

July 15, 2020

The Business Meeting of Lansdale Borough Council was held on Wednesday, July 15, 2020 online via Zoom Meeting and called to order at 7:02pm 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) 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:

Anthony Simpson – 215 S. Broad Street
Sierra Ritchie-Gruver – 1270 Koffel Road, Hatfield
Gregory Pallante – 318 ½ W. Main Street
Carole Farrell – 39 E. Blain Street
Jean Fritz – 531 Pennbrook Avenue
Andy Havington – 921 Delaware Avenue

Agenda Item #5 – President's Comments

President Burnell – Reviewed the Zoom meeting process and procedures. He knows that there are a lot of people are on the meeting to discuss the painting of Black Lives Matter on the Liberty Bell Trail. He does not anticipate a decision being made tonight on that subject.

Agenda Item #6 - Public Hearings:

Both hearings are recorded by a Court Reporter and not included in the Business Meeting minutes.

1. Lansdale 2040 Comprehensive Plan – The hearing started at 7:10pm and ended at 7:45pm.

Councilman DiGregorio presented Motion D and read as follows:

I move that Borough Council adopt attached Resolution 20-16 approving the "Lansdale 2040: The Borough's Comprehensive Plan."

Motion seconded by Councilwoman Hawkins Charlton and approve 7-1 with Councilman Breish voting no.

2. Text Amendment for parking in the Industrial District – The hearing started at 7:46pm and ended at 7:56pm.

Councilman DiGregorio presented Motion F and read as follows:

I move that Borough Council adopt attached Ordinance 1939 amending the Zoning ordinance of the Borough of Lansdale that Borough Council may reduce, by conditional use approval, the number of parking spaces required for industrial projects that meet certain criteria.

Motion seconded by Councilman Henning and approved 8-0.

Agenda Item #7 – Presentations

1. Human Relations Commission (HRC) presented by Anthony Johnson
 - The HRC ordinance was adopted in August of 2018 by Borough Council to assist those who have been discriminated against regarding their gender identity, expression or orientation as they are not protected by federal law for discrimination.
 - The HRC members attended training in West Norriton Township and have shared information with Doylestown and Abington as they have been established for several years.
 - Brochures have been handed out at public gatherings recently.
 - Information about the HRC and a copy of the brochure can be downloaded from the Borough website. HRC members can be emailed at HumanRelations@lansdale.org.

Agenda Item #8 - Petitions

None

Agenda Item #9 – Residents to be heard on any item

Anthony Simpson of 215 S. Broad St. – He has a presentation for tonight’s meeting not just a petition, which he will hold the petition until the next meeting. Sierra created a presentation for tonight if we could present to Council.

Sierra Ritchie-Gruver of 1270 Koffel Road – She shared a presentation at the Zoom meeting regarding what they would like to see as the Black Lives Matter mural on the Liberty Bell Trail in front of Borough Hall. The presentation was submitted to Council (attached to the end of the minutes) to give an idea of what the mural would look like. They chose Borough Hall since that is where government makes changes in our community. They would also have a customized memorial plaque built to go with the mural. The purpose of the mural is about equality and against racism as a whole. They plan on implementing the project one month after Council makes their decision.

Mr. Simpson – He doesn’t see the need to ask business/property owners to paint the mural on their property because if someone disagrees with the message, private property could get ruined.

President Burnell – This should go through the committee process which he thinks will be Admin & Finance Committee in August. That gives Council the opportunity to comment and discuss then, if needed, action could be taken August 19.

Mayor Herbert – He values the message of supporting the black and minority community. We have to consider the legal issues of putting this mural on public property as it could open the

Borough up to having to allow any group/community who requests their message to be on public property. We want to take steps forward, but we have to look at the legalities as well.

President Burnell – We need to move this to the committee level and then the Work Session for more discussion.

Gregory Pallante of 318 ½ W. Main St. – He is passionate about BLM on the trail. He has been a resident of the Borough for twenty-five years and has worked at the Pretzel Factory for five years and lot has changed in this town since he was a kid. He is here to support BLM mural.

Carole Farrell pf 39 E. Blaine St. – The message has become singular and should include more inclusivity. We had Town Meetings about race relations and not one resident who is a part of this meeting attended. She feels it should be a message for all, a unity message.

Jean Fritz of 531 Pennbrook Ave – She opposes the BLM statement and feels it should say All Lives Matter. You are not thinking of other minorities and they should be thought of too. Since Ms. Ritchie-Gruver is from Hatfield has Hatfield has Hatfield been approach about a mural there?

Ms. Ritchie-Gruver – She has not approached Hatfield yet.

Mr. Simpson – It is in the presentation that this will be a Lansdale Borough decision and is not part of Hatfield.

Ms. Farrell – Petitions should only be signed by Borough residents only.

Ms. Fritz – Since this is such a big decision can this be put on the ballot in the fall?

President Burnell – We asked our Solicitor about this and it does not qualify for the ballot.

