

Langhorne Borough Council Meeting

July 13, 2022

A meeting of the Langhorne Borough Council was held Wednesday, July 13, 2022, in person with Zoom attendees. Vice President Rich Mason called the meeting to order at 7:31 p.m. and invited those in attendance to pledge allegiance to the Flag.

In attendance: Vice President Rich Mason; Councilpersons Nancy Culleton, Kristen Farry, Kathleen Horwatt, Scott Haldeman, and Tony Marfia; Solicitor Catherine Anne Porter; Police Chief John Godzieba; Manager Paul Leonard. **Absent:** President Paul Murdock, Mayor Joseph Taylor, Treasurer Ellyn Schoen.

Announcements and Presentations: Vice President Mason announced that the Zoning Hearing Board Meeting scheduled for July 14 to review the Toll Brothers application has been postponed until September.

Mayor's Report: None.

Police Chief's Report: Chief Godzieba reported that the officers are transitioning to new weapons purchased with ARPA funds.

Presentation: Joe Fiocco of SAFE Engineering reported on the work he is doing for the Borough in relation to PennDOT's RC3 project. He told JMT, PennDOT's engineer, that signals at the proposed cloverleaf intersection would increase crashes and suggested roundabouts instead, which are much safer than signalized intersections. JMT replied that there will be too much traffic for roundabouts. Joe had come to agree with Borough Planning Commission Chair Brian Smiley that the partial cloverleaf intersection is not necessary; however, this is only true if additional access to Route 1 South is kept. He suggested to JMT that they install a ramp to Interchange Road. Langhorne Manor then told Joe they did not want such a ramp, though they were in favor of roundabouts. Middletown might approve of roundabouts, but their main concern was that the project not be delayed. Joe said that, using PennDOT's 2050 no-build scenario, roundabouts should work if the service roads were kept and upgraded to address safety concerns, which were the reason they were being eliminated in the first place. Only one entrance in each direction is needed for the service roads. A shoulder could be created and "Jersey barriers" put in place of the current medians.

PennDOT's safety study is confidential, so SAFE cannot use it in their analysis. Instead, SAFE will do its own study, which will not include crash data, by looking at seven intersections that could become roundabouts. Joe said he thought the roundabouts would result in 62% fewer crashes than the current cloverleaf plan. SAFE's study will be shared with the Borough and PennDOT.

Of the seven roundabouts, four had already been proposed by PennDOT -- three near the high school and the fourth at Highland and Bellevue (the flashing light). Joe proposed three more, at 413/Gillam, Bellevue/Gillam, and Woods Entrance/413. Joe said he thought building the additional roundabouts would cost half as much as building the cloverleaf and take less time. Langhorne Manor maintains the service roads and therefore wishes to eliminate them, but they should be maintained by PennDOT. Property acquisition will begin after PennDOT's design is set.

Councilperson Horwatt thanked Joe and SAFE Engineering for their great work. Joe noted that out of concern for the budget, most of the work had been done by his staff.

Public comment: Don Minnick, 149 W Richardson Avenue, on behalf of the American Legion Soby Post, thanked officials for their help with the Memorial Day parade. The Legion will sponsor a cornhole tournament on Saturday, September 17, and a 5K run in November. He was reminded to apply for a permit for the run and consult the Police Chief and Mayor about road plans.

Larry Langhans, 302 W Richardson Avenue, announced on behalf of Langhorne Historical Association that 2026 will be Langhorne's sesquicentennial. The Borough should start thinking about how to celebrate.

Potential Sale of BCWSA Sewer System to Aqua: Manager Leonard circulated a draft resolution requesting that the County Commissioners and BCWSA conduct analyses of the risks and public benefits of such privatization now, rather than after the sale as is legally required, and share the results publicly. The Borough would have a year to assess the information and, if necessary, take a more definite stand before the sale was finalized.

Councilperson Culleton wondered if Aqua would be able to make infrastructure improvements such as increasing water pressure in the Borough. Councilperson Horwatt stated that Langhorne citizens originally paid for the system and gave it to BCWSA to operate. They should not have to pay for it again through higher rates to Aqua.

