

July 1, 2020

The Work Session of Lansdale Borough Council was held on Wednesday, July 1, 2020 online via Zoom Meeting and called to order at 7:03pm by President, Denton Burnell.

ROLL CALL:

- (X) Councilman Angelichio
- (X) Councilman Breish
- (X) President Burnell
- (X) Councilwoman Hawkins Charlton
- (X) Councilman DiGregorio (arrived 7:08pm)
- (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

Christy Sharp – Columbia Avenue
Nancy Frei – Cypress Street
Jean Fritz – 531 Pennbrook Avenue
Anthony Simpson – 215 S. Broad Street
Mark Ladley – 417 Perkiomen Avenue
Manny Matos – 432 N. Chestnut Street

Agenda Item #4 – Committee Reports

Public Works Committee – Rick Delong & Dan Shinskie

1. Motions to appear before Council at the next business meeting:
 - a) 2020 Microsurfacing - Payment Certificate #1 from Marino Corp. for work completed on the 2020 Microsurfacing Project. RVE has reviewed and recommends payment in the amount of \$132,221.60.
Councilman Angelichio – Any issues on getting this job done on time?
Mr. Delong – No.
 - b) 2018 CDBG E. 3rd Street - Change Order #1 in the amount of (\$24,482.20) from SJM Construction. This is a balancing and adjustment change order. Additional work on the Sanitary Sewer was necessary to complete the sanitary rehabilitation.
Councilman Angelichio – Are there any other change orders anticipated?
Mr. Delong – No, the next payment on the agenda is the final payment.

- c) 2018 CDBG E. 3rd Street - Payment Certificate #3 (FINAL) from SJM Construction for all work completed on this project. RVE has reviewed and recommends FINAL Payment in the amount of \$50,084.64.
Councilman Angelichio – Did we see any savings for this project?
Mr. Fazio – The change order above was the only one for this project so no other savings.
- d) E. Hancock Street Rehabilitation – Change order #2 reflects work that was necessary due to unforeseen conditions. RVE has reviewed and recommends approving this Change Order in the amount of negative (\$7,947.00).
Councilman Breish – Were some of the inlets filled in? Does this have anything to do with work on Pennbrook project?
Mr. DeLong – No, this is not related to that work. The inlets that were filled in were relocated.
Councilman Angelichio – What is the time table to get this project done?
Mr. DeLong – It is on pace and SJM is almost done with Pennbrook and they will be milling and paving soon.
 - Payment Certificate #2 from SJM Construction for work completed on this project. RVE has reviewed and recommends payment in the amount of \$325,905.86.
- e) Mill & Overlay project - Payment Certificate #2 from Harris Blacktopping Inc. RVE has reviewed and recommends payment in the amount of \$111,470.61 to the contractor.
Councilman DiGregorio – Is this the same contractor that is in my neighborhood?
Mr. DeLong – Yes.
Councilman DiGregorio – There are holes in the asphalt that need to be filled in from two years ago when there was a gas leak. Can they do that please.
Mr. DeLong – He will talk to the contractor.
- f) White's Road Streambank Stabilization inspection services proposal - RVE will need to produce As-Built Survey as a requirement for pollutant reduction credit per PADEP. This proposal is a not-to-exceed amount of \$46,650.00.
- g) Request to apply for a Montgomery County Transportation (CTP) grant for the Columbia Avenue Rehabilitation Project.
Councilman Angelichio – How much of a financial impact will this have on us?
Mr. Fazio – This is a unique grant. It would cover ADA ramps, concrete restoration, etc. It could be upward of hundreds of thousands of dollars. NPWA will be doing work on Columbia Avenue so we want to get in there right after them while the road is open.
Councilman Angelichio – Would we be able to prevent PECO from going in and adding/updating gas lines after the work is done and the road is paved?
Mr. Ernst – We do have an ordinance that requires them to wait five years from the time the project was finished to open a newly paved road unless they can prove a hardship.