Mr. Hitchens - Under Pennsylvania law, in order for a matter to be accepted for a ballot referendum there must be specific statutory authorization. After reviewing the Borough Code and the Lansdale Code, I was unable to find any statutory provision that specifically allows for or authorizes a ballot referendum on a question of whether a private group is permitted to use public property. I also conferred with the Pa Borough's Association to confirm my research. I was informed late today by the Pa Borough's Association that it agreed that absent specific statutory authority, a referendum is not legally permitted and that to their knowledge no specific statutory language exists authorizing a ballot referendum on a question of a private group's use of public property.

Andy Havington of 921 Delaware Ave – He appreciates what was prepared for tonight's meeting regarding BLM. This is an important message and it should be out there to be seen everywhere. He suggests putting the message on banners on the light poles. This is a much more flexible way for this to be done and more visible.

Agenda Item #10 – 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 June which shows the expenditures listed on the attachment.

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Councilman Angelichio presented Motion B and read as follows:

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

Councilman Angelichio – Is that a payment for the street sweeper?

Mr. Ernst – He had asked the same thing. The new street sweeper comes in August and we will see payments then. This payment was for repairs that had to be made until we can get the new sweeper.

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: June 3, 2020
Business Meeting: June 17, 2020

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Motion D was approved earlier in the meeting.

Councilman DiGregorio presented Motion E and read as follows:

I move that Borough Council adopt attached Ordinance 1938 amending Chapter 139 titled "Animals" of the Lansdale Borough Code to create a new article IV titled "Bees" and related subsections for the maintenance and keeping of bees within Borough limits.

Motion seconded by Vice President Fuller and unanimously approved.

Motion F was approved earlier in the meeting.

Councilman DiGregorio presented Motion G and read follows:

I move that Borough Council adopt attached Resolution 20-17 granting preliminary and final subdivision and land development approval for a two-lot subdivision located at 411 Church Road.

Motion seconded by Vice President Fuller and unanimously approved.

Vice President Fuller presented Motion H and read as follows:

I move that Borough Council approve Payment #3 in the amount of \$235,048.10 to 5th Pocket Skateparks for work completed on the construction of the Lansdale Skatepark per the recommendation of Remington & Vernick Engineers.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilwoman Currie Teoh presented Motion I and read as follows:

I move that Borough Council authorize the Parks & Recreation Director to allow food trucks to provide food service at the Borough pools in lieu of the snack bars (not open this season) per the recommendation of the Special Events Committee.

Councilman Angelichio – All guidelines will be met for food trucks and be followed for the pools?

Mr. Van Dame – Yes, all requirements will be followed. If they did not go through the special events application process, then they would not be allowed to serve in that district.

Councilman Angelichio – Are there any limits to how many trucks at a time?

Mr. Lukens – There will be one truck per pool on Saturday and Sunday 1:00 to 4:00pm and they will be in the pool area not the parking lots.

Councilman Breish – Is there a fee required for the food truck to operate or maybe a fee can be added to help with the deficit for the pools?

Mr. Lukens – We will have a revenue sharing agreement.

Councilman Breish – How can an agreement be done without a motion?

Mr. Ernst – We have agreements with the snack bars every year at the pools so we can do the same for the food trucks.

Councilman DiGregorio – Can residents get delivery from restaurants?

Mr. Lukens – No, deliveries can be done through the front desk.

Mr. Van Dame – The special events ordinance dictates any sort of fees.

Councilman Breish – Will they supply their own trash cans?

Mr. Lukens – They will use the pools trash cans as guests do not generate that much trash to begin with so it is not an issue.

Motion seconded by Vice President Fuller and unanimously approved.

Councilman Breish presented Motion J and read as follows:

I move that Borough Council adopt attached Resolution 20-18 to authorize the application for the 2020 County Transportation Program (CTP) Grant for the Columbia Avenue Rehabilitation Project.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Breish presented Motion K and read as follows:

I move that Borough Council approve Payment #1 in the amount of \$132,221.60 to Marino Corporation for work completed on the 2020 Liquid Fuels Microsurfacing Program per the recommendation of Remington & Vernick Engineers.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Breish presented Motion L and read as follows:

I move that Borough Council approve Change Order #1 in the amount of -\$24,482.50 (reduction) for the 2018 CDBG E. Third Street Improvement Project - Phase II per the recommendation of Remington & Vernick Engineers.

Motion seconded by Councilwoman Currie Teoh and unanimously approved.

Councilman Breish presented Motion M and read as follows:

I move that Borough Council approve Payment #3 (Final) in the amount of \$50,084.64 to SJM Construction Company for work completed on the 2018 CDBG E. 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 Councilman DiGregorio and unanimously approved.

Councilman Breish – presented Motion N and read as follows:

I move that Borough Council approve Payment #2 in the amount of \$111,470.61 to Harris Blacktopping for work completed on the 2020 Liquid Fuels Mill and Overlay Program per the recommendation of Remington & Vernick Engineers.

Councilman DiGregorio – It does not seem that they are blending the seams well enough.

Mr. Fazio – He will check it out and handle this.

Mr. Van Dame – I think you meant the Microsurfacing project not this one.

Councilman DiGregorio – Yes.

