

**MINUTES**  
**LANGHORNE MANOR BOROUGH COUNCIL**  
**MEETING OF AUGUST 3, 2004**

**1. CALL TO ORDER** - The meeting of Langhorne Manor Borough was called to order in the Langhorne Manor Borough Hall, 618 Hulmeville Avenue, Langhorne, Pennsylvania, on Tuesday, August 3, 2004, at 8:05 P.M. Eastern Standard Time by Maryann Barnes President.

At this point in the meeting Mayor Farmer led us in the "Pledge of Allegiance to the Flag."

**PERSONS PRESENT** – Maryann Barnes, President; Robert Byrne; Stephen Galazin. Sharon Gimpel; William McTigue, Vice President; Steven Yourtee; Francis J. Farmer Mayor; Loretta M. Luff, Secretary/Treasurer and Thomas J. Profy III, Solicitor.

**PERSON ABSENT** - Nicholas Pizzola;

**2. APPROVAL OF MINUTES** – Mrs. Barnes entertained a motion to approve the minutes of the July 6, 2004 Borough Council meeting. A motion was made by Mr. McTigue and seconded by Mr. Yourtee to approve the minutes as amended. No objections were presented. Motion carried.

**3. POLICE REPORT** – Mayor Farmer gave the police report for the month of July 2004. Mayor Farmer reported that he would have an application for the a police officer for consideration at the September 7, 2004 meeting. Additionally Officer Fetzer is the acting Sergeant.

Mr. Yourtee inquired about the Motor Vehicle Enforcement Truck Check and when the Langhorne Manor Police Department participated. He asked if a report could be included in the monthly police report. Mayor Farmer replied when Chief Bumm gives him a report he would be glad to include it in his report.

Mr. Yourtee stated that he spoke to Chief Bumm and Chief Bumm had provided a full report on it, Mr. Yourtee does not know who he gave the report to. Mayor Farmer stated that the last truck inspection was cancelled due to the lack of manpower from other departments, and a subsequent inspection was performed with Langhorne Police Department. The report Chief Bumm referred to was the last inspection before the cancelled one. Mayor Farmer stated that there would be a written report on future truck enforcement checks.

**4. COMMENTS FROM RESIDENTS & VISITORS** – Mrs. Ciani thanked Council for spending \$476.36 to have the storm drain on the Route 1 access road cleaned out and also for having the storm drain that runs under the Route 1 cleaned out by Penn Dot.

Ms. Ciani has a video of the work that was done on the storm drains and she needs a copy for Call Morrision from Penn Dot and the Borough. The cost to have a copy made is \$15.00 and Tailor – Made Film Video in Feasterville will do it.

Mr. Pizzola entered the meeting at 8:17 P.M.

Mrs. Beth Bartnikowski stated I am sure most of Council would like the topic of the recent vacant Council seat appointment process to end, but as a resident and someone who took part in this process, I feel the need to make two points.

1. Ms. Barnes, I take exception with your interpretation of the Public Legal Notices issued by this Borough on June 4 and June 21. You indicated that you as Council President were somehow generous or un-enforcing the letter of the Public Notice by allowing interested candidates to submit their notices of interest in the position immediately prior to the commencement of the June 24, 2004 Regular Meeting. As the Public Notices indicate--any registered elector of the Borough desiring to fill said vacancy should **immediately so notify** Borough Council in writing addressed to Langhorne Manor Borough, 618 Hulmeville Avenue, Langhorne, PA. Attn: Maryann Barnes, Council President and said notice should be accompanied with a resume or statement of qualifications... As Mr. Profy can attest, words have meanings and according to the "Black's Law Dictionary," Seventh Edition – immediate notice is defined as "As soon as possible." This is an ambiguous definition - and as the Borough's Public Notice lacks specific deadlines, dates or time frame and the precedent that has been set by this Council in its practice of interviewing applicant who submit their intent immediately prior to a meeting to appoint, you could not have refused to accept the applications from the three residents who submitted theirs on June 24. Additionally, you indicated that Mr. Galazin was technically the only applicant who did follow the letter of the Notice. If you had continued to read the Public Notice further last meeting, you would have read, Applicants for the office of Council Person will be interviewed by Borough Council **in public commencing at 8:00 pm on Thursday, June 24, 2004...** So, if we are to read the notice as it is written – Mr. Galazin was not the only applicant to fulfill the requirements of the notice, but he was the only applicant **NOT** to fulfill the requirements.
2. Mr. Galazin, as I am sure you are aware, there has been much controversy over your appointment to this Council. 50% of Council does not want you appointed to this vacancy and the residents of this Borough have previously voted you out of your last appointment to Council. As a resident of this Borough, I am asking you to decline the appointment of this Council to fill the vacancy left by Mayor Farmer's resignation from Council. And I also would like you to know, that we the residents of the Borough of Langhorne Manor are watching, and expect our Council members to fulfill their duties and attend Council meetings - on time - and act in their full capacity as a member of Council. And Mr. Galazin I do think you should resign. Thank you.