- h) WWTP Fire & Security Alarm upgrade project – Payment request #5 from AN Lynch for work completed on the Fire and Security Upgrade in the amount of \$56,167.42.
2. Arro Consulting Inc. has been chosen to design the installation of a UV disinfection system for the WWTP. The cost will be \$109,727.62 and will take four months or more to design depending on the time it take to get a Permit from DEP. This does not need Council approval as it is a professional service.

Administration and Finance Committee – John Ramey

1. Financial Reports - General Fund revenues are down at 5/31/20 by \$112,591 or 2%. Items that make up the decrease in revenue are transfer taxes are down \$60,000, apartment licenses are down \$80,000 because of 2019 being higher than usual due to the implementation of Energov. Real estate taxes are down \$27,000, but by June 30 collections are up \$160,000 and are at 90% of the total billed. Earned income taxes are up \$34,000. This is due to timing of 1st quarter taxes due March 31st are beginning distribution in May. Also, crossing guard reimbursements are up \$21,000 because of a 2019 payment not coming in until 2020. General Fund expenses are up \$135,708 or 3%. This is mostly due to normal personnel cost. The Public Works Department has shown the biggest expense cuts in the General Fund totaling \$88,000 outside of regular salaries. The public works overtime is down \$30,000 and supplies are down \$60,000. Most of this is due to the mild winter we had this year.

The Electric Fund revenues are down \$343,360 or 4.6% compared to the prior year. The primary and general usage categories are down \$340,000 with the residential being up \$27,000. Other income is up \$53,000 mostly from meter setting at Andale Green. Penalties are down \$50,000. Over the past three years for the four month span of April to July, the Borough averages \$15,000 a month in penalties. The electric funds expenses are down \$417,789 or 8.2%. The biggest cut in expenses is the purchase power of \$510,000. There are savings from the new PPA but also since we are selling less power, we are purchasing less power.

Accounts Receivable as of May 31 is 2% below the 5-year average. The current amount due is \$997,048 with the 5-year average being \$1,018,348.

The Sewer Fund is operating normally. The revenues are up \$30,804 or 2% and expenses are up \$197,701 or 16%. This is what was expected comparing year-to-date numbers to budget. The revenues for both 2019 and 2020 were at 30% which the 2020 expenses at 36% compared to 34% in 2019. Sewer receivables are 8% below the 5-year average. This is consistent with what the Water Authority is seeing.

Councilman Angelichio – questioned the rates purchased.

Mr. Krauss – Loads are changing right now due to the pandemic.

Mr. Ramey – Staff has not been tracking delinquent bills since we are not charging penalties at this time.

Councilman Angelichio – Can we quantify the delinquency from prior years to today? What are the varying degrees of delinquency?

Mr. Ramey –Over 30 days past due and what is over \$75 past due are the varying degrees.

Councilman Angelichio – He would like a comparison of this year to last year and can we show if any delinquencies are related to the pandemic?

Mr. Ramey – As of May 31 for the past five years we are under 2% with delinquent accounts. We are on target or better than the 5-year average.

Mayor Herbert – Can we know the total in dollar amounts?

Mr. Ramey – As far as dollar amounts there is \$997,048 delinquent in residential and business accounts. The past 5-year average is \$1,018,348.

Mr. Ernst – There are some accounts in that number who just received their bills and they have not reached their due date to pay yet so that number is not correct.

Councilman Angelichio – He would like a realistic projection of accurate numbers as soon as possible.

2. As an informational item the Borough has installed safety glass in the customer service area. As the Borough looked at the required sneeze guards for the bays, the decision was made to permanently install safety glass for the protection of the employees.
3. Discussion on removal of interim payments for approved since they are part of an already approved contract. Any change orders and final payments will still be approved by Council. Updates on payments and projects will still be reported on but will not need to be approved by full council. This will cut down on staff time putting motions together and will streamline the payment process.

President Burnell – We will keep change orders and final payments on the agenda starting in August.

Councilman Breish – We will still be able to view the paperwork in the Public Works Dropbox but we as a committee and Council won't have to vote on them if I understand correctly.