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Councilman Breish presented Motion O and read as follows:

I move that Borough Council approve Change Order #2 in the amount of -\$7,947.00 (reduction) for the East Hancock Street Rehabilitation per recommendation of Remington & Vernick Engineers. This change order reflects adjustments to the scope of work due to unforeseen field conditions that necessitated a change in the scope of the storm sewer and sanitary sewer improvements.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Breish presented Motion P and read as follows:

I move that Borough Council approve Payment #2 in the amount of \$325,905.86 to SJM Construction Inc., for work completed on the East Hancock Street Rehabilitation project per the recommendation of Remington & Vernick Engineers.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Breish presented Motion Q and read as follows:

I move that Borough Council authorize the Borough Manager to accept the Proposal to Provide Construction Management and Inspection Services for the Whites Road Park Streambank Restoration Project submitted by Remington & Vernick Engineers.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Breish presented Motion R and read as follows:

I move that Borough Council approve Payment #5 in the amount of \$56,167.42 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.

Councilman DiGregorio – Did we get bills for all work done?

Mr. Ernst – We are not finished the project yet. The GIS Department is following along to capture all the changes.

Motion seconded by Councilman Angelichio and unanimously approved.

Item #11 – Information Items

Mayor's Report: Mayor Herbert

1. On June 19th, I celebrated Juneteenth with our local NAACP at Borough Hall by declaring every June 19th Juneteenth in Lansdale. Juneteenth is the day many celebrate as the official end of slavery as it marks the day that the last slaves in Texas were made aware of the Emancipation Proclamation. This proclamation was the first time Lansdale formally recognized Juneteenth and I am extremely proud to have signed the proclamation that formalizes it as recognized here in our community.
2. On June 28th, I joined the many members of our community that participated in our Pride Walk which recognized the value LGBTQ members bring to Lansdale. It was wonderful to see so many community members standing up for one another and sharing their stories on the fight for equality for people of every orientation and expression. Overall, the event was filled with positivity and appreciation. In my comments at the event I shared support of the LGBTQ community and reiterated our dedication to supporting them through our Human Relations Commission.
3. Finally, throughout the last few weeks I have attended the rallies in support of black lives and justice for Breonna Taylor, Travon Martin, Eric Garner, Michael Brown and George Floyd. The rallies have been peaceful, moving and essential to helping bring attention to, and end, racism in all its forms. As Mayor, the PD has been reviewing, and adjusting, our use of force policy to ensure we continue to evolve and improve as a police department. Additionally, going forward, it is my hope that council will approve the acquisition and use of Body Worn Cameras to continue this evolution.
4. Office hours are still limited...please let me know if you would like to meet.

Solicitor's Report: Patrick Hitchens

1. Communications with Borough staff and related follow-up work regarding COVID-19 matters including phased re-opening orders and permitted activities – Approximately 11.8 hours
2. Communications with Borough staff and related follow-up work on Lansdale 2040 Comprehensive Plan and ordinance matters including bee keeping, Industrial District parking reduction by conditional use, noise and temporary parking – Approximately 6.9 hours
3. Communications with Borough staff and related follow-up work on various land development matters including 117 S. Broad St (Luxor), 512 Green Street (Mann Properties), 1000 Cannon Avenue (North Penn Business Campus) and Knapp Elementary – Approximately 8 hours
4. Communications with Borough staff and related follow-up work regarding miscellaneous Borough matters including personnel and policy matters, litigation matters, right-to-know matters, procurement matters and legal updates. – Approximately 2.7 hours

Borough Manager's Report: John Ernst

1. Staff is beginning to talk about the 2021 Budget.
2. Educational posters have been added to White's Road Park in explanation of the streambank restoration project. We are working with DEP to slow down the flow of stormwater through the park.
3. Thank you to the comprehensive plan team for all of your hard work to get this plan done and approved.
4. The GIS Department created a resident portal that can be found on the Borough website. This interactive tool compiles information specific to a resident's address such as zoning, taxes, elected officials, where to vote, leaf collection schedule, etc. All of the information per address is public information.

Councilwoman Hawkins Charlton – Is there any way to save the larger trees in White's Road Park?

Mr. Ernst – The canopy structure will change in the streambank area. We will plant hundreds of trees closer to the end of the project. The trees that are being removed will be compromised or already have been by the streambank.

Mr. Fazio – There is a severe slope there and so many trees had to be removed because of MS4 credit requirements that dictate the project.

Councilman Breish – We are also losing fifty trees for the Liberty Bell Trail in Stony Creek Park too. The one consolation is we will be planting more trees.

Comments for the good of Council:

President Burnell – We had an Executive Session on July 9 regarding potential litigation. There was no action taken tonight.

Councilman Breish – Is there any update one committee meetings being in-person?

President Burnell – He hopes to come back in August in person, but we have to explore the Governor's new order. Maybe we will do breakouts of individual committee meetings if we still have to be online.

Also, we still have a vacancy on Council and he will be reviewing with our Solicitor if we can appoint virtually and, if so, we would do that during the August 19 meeting.

Agenda Item #12 – Old Business

None

Agenda Item #13 New Business

None

Meeting adjourned at 9:16pm.