

September 16, 2020

The Business Meeting of Lansdale Borough Council was held on Wednesday, September 16, 2020 online via Zoom Meeting and called to order at 7:01pm by Council President, Denton Burnell.

ROLL CALL:

- (X) Councilman Angelichio
- (X) Councilman Breish
- (X) President Burnell
- (X) Andrew Carroll
- (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:

None

Agenda Item #5 – President’s Comments

President Burnell – Reviewed the Zoom meeting process and procedures. Dick Shearer of the Historical Society will say a few words about former Borough Manager Lee Mangan.

Mr. Shearer - I want to thank borough council for the opportunity to comment briefly about former Borough Manager F. Lee Mangan, who died Sunday, August 23 at age 70.

In a Reporter story published after Lee’s passing, I was quoted as calling him a “visionary”, which I believe he was. Consider that he was named borough manager at age 28. He learned on the job - since most municipalities still depended on an office manager or secretary to handle the administrative duties when he started back in 1978.

Lee expanded the job in many ways - mostly learning by trial and error. He explored possibilities that would allow the town to grow and prosper - and guided both council and the public on ways to reach those goals. It’s a politically torturous path that borough managers must always tread.

Visionaries don’t always hit home runs. His service to Lansdale ended in 2010 when he was terminated in large part because of the problems with the Lansdale Center for the Performing Arts, which he proposed and promoted.

We also know that Lee could be demanding of staff and associates and, from my days at The Reporter, he could be evasive and sometimes dismissive of our requests for information. In later years, after I left the paper, I talked with him many times and gained a greater appreciation for his dedication to Lansdale.

From a historian's standpoint one of my chief concerns is that too often a person's career is defined by the last event they're remembered for. In my opinion, that isn't fair, and Lee's 32 years of service to Lansdale must be evaluated as a complete body of work.

For example, during his tenure he:

- Organized the borough's various departments into a cohesive operation.
- Promoted expansion of the parks system - obtaining funding for projects like Stony Creek Park.
- Proposed at least four professional evaluations of the downtown district and how to revitalize it. Although none were implemented in full, portions of these plans, like Railroad Plaza Park, became reality.
- He championed efforts to renovate the train station.
- Recommended revitalizing the South Broad Street Shopping Center into the Pavilion.
- Promoted redevelopment of two former hosiery mills into Turbo Lofts and the Silk Factory.
- Orchestrated the purchase and renovation of what is now the Lansdale Historical Society's research center.
- He Initiated streetscape improvements in the downtown district.
- Coordinated the Station Square project on Church Road.
- Laid the groundwork for SEPTA's Ninth Street Station.
- Oversaw the borough's conversion of the former post office into a new borough hall, in the 1980s.
- He used his extensive knowledge of how to acquire millions in grant money for the borough through state and federal sources.

There were many more forward-thinking projects Lee advocated that don't come to mind right now.

They all represented his wide range of hopes for Lansdale. Because of that, I consider him a "visionary". I hope others see him as do.

Thank you for the opportunity to share this.

Agenda Item #6 - Public Hearing:

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

1. Downtown Overlay Business District Amendment – The hearing started at 7:09pm and ended at 7:15pm.

Councilman DiGregorio presented Motion H and read as follows:

I move that Borough Council adopt attached Ordinance 1941 amending Chapter 405 of the zoning code, sections 405-3500, 405-3504 and 405-3506 relating to the downtown business overlay district design standards and building height bonuses and the transition between the commercial mixed-use core and surrounding areas of the borough.

Motion seconded by Councilman Henning and unanimously approved.

2. Mechanical Park – The hearing started at 7:17pm and ended at 7:44pm.

Councilman DiGregorio presented Motion I and read as follows:

I move that Borough Council adopt attached Ordinance 1942 amending Chapter 405 of the zoning code, to add a new section addressing automated mechanical parking standards under Article XVII, Titled "Off Street Parking and Loading".

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Agenda Item #7 – Conditional Use Hearing

The hearing is recorded by a Court Reporter and is not included in the Business Meeting minutes.