4. Mr. Angelichio talked about the Borough's policy on requiring deposits for electric accounts for renters only. He feels it can be hard on individuals that are in the process of moving. He believes the policy was put in place to protect landlords and should either be removed or applied to all accounts. An option would be to do credit checks and report it to the agencies if a renter walks out on a bill. Andy Krauss explained that it is a common practice for municipal and private electric companies across the state. This was requested by landlords about 10 years ago so that final bills can be paid with the deposit so there is no delay in renting the property to a new renter.

Mr. Krauss – It is common practice across the state to require a deposit. Ten years ago the tax payers (landlords) did not want to be stuck with an electric bill that their tenant skipped out on so we started the deposit program. The renter does get their money back when they move out of the apartment. The only time we keep the deposit is to cover any bills the renter did not pay. We can work with a renter to do a payment plan if so desired.

Vice President Fuller – How many deposits are returned and how many people skip out of their bill?

Councilman Breish – Can we for a period of time not charge the deposit during our declaration of emergency order?

Mr. Ramey – The money is held in an interest-bearing account and the depositor gets the interest as well.

Mr. Krauss – The real estate community brought this to light, but we can take a look at it again.

Mr. Van Dame – We also have to take in consideration the apartment inspection piece as well.

Ms. Christy Sharp of Columbia Avenue – She understands your perspective, but the landlord does a credit check and it would be his responsibility if the tenant left and did not pay. He is the person deciding who lives in his rental. She is doing a payment plan \$50 per month until it is paid, but that is a lot on top of the electric bill. How do you find the resident once they move to give them their money back? To her this is ridiculous to have to pay this. Her landlord never told her about the deposit so she had no idea.

Mr. Ramey – Residents who move out generally give us their forwarding address and we send them their deposit.

5. LERTA for Westrum project - Prior to the hearing and approval of the ordinance in August, the school board finance committee will have met and made their decision that will be approved the day after the Borough's Business meeting.

Councilman Breish – They are not taking care of the property as there is trash and graffiti on the back of the building and can be seen from the Liberty Bell Trail.

Mr. Ernst – The current property owner is in negotiations with Westrum to purchase the property. Code violations have been sent to the current owner.

Code Enforcement Committee – Jason Van Dame

1. Motions to appear before Council at the next business meeting:
 - a) Approve the preliminary and final land development for 411 Church Road.
 - b) Move the Bee Keeping ordinance to full council for adoption with the only change being the following: Remove the exception to the 10' setback from side and rear yard requirements through the placement of a flyway barrier.

President Burnell – Is there a section about violations in the ordinance?

Mr. Van Dame – It would be a challenge to violate a specific colony as they are considered feral.

Ms. Nancy Frei – She said last month that this ordinance is more for the beekeepers and not those who live in a neighborhood with them. The ordinance doesn't address swarms. They know when their bees are gone.

President Burnell – Once this passes we can have enforcement.

2. Discussion items included an update on period lighting along the Liberty Bell Trail at the recently completed section of the trail just outside of Borough Hall on Railroad Avenue. The trail project was funded through a grant that covered the infrastructure (foundations and electrical supply) but would not cover the light fixtures. To complete this piece of the project we are able to use poles the Borough has in inventory, but will need to purchase the decorative light fixtures to mount on top of the poles. These fixtures have an estimated cost of @ \$9400.00 for (7) fixtures.

Councilman DiGregorio – Do we have the extra money to do that?

Mr. Van Dame – The grant will not cover this so we would have to find the money to do this.

Mr. Ramey – It could come from the capital fund.

Councilman Breish – Could we do solar lighting instead?

Mr. Ernst – We would have to look where the money would come from and give Council options.

Vice President Fuller – Could we look for grant money somewhere else to help fund the project?

Mr. Krauss – The area is wired for the period lights and if we do different lights they would be mismatched. This part of the trail the lights were specifically designed to be period lighting to match Main and Broad Street lighting.