Motion: On motion of Councilperson Horwatt, seconded by Councilperson Marfia, Council voted unanimously to approve "A resolution of Langhorne Borough publicly stating Council's concern about the possible asset sale and privatization of the public water and sewer systems and respectfully requesting both the Bucks County Commissioners and Bucks County Water and Sewer Authority immediately establish the public health, safety, and environmental benefits of such privatization for Langhorne Borough."

Toll Brothers Application: No motion was offered because the zoning hearing had been postponed.

Letter to PennDOT Regarding Public Meetings: Councilperson Farry read aloud a draft of a letter to PennDOT, to be signed by Langhorne Borough, Langhorne Manor, and Middletown Township, requesting that its public meetings be held in person with a virtual component, that each meeting be open to residents of all three municipalities, and that they provide opportunity for public comment and discussion. **Motion:** On motion of Councilperson Culleton, seconded by Councilperson Marfia, Council unanimously approved the letter. It will be sent to the other municipalities for their signature.

Solicitor's report: Solicitor Porter had learned from Toll's team that they realize the difficulty of obtaining the required variances and, instead, would like to work with the Borough professional team and with County planners to come up with a plan for the development that will work for all parties. She proposed putting together an overlay ordinance that addressed the Borough's concerns.

Toll would like to consider internally dividing three of the historic mansions into separate units, which would involve significant upgrades. The fourth historic building, built in the 1960s, will be hard to rehab and they may ask to demolish it and create more open space. Solicitor Porter suggested that stormwater could be managed underground or through a water feature on the site of the proposed retention basin; however, water features are not allowed under the current ordinance.

Toll would like the development to be managed by a Homeowners Association (HOA). Councilperson Horwatt spoke against allowing HOAs because residents might petition later for Borough services. Manager Leonard said the HOA bylaws could state that any request for the Borough to take over maintenance must be signed by 100% of residents and mortgage holders.

Zoning Hearing Board vice-chair Betsy Carr confirmed that the Board was fully constituted with three permanent and two alternate members. One of the permanent members would soon be moving, at which time an alternate would become a full member. The Board proposed Wendy Latham Rollins as an additional alternate to ensure that each zoning application be seen through the process by the same Hearing Board members. Alternates should attend all meetings so that they know the history.

Toll submitted a fiscal study showing the projected tax revenue the development would bring into the Borough. It did not factor in the increased cost of police and emergency services. Individual town homes were expected to sell for \$570K+. Any condos that were developed would cost less.

Bucks County Planning Commission recommended that the Borough put together a design team to draft an overlay ordinance. The team would include the Solicitor, Borough Manager, and a County Planning Commission member. Manager Leonard recommended including our engineer (CKS), a traffic engineer, and an architect. Toll must vet the list of team members for conflict of interest. The Borough Planning Commission and the public would not be involved in the first draft but would review and comment on it before Council takes a vote.

Toll will pay for the ordinance crafting process. If it is done well, Toll may not even go back to the Zoning Board with an application for variances. If an overlay process was used, the Borough would be faced with the hard work of crafting a land development concept. Councilperson Haldeman felt Council should seize this opportunity.

Public comment: Brian Smiley, 120 E. Marshall, thought that the team working on the new zoning ordinance should include public input in the drafting stage and that Borough Planning Commission should be involved in the selection of the consultants.

Pat Carr, 240 N Green, asked whether the zoning overlay would apply to development of other properties. Solicitor Porter replied that it would apply to any property of equal size. Pat recommended appointing Borough Planning Commission Chair Brian Smiley to the team crafting the ordinance. Manager Leonard said that trying to control who is on the team too early can slow the process. Brian stressed the importance of local knowledge and of examining development models that respect the character of the Borough. A decision on Brian's appointment was deferred to a future meeting.

Betsy Carr, 240 N Green, asked who would represent the current zoning ordinances, some of which are very important for safety. Solicitor Porter asked to be told of any special concerns.

Richard Search, 221 S Bellevue, asked about the process for approving an ordinance and objected to the potential density of the new development. Solicitor Porter explained the process and noted that the proposed density is less than the current density of the Borough.

Michael Berling, 224 N Pine, felt that the confidentiality of PennDOT's traffic studies promotes a feeling of distrust. He asked about survey cameras that are on Borough streets and was told they were placed by the Delaware Valley Regional Planning Commission.