1. 1000 N. Cannon Avenue – The hearing started at 7:45pm and ended at 8:24pm.
Councilman DiGregorio I move that Borough Council approve the conditional use as submitted by North Penn Holdings, LLP based on based on the testimony and exhibits provided for the conditions as set forth under Section 405-1703b-11.

Motion seconded by Councilman Angelichio and unanimously approved.

Agenda Item #7 - Petitions

None

Agenda Item #8 – Residents to be heard on any item

None

Agenda Item #9 – 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 August 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:

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

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: August 5, 2020
Business Meeting: August 19, 2020

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Councilman Angelichio presented Motion D and read as follows:

I move that Borough Council accept and approve the financial requirement and the minimum municipal obligation (MMO) for 2021 for the Borough of Lansdale Non-Uniform Pension Plans. Minimum municipal obligation calculated to be \$635,000.00.

Motion seconded by Vice President Fuller and unanimously approved.

Councilman Angelichio presented Motion E and read as follows:

I move that Borough Council accept and approve the financial requirement and the minimum municipal obligation (MMO) for 2021 for the Borough of Lansdale Police Pension Plan. Minimum municipal obligation calculated to be \$1,271,982.

Motion seconded by Councilman DiGregorio and unanimously approved.

Councilman Angelichio 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 establishing the Lansdale Borough's deferred retirement option plan (DROP) for the Lansdale police officers.

Motion seconded by Vice President Fuller and unanimously approved.

Councilman Angelichio presented Motion G and read as follows:

I move that Borough Council authorize the Borough Solicitor to prepare and the Borough Manager to advertise an ordinance establishing a Lansdale Borough Electric Emergency Block Grant.

Mr. Ernst – Mr. Hitchens and I had a conversation this afternoon with the Director of Your Way Home program, Kayleigh Silver. This program is run through Montgomery County. She explained the parameters of their program and how they could assist those in need in the borough whether it be rent assistance and/or utilities assistance. The CARES Act is currently funding this program. Residents of the county can receive up to \$1,500 per month to help assist with their bills for up to 6 months due to loss of income due to COVID-19. The County would prefer that we direct people to their program rather than starting a program ourselves for electric bills at least through the end of 2020. There may be an opportunity in 2021 to partner together in some way.

Mr. Hitchens – The draft ordinance that Council has in Dropbox is based off of the LIHEAP model from federal and state status. The County program is more straight forward. There is a specific notation of no double dipping with other programs in the ordinance as well. He suggests the borough steer people to the County program as they have all the administrative part of the program worked out and they have the ability to help with more than just electric bills.

Mr. Ernst – If we do decide to do our own program, Ms. Silver suggested that we work with a third-party agency to do intake of residents for the program. Any financial help would go directly to the agency that has the outstanding bill and not the applicant per the County.

Vice President Fuller – She wants people to get what they need and not clog up things with going back and forth on an ordinance. She feels we need to gather more information about doing our own program. The County has something in place already that is working well.

Mayor Herbert – He thinks we need an ordinance needs to be created for future needs not just this emergency that we are in. This could be a model ordinance.

Vice President Fuller – She agrees that a model ordinance is needed for future use if needed.

Councilman Angelichio – Council is not voting to approve an ordinance tonight, just to let Mr. Hitchens work more on a draft ordinance for us to tweak. There will be no obligation to pass an ordinance.

President Burnell – If we agree to prepare and advertise, does this ordinance have to happen in the immediate future?

Mr. Hitchens – He suggest just doing a motion to prepare the ordinance and not advertise it.

Councilman Angelichio – Is there an obligation to act in a certain amount of days?

Mr. Hitchens – You don't have to advertise immediately until Council gives the go ahead. Any changes that would be suggested/made by Council must be discussed during a public meeting.

Vice President Fuller – She thinks it is premature to do a prepare and advertise without collecting more information from the county.

Councilwoman Hawkins Charlton made a motion to table the motion.

Councilman Henning seconded the motion to table.

Mr. Ernst – Requested that he be the point person to work with Mr. Hitchens on this ordinance.

Motion seconded by Councilman DiGregorio. This motion was TABLED.