3. Today we received a conditional recommendation for the award of the Liberty Bell - Stony Creek Trail section. This project will extend the Liberty Bell Trail from the Andale Green Section through the Stony Creek Park to the Borough boundary with Upper Gwynedd Township. The project is funded in part by a DCNR grant for \$206,000 and was sent to bid a few months ago at an estimated cost of \$227,000. During the bid process, it was brought to our attention that a number of trees were identified as additional work that would be recommended as we move forward with this project. This project received five (5) bids ranging from \$298,064.09 to \$544,083.50. It was determined that the lowest bidder did not meet the minimum requirements to bid the project. The lowest responsible bid then became the bid submitted by Barwiss Construction LLC for \$323,144.00. Pennoni looked at the project and identified some items that could be eliminated in an attempt bring the cost more in line with the proposed budget and they were able to find a potential savings of \$37,165.05 which will bring the revised project cost to \$285,978.95. We are currently working on identifying additional funding sources to make up the difference and will report back in August.

Councilman Breish – He is concerned about the tree removal. Are there plans to replace those trees elsewhere?

Public Comment

Jean Fritz of 531 Pennbrook Avenue – When is the Borough going to replace curbs in the Pennbrook section? How long after the curbs are put in can sidewalks be done?

Mr. Van Dame – The contractor is finishing the ADA ramps in another part of town and then will come back to do the curb work in the next couple of weeks. Sidewalks can be done after the curbs are in.

Ms. Fritz – Can five people still go onto one permit?

Mr. Van Dame – As long as it is the same contractor doing the work for all five people and they are being done at the same time.

Anthony Simpson of 215 S. Broad Street - inquired about the process to obtain approval for the application of a Black Lives Matter mural on the ground along the Liberty Bell Trail at Railroad Avenue just outside of Lansdale Borough Hall.

President Burnell – He is not sure what the implications would be do that and we would have to figure that out.

Mr. Simpson – This is an opportunity to make a statement with all that is going on right now.

- After a brief discussion, the resident was asked to provide support from area residents for the project and submit a plan detailing the request.

Electric Committee – Andy Krauss

1. Quick update that Next Era did not include any price thresholds so there is no minimum.
2. Solar project update- We have broken ground down at the municipal utility complex (WWTP) and all the E&S controls have been put in place. The survey team has been laying out the job and we are waiting on a full construction schedule from contractor to be reviewed by RVE.
3. Verizon updates- We heard back from the team at Verizon stating that Lansdale has a total of less than 2,000 Poles in the Borough. Our records show that we have over 3,100 Poles in the Borough that we have surveyed individually. According to our survey and our records there are a total of 3,190 utility poles in the Borough; 2,161 are owned by the Borough and 673 are owned by Verizon. There are at least 64 disputed or joint ownership poles within the Borough boundaries. We are waiting to hear back so we can quantify these results. We have also sent a legal notice to Verizon in reference to improper equipment installations at various locations around the Borough. We are waiting for a course of action from Verizon.
Councilman Angelichio – He understands that Verizon owns their poles, but do they collaborate with the electric department?
Mr. Krauss – It has always been a battle with them to own up to anything.
4. We sent a “Dear colleague” support letter to our State Representative(Steve Malagari) to help build support for the American Public Power Association and their efforts on passing legislation for pandemic related relief for the public power sector. We will follow up with the State House for updates.

Library Committee – Tom Meyer

1. Social Justice Committee – A spinoff group from the ISF committee has formed to address Social Justice and Equality. They don't necessarily want to be part of the library, but they feel that they are since the ISF is and they are a spin off from that. They are working on a mission statement, goals and organizational structure. They've asked Mr. Meyer to be part of the group and are currently calling themselves the Justice and Racial Equity Coalition. The library has already been working on this while hosting the racism forums and follow-up workshops and lectures a couple of years ago. What Tom would like to do is form three advisory committees to the library, one for each tenet of the library's mission. An Early Education Committee, a Lifelong Learning Committee and a Diversity Committee. The ISF committee and this new coalition would then fall under the Diversity Committee. Each committee would consist of community volunteers who would help suggest, promote, and implement programs that align with the library's mission.
2. Since Founders Day is cancelled, we will not need to have a board meeting in July to apply for the beer garden special occasion permit.
3. Perhaps we can ask some of the local breweries if they will run some kind of fundraiser for us. Also, we will check with Local Tap to see if we can become one of their monthly beneficiaries.
4. Reopening the library - We've been working toward July 6 as a date to reopen but most libraries in the county are planning to open on July 13, so we will delay until that date. It will look very different as we start, we will have no seating for reading or studying. The idea is that we will be open for browsing and computer use only. We will not have print newspapers for a

while. Discussion of how to handle someone wanting to come in without a mask resulted in a plan to offer to the curbside pickup option we've been using to those who can't wear a mask.