Lillian Rossiter, 375 S Bellevue, felt the development will be good for the town. She questioned the accuracy of recent surveys of the area, as Toll's plat map shows four tree removals on her property.

Wanda Search, 221 S Bellevue, was concerned about potential negative consequences of the Toll development. Solicitor Porter explained that the new ordinance would only apply to parcels with a minimum of 14 acres, that the Borough would oversee inspecting any subdivided houses, and that Toll must get approval from PennDOT for entrances on Pine and Bellevue.

Keith DeVore, 111 Flowers, was concerned about the development's density and the number of cars it would bring in. Manager Leonard explained that Toll would do a traffic study, but because safety was an issue, it was important to have a traffic engineer on the team. Traffic may not increase as much as feared.

Appointment to Zoning Hearing Board: Council considered Wendy Latham Rollins' application to be an alternate member of the Zoning Hearing Board. Councilpersons Farry and Haldeman spoke favorably about her letter of application. Councilperson Horwatt welcomed Wendy's interest but felt that the new member should be someone with long experience and familiarity with Borough ordinances.

Vice President Mason and Councilperson Culleton did not want to vote on the matter tonight as they felt Council had had insufficient time to consider it.

Motion: Councilperson Haldeman, seconded by Councilperson Marfia, made a motion to appoint Wendy Latham Rollins to the Zoning Hearing Board. Councilpersons Haldeman, Farry, and Marfia voted in favor; Vice President Mason and Councilpersons Horwatt and Culleton voted against. The motion failed. An announcement will be placed on the website of an opening for a Zoning Hearing Board member.

Manager's Report: Manager Leonard reported that Borough resident Kate Transue had been hired as Clerk. She was catching up on permit applications and code enforcement issues. A backup code enforcement officer is needed. Manager Leonard has been accepted as a member of the fire company.

Councilperson Haldeman wondered why, now that we have the streamlined Use and Occupancy ordinance, inspectors are reporting code violations. Solicitor Porter explained that they have an obligation to note any violations they see, even though these may wait to be dealt with by buyer and seller and should not hold up the sale.

Engineers Report: None.

Motion to Approve the Minutes: On motion of Councilperson Horwatt seconded by Councilperson Farry, Council unanimously approved the minutes of the April 25 and June 7 Work Sessions and the June 8 Council Meeting.

Motion to Approve the Treasurer's Report: On motion of Councilperson Haldeman seconded by Councilperson Marfia, Council voted unanimously to approve the Treasurer's report.

Motion to Pay the Bills: On motion of Councilperson Farry, seconded by Councilperson Horwatt, Council voted unanimously to pay the bills.

EAC: Vice President Mason reported that the next meeting would be August 17 via Zoom. He was expecting an estimate on the retention basin retrofit.

HARB: No report.

Fire Company: No report.

Farm/LOSI: Pat Carr reported that dog waste bags had been replenished and that LOSI paid the service and cleanup costs for a waste line backup after the Flea Market. A claim was submitted to the Borough insurance company. The insurance check should be given to LOSI for reimbursement. Clarity was needed on who should pay the deductible. BCWSA offers insurance that would cover the cost of third party servicing the sewer line.

Planning Commission: Chair Brian Smiley asked about the status of rezoning the Mayor's Playground. The Solicitor explained it was on hold until the new clerk got through backlogged work.

Recreation Board: Councilperson Horwatt reported that there was more vandalism and tagging in and near the Playground.

Shade Tree Commission: Councilperson Culleton reported that the Commission would seek bids for trimming the trees along Maple Avenue outside the playground. Due to summer drought conditions, new trees would not be planted until the fall. The Commission will provide Council with a list of property owners who have agreed to the plantings. The Arbor Day ceremony will involve planting a pear tree in front of the Legion. Councilperson Culleton suggested that the new shade tree ordinance state that homeowners should trim low branches of trees on or near the right of way. Manager Leonard agreed to notify the owners of a dangerous tree on N Bellevue Avenue that it should be take it down.

Communications Team: No report.

Adjournment: On motion of Councilperson Haldeman, seconded by Councilperson Marfia, Council voted unanimously to adjourn at 9:51 p.m.

Respectfully Submitted,

Nancy Culleton
Councilperson/Interim Secretary