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Motion H and Motion I were approved during the public hearing earlier in the meeting.

Councilman DiGregorio presented Motion J and read as follows:

I move that Borough Council adopt attached Resolution 20-23 granting preliminary and final subdivision and land development approval for development of 115+/- acres located at 1000 N. Cannon Avenue, consisting of five parcels of land.

Mr. Kennedy (Borough's Land Planner) – This approval would include the extension of 9th Street as well as adding the Liberty Bell Trail through their property and their expense and adding a traffic light at 8th and Moyers Road. Hatfield Township has changed their ordinance to reflect light industrial on their portion of the property.

Councilman DiGregorio – Will road improvements be made for tractor trailers to make the wide turns?

Mr. Armitage (Borough Traffic Engineer) – There will be curb improvements as the intersections. The location of the stop bars is what will determine the wide turn angles which will be strategically spaced.

Councilman DiGregorio – Will there be a clause for them to fix infrastructure in the future because of tractor trailers going in and out of their property?

Mr. Armitage – I don't think the application has plans for offsite improvements. They identified potential truck routes, but it is difficult to know who future tenants will be.

Councilman Breish – He would like the opinion of the Fire Marshal on this project.

Mr. Lesniak – His updated opinion letter is in Dropbox and he is working with the applicant on any outstanding issues. He is confident in the project and the applicant.

Ms. Anee Farrell (Applicant Solicitor) – They are working on how and where to make the best connection to the Liberty Bell Trail and keep people from entering into an active industrial site.

Mr. Mike Kaszyski (Applicant Engineer) – They are thinking of crossing over 9th Street and follow Cannon Avenue to extend to Moyers Road from the train station to Moyers.

Councilman Breish – Will the access to the trail be ADA accessible?

Ms. Farrell – ADA compliance ramps will be provided throughout the plan as well.

Councilman Angelichio – Is any part of that plan deemed overflow parking for 9th Street Station?

Mr. Ernst – There was no discussion further to enhance the existing stone lot. That parking is part of the Stoltz property that was only used during the construction of the SEPTA garage.

Councilman Angelichio – Has a traffic study been done for the traffic light at 8th and Moyers Road. Is it approved by PennDOT?

Mr. Matt Hammond – (Applicant Traffic Engineer) – Studies have been done regarding the traffic in that area. They have not had a conversation with PennDOT about the light, but the studies show that it is warranted and it meets the PennDOT protocol for a light to be added.

Vice President Fuller – She is assuming that this was fully vetted by the Planning Commission and they approved the waivers as well?

Mr. Ernst – Yes, and the Montgomery County Planning Commission also approved the project.

Mr. Hitchens – There were some factual changes to the resolution that were sent to Council late this afternoon. They were not substantive material so all is good.

Motion seconded by Councilwoman Currie Teoh and unanimously approved.

Vice President Fuller presented Motion K and read as follows:

I move that Borough Council award the contract for the Whites Road Playground Improvements Base Bid and Alternate #1 to Land Tech Enterprises, Inc., the lowest responsible bidder per the recommendation of Remington & Vernick, engineering consultants for this project.

Motion seconded by Councilman Henning and unanimously approved.

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Vice President Fuller presented Motion L and read as follows:

I move that Borough Council approve Payment #5 (final) in the amount of \$10,338.94 to 5th Pocket Skateparks for work completed on the construction of the Lansdale Skatepark per the recommendation of Remington & Vernick Engineers, consultants for this project.

Motion seconded by Councilman Henning and unanimously approved.

Vice President Fuller presented Motion M and read as follows:

I move that Borough Council authorize the purchase of a new pond aeration system for the pond in Stony Creek Park from Princeton Hydro in an amount not to exceed \$4,565.00.

Councilman Breish – Is this for the purchase and install?

Mr. Ernst – Yes.

Councilman DiGregorio – Does the electric department need to put power out there?

Mr. Ernst – There is no new electric service required besides what is already there.

Motion seconded by Councilwoman Currie Teoh and unanimously approved.