5. Clean and Green date in September - We will work toward holding our shredding and electronics recycling event on September 26. We will likely utilize the Vine Street parking lot for one component and the library lot for the other to spread things out more.
6. Budget Review – In reviewing the budget it looks like the library is about \$20,000 behind overall this year compared to last year. Some expense categories like utilities and supplies are lower while revenue categories like memberships and other fees are also lower. The largest expense category difference is payroll, due both in part to basic increases but also because we have been paying library staff for their regular hours during the pandemic closure which the committee has been strongly in favor of since the beginning of the incident.

Councilman Breish – Since we kept everyone on payroll during the pandemic, could we look into and see if a small business loan would be possible for the library.

Parks and Recreation Committee – Karl Lukens

1. NPVGSA would like to hold tournaments again. They are requesting six tournaments with a total of twelve teams.
Vice President Fuller – How many people would be at the fields at any one given time?
Mr. Lukens – No more than the 250 which is the State guideline for outdoor gatherings.
Councilwoman Hawkins Charlton – What is the protocol for tournaments if baseball wants to do the same? If we have to wait until August for approval, the summer is almost over.
Vice President Fuller – She thinks it is okay to give the Parks Department the discretion to schedule.
Mr. Ernst – Both leagues should be communicating because of parking.
Councilman Breish – Will they still provide the maintenance as they would normally do? There should be a disclaimer that we have to follow State Covid-19 Guidelines.
2. We will be allowing pool rentals beginning July 6 for organizations that want to rent. Our previous renters are the ones who will be renting.
Vice President Fuller – Will this help close the gap in revenue loss?
Mr. Lukens – No, that was just membership loss.
Councilwoman Hawkins Charlton – Do you have the total numbers of members yet?
Councilman Henning – Will staff have to be there for rentals?
Mr. Lukens – Only one lifeguard is needed.
3. A Scout working on his Eagle Scout would like to do a project in the parks, a mobile library that he will build and maintain. His name is Andrew and he lives on Highland Avenue.
4. Upcoming Events:
 - The concerts will be postponed for a few more weeks to August 4.
 - The movie in the park will be on July 10 at 8:30pm.
5. Maintenance Activities: Part-time help starts on Monday. The crews continue to keep social distancing while working.

6. The pools opened today and there were 75 people at 4th Street at one time and less at White's Road. So far there are 823 individuals signed up for the pools.
7. Signage for the skatepark needs to be created by ordinance so that the police can enforce the rules. We would like to do a prepare and advertise to get this started.

Councilman Breish – What will the name of the park be? Something to honor Carl Saldutti? Aren't park rules already established by ordinance?

Mr. Ernst – We need specific skatepark rules to be determined and then an ordinance done to enforce those particular rules.

- The committee to approve the mural that he is planning to do that faces the parking lot.
- Request for payment #3 for work completed on the skate park by 5th Pocket Skateparks.

8. White's Road Playground is on schedule to be put out to bid soon.

Councilman DiGregorio – Cannoneers would like to hold a community corn hole tournament on August 15 at the 5th Street Field.

Chief Trail – This request would need to be presented to the Special Events Committee through the application process.

