant property registration, and bee keeping – Approximately 6.6 hours.
3. Communications with Borough staff and related follow-up work regarding COVID-19 matters including enforcement issues, construction activities, and Act 15 – Approximately 1.1 hours.
4. Communications with Borough staff and related follow-up work on various land development matters including 117 S. Broad St (Luxor); 512 Green St (Mann Properties), and 1000 Cannon Ave (North Penn Business Campus) – Approximately 2.4 hours.
5. Communications with Borough staff and related follow-up work regarding miscellaneous Borough matters including insurance and indemnity, personnel and appointment matters, and resident issues/concerns. – Approximately 3.0 hours.

**Borough Manager's Report: John Ernst**

1. We started taking delivery of material for the solar project at the WWTP.
2. On June 22 Borough Hall will open to the public Monday, Wednesday and Friday 8:00am to 4:30pm. We will close between 11:30am-12:00pm each day for cleaning.

**Comments for the good of Council:**

None

**Agenda Item #10 – Old Business**

None

**Agenda Item #11 New Business**

None

*Meeting adjourned at 8:59pm.*