Vice President Fuller presented Motion N and read as follows:

I move that Borough Council award the contract for the Liberty Bell Trail in Stony Creek Park Section to Barwis Construction, LLC for its total project bid of \$323,144.00 as the lowest responsible bidder per the recommendation of Pennoni, engineering consultants for this project.

Motion seconded by Councilman Henning and unanimously approved.

Councilman Henning – Is there any plan to connect the trail at W. Third Street?

Mr. Ernst – We have done studies on how we can accomplish that, and we are actively looking for funding to connect it.

Councilman Breish – Is the plan available now or after we approve the plan? Is there a plan to replace trees that need to be taken down?

Mr. Ernst – We do have a plan that was approved by the grant agency. It was also vetted in the committee.

Mr. Van Dame – The plan was definitely discussed in committee. Trees from other development projects that really can't be added to that project will be placed in the park.

Councilman DiGregorio – Will conduit be going in for lighting?

Mr. Van Dame – That part of the bid was removed because of cost, but conduit can be added later if we choose. Parks are closed after sunset so we may not want to be lighting it up too much so people think they can go on the trail at nighttime. We put conduit in other parts of the trail and we still haven't utilized it.

Councilwoman Currie Teoh presented Motion O and read as follows:

I move that Borough Council activate the Civil Service Commission to establish an eligibility list of new candidates for appointment to the Lansdale Police Department.

Motion seconded by Vice President Fuller and unanimously approved.

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Councilwoman Currie Teoh presented Motion P and read as follows:

I move that Borough Council adopt attached Ordinance 1943 creating a new Chapter 260 titled "Noise" to define, regulate, and prohibit excessive levels of sound and setting forth penalties for violations of same.

Councilman Angelichio – The ordinance does not define what noise is. There are no decibels listed.

Councilwoman Currie Teoh – The decibel level would depend on where you are located and what the noise is.

Vice President Fuller – There is a section in there about animals and the length of time that they are barking or making other noise.

Mr. Hitchens – It is very hard to make a case in front of a judge regarding noise as it is very hard to pinpoint which is why we added times that certain kinds of noise must cease.

Councilman Angelichio – He just doesn't want people to take advantage and call the police constantly.

Mayor Herbert – Officers can't measure decibels in the field.

Councilwoman Currie Teoh – The goal is to have reasonable sense when it comes to noise and our neighbors. The ordinance is intended to have some flexibility.

Vice President Fuller – If you read through the ordinance there are prohibitive acts that are listed and do contain some exceptions such as TV's or borough sanctioned events.

Motion seconded by Councilman Carroll and unanimously approved.

Councilman Breish presented Motion Q and read as follows:

I move that Borough Council award the contract for the rental of snow plowing equipment with operators to P.K. Moyer & Sons, Inc., the lowest responsible bidder.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Breish presented Motion R and read as follows:

I move that Borough Council award the contract for the supply and delivery of No. 2 Fuel Oil to PAPCO, Inc., the lowest responsible bidder.

Motion seconded by Councilman Angelichio and unanimously approved.

Councilman Breish presented Motion S and read as follows:

I move that Under the provisions of the current contract with BFI Waste Services of Pennsylvania, LLC (Republic Services) for the collection of Municipal Solid Waste, Leaves and Recyclables, Borough Council authorize an extension of said contract through December 31, 2021.

Motion seconded by Councilman Carroll and unanimously approved.

Councilman Breish presented Motion T and read as follows:

I move that Borough Council authorize Keystone Engineering Group to prepare and advertise bid specifications for the Pennbrook Generator and Transfer Switch Replacement for the WWTP.

Motion seconded by Vice President Fuller and unanimously approved.

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Councilman DiGregorio presented Motion U and read as follows:

I move that Borough Council authorize the Borough Solicitor to advertise a Conditional Use Hearing for the property located at 320 Madison Street, said hearing to be held on Wednesday, October 21, 2020 at 7:00pm virtually via Zoom.

Councilman Angelichio – What property is this for?

President Burnell – The original plan was for UR Brewery to go in on the first floor. The conditional use would allow residential to go in on the first floor versus commercial/retail business.

Motion seconded by Councilwoman Hawkins Charlton and unanimously approved.