Public Safety Committee – Chief Trail

1. In March of this year, I began working the CSC to update and amend our civil service code in hiring and promoting officers in the department. While most changes are not of financial concern, there is one issue which will impact the Borough budget that being the removal of the ACT 120 hiring requirement. The requirement has become a barrier to diversifying our ranks and would mean people without prior police training could now apply to be Lansdale Police Officers. The cost currently to train an officer is approximately \$7,000; however, the state does offer reimbursement of up to 50% of the cost. A draft is in Drop Box for committee and I would ask they review it and prepare any questions for our next meeting with the intent to adopt in August of 2020.
2. Body Worn Cameras (BWC) - Considering the most recent events in Minnesota, LPD is again reviewing our position on BWC. While I have not seen fit to make the investment, the current consensus is they are becoming a common tool police use every day just like a portable radio. I have attached a copy of the cost to start the program in 2020 and annual recurring cost. A draft is in Drop Box for the committee and I would ask they review it and prepare any questions for our next meeting with the intent to adopt in August of 2020.

Councilwoman Hawkins Charlton – Will the cameras be on 24/7?

Chief Trail – 24/7 is a misnomer as you can't have the cameras like that on for legal reasons.

Mr. Mark Ladley of 417 Perkiomen Avenue – He supports the use of body cameras. Grants can be applied for to help with the cost and he suggests contacting Representative Malagari's office to inquire.

Mr. Manny Matos of 432 N. Chestnut Street – Is there or will there be a public policy regarding the cameras available for the public to view?

Chief Trail – There are some things in the police manual/policy that cannot be on public display. If you have specific questions you can email him at mtrail@lansdalepd.org.

3. Noise Ordinance- In the beginning of 2020 the Borough was reviewing possible noise ordinances for adoption. I have been working with our solicitor and Code Enforcement Director on a draft policy. A draft is in Drop Box for the committee and I would ask they review it and prepare any questions for our next meeting with the intent to adopt in August of 2020.
4. 2021 budget – LPD is currently under budget for all but two-line items, those being equipment and supplies related to COVID-19. We are working with the Fire Marshal and staff to secure some grant funding to recoup those monies. For 2021, I am requesting all line items be held at their 2020 budget with the exception being Information Technology and the annual BWC cost of \$26,000 for fees and storage.
5. Curbside parking discussion - During the COVID Crisis, LPD and the Borough worked to grant temporary parking measures to support local business operating in “take-out” only. On West Main Street, this included the creation of four “Curbside pick-up” spaces which were marked with signage. This action was permissible under local ordinance due to our declared state of emergency. However, once lifted, these measures will end unless Council passes an ordinance designating the spots for timed parked not to exceed fifteen minutes.

Councilwoman Currie Teoh – Would this be without detriment to other businesses in that area?

Chief Trail - It will be a balancing act to make everyone happy.

Vice President Fuller – These four or six spaces would not be designated for certain businesses?

Chief Trail – The spots would not be for any particular business(s). Anyone who needed to pick up something, whether the item is brought out to them or they go into an establishment to pick up, could park there for 15 minutes only.

Mayor Herbert –Are there challenges for enforcing those spaces?

Chief Trail – It can be tricky to enforce, but we can do it. It is just not a best practices approach.

6. LPD is actively working to review our policy in use of force, training, and recruitment. The three main areas where we can see improvement in policing are: diversification in hiring by overhauling outdated civil service rules which do not promote diversification in the hiring process, increased de-escalation training as well as physical and mental health, and lastly we need union reform in the areas of discipline and an arbitration process which keeps bad cops on the job. I am asking our elected officials both state and local to work to pass real meaningful police reforms in the areas I have identified.

Ms. Sharp – Candidates for a new officer can apply before receiving training? That is a great thing for those who would want to apply but would not be able to afford the money to attend the police academy.

Councilman Breish – Upper Gwynedd and Lansdale have been seeing an increase of people on the Stony Creek railroad line and they are entering through our park.

Chief Trail – The issues related to people hanging out back there is in Upper Gwynedd Township even through they enter the area through the Borough park. The area has been posted no trespassing.

Councilwoman Hawkins Charlton – Any update about fireworks?

Chief Trail – They are very hard to monitor and see people in the act of setting them off where they are not legal to do so per the State.

Agenda Item #6 – Public Comment

Mr. Matos – When there are updates made he can't always find them on the website. He does not have Facebook to see those updates.

Agenda Item #5 – Announcements

None

The meeting was adjourned at 11:32pm