Motion V was approved during the public hearing earlier in the meeting.

Item #11 – Information Items

Mayor's Report: Mayor Herbert

1. Throughout the month of September I have been meeting with Dr. Jayraj, George Whitehair, and members of our VFW to discuss honoring Doctor Frank Boston who played a major role in establishing Lansdale Hospital and the First Aide Emergency Squad, now known as VMSC. In addition to the major contributions to our community Doctor Boston was a medic serving in WWI where he achieved the rank of Major before leaving the military.
2. On August 28th I delivered a proclamation to Dr. Robert DeFinis who is a local author and former Lansdale Police Officer at the Lansdale Library celebrating his new children's book, Lady P's First Day Back to School, where Lady P explores the challenges of going back to school during COVID-19. Obviously, this is a difficult time for everyone, however, it is particularly difficult for students going to school and Dr. Definis' book attempts to help students and parents better understand the emotions of this year's challenges. It is great knowing that we have local authors like Dr. Definis trying to help us make heads and tails of these difficult times.
3. On Tuesday September 15th I attended the retirement celebration for Officer James Owens from our Lansdale Borough Police Department. Officer Owens has spent 27 years with our PD where he was regularly seen as a leader, a friend, and a dedicated public servant. Lansdale is better because of his years of service and we wish him well in his retirement.

Solicitor's Report: Patrick Hitchens

1. Communications with Borough staff and related follow-up work on ordinance matters including plumbing changes and DROP ordinance. – Approximately 2.2 hours
2. Communications with Borough staff and related follow-up work on contract review and bidding/ procurement matters – Approximately 4.9 hours
3. Communications with Borough staff and related follow-up work on various land development matters including 1000 Cannon Ave (North Penn Business Campus), 411/431 Church Road (Station Square at Pennbrook), 117 S Broad St (Luxor), 43 W Third (Walnut Crossing) and 512 Green (Mann Properties). – Approximately 5.4 hours
4. Communications with Borough staff and related legal research/ follow-up on emergency grant program for Borough utility assistance – Approximately 9.7 hours
5. Communications with Borough staff and related follow-up work regarding miscellaneous Borough matters including compliance/ legal updates, litigation, sewer and code matters, electrical department matters, and right to know matters. – Approximately 10.7 hours

Borough Manager's Report: John Ernst

1. Hancock Street is now fully paved.
2. Whites Road Streambank project will see the trail under construction near the pool to the bridge. It will take about 2 weeks to fix. In October there will be over 59,000 plugs and major planting taking place in the park to replace some of what was taken out.
3. The electric department held a training this week for telephone pole rescue that included crews from Quakertown, Perkasio and Ephrata.
4. Bill Andreoni of the WWPT will be retiring October 6 after 40 years of service to the borough.
5. The drain in the bowl of the skatepark is an issue due to pressure problems underneath. 5th Pocket Skateparks is not responsible for this problem and potential work has nothing to do with the exceptional work they did building the skate park. If remediation is needed, 5th Pocket will be the ones to do the work.

Comments for the good of Council:

Councilman Angelichio – Halloween will be coming up soon and it will be a full moon that night so take extra precaution when trick or treating.

Vice President Fuller – The Discover Lansdale Business Directory magazine is out and in local businesses.

Councilman Henning – An abbreviated and social distancing Cruise Night will happen on Saturday night. This is not how we thought we would celebrate the 10th anniversary, but we can still collect food for Manna.

Vice President Fuller – There will not be a car show before hand and people are asked NOT to line up on Main Street and watch this year. There are no road closures and the police are not needed to direct traffic.

Agenda Item #12 – Old Business

None

Agenda Item #13 New Business

Councilman DiGregorio – On Norway Drive and Sycamore Drive pedestrian crosswalk signs are requested. There are some curb repairs such as removing crabgrass, rocks and soil and new grass seed needs to be planted.

Mr. Van Dame – That is part of the contractor's punch list items to do.

Mayor Herbert – Do we soil and seed every time?

Mr. Van Dame – Yes.

Meeting adjourned at 10:02pm.