Ms. Gimpel asked if she could take a moment and add to Mrs. Bartnikowski's remarks. Ms. Gimpel wanted to review if proper procedure was followed on June 24, 2004, and Mr. Profy's statement at the July 6, 2004 meeting where he indicated that this was how it had been

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done in the past when three or four people apply for a position. All four candidates were treated as nominated and Council then voted on the nominated candidate. She feels that this statement needed to be made on June 24, 2004.

(The next two (2) pages are scanned documents from Ms. Gimpel's statement.)

January 14, 1999 - Candidates

1. Mr. Profy explains several different procedures and then formulate procedure:
  - a- Common method – make a motion, which a second is not required and vote is taken on that nomination/motion.
  - b- Have more than one name place in nomination and vote on the nominees.
  - c- Variation of (b) is to do that with the understanding that after either the first ballot, or the second ballot, the low, if there is more than two is eliminated from the vote.
2. Mr. Mc Tigie moved that Council proceed with the common way of putting forth a given person, and take a vote and see where the vote stands.
3. Mr. Kay seconded the motion to use the common way.
4. Mr. Kay nominated Mr. Davidson.
5. Mr. Profy stated that the nomination does not require a second and a roll call vote should be taken.
6. Roll call taken – four Yeas and two opposed.
7. Motion carried.

November 8, 2000 – 1 Candidate

1. Ms. Barnes explained that the vacancy was advertised and asked if any one was interested.
2. A candidate distributed a resume to all Council Member.
3. Mr. Profy explains that the vacancy is effective today, November 8, 2000 and Borough Council has two options:
  - a- Fill the vacancy with the person who has come forward.
  - b- Council still has a 30 day window till December 5 2000.
4. Mr. Farmer moved.
5. Mr. Mc Tigie seconded a motion to appoint Ms. DiGirolamo
6. No objections were presented and motion carried.

February 5, 2002 – 4 Candidates

1. Recess for ten minutes so Council could review resumes received this evening.
2. Mr. Farmer moved
3. Ms. DiGirolamo seconded to appoint a Mr. Galazin.
4. No objections were presented and motion carried.

March 5, 2002 – 3 Candidates

1. Ms Barnes states she received three resumes.
2. Mr. McTigie moved
3. Ms. DiGirolamo seconded the motion to appoint Mr. Yourtee.
4. Vote was (2) in favor and (3) opposed. Motion failed.
5. Mr. Farmer moved.

6. Mr. Galazin seconded the motion to appoint Mr. Pizzola.
7. Roll call vote. Four ayes and one abstain. Motion carried.

April 16, 2002 – 3 Candidates

1. Mr. Profy explained that it takes three votes to make an appointment since there must be a majority vote of a quorum of Council, which four Council members.
2. Ms. Barnes entertained a motion for the office.
3. Mr. Mc Tigue nominated Mr. Yourtee.
4. Mr. Farmer seconded.
5. Ms. Barnes called for a roll call vote.
6. All voted aye. No objections were presented and the motion carried.

September 2, 2003 – 2 Candidates

1. Ms. Barnes stated she had received two letter of interest.
2. Ms. Barnes asks if there was anyone else interested in interviewing.
3. Mr. Profy explains procedure, two ways:
  - a. Motion made and seconded
  - b. Or nomination made and then vote on nominated individuals nominated.
4. Mr. Framer makes a motion.
5. Mr. McTigue seconded to appoint Mr. Bynes.
6. Roll call vote. Four ayes and two abstained. Motion carried.

June 24, 2004 – 4 Candidates

1. Ms. Barnes received four letter of interest.
2. Mr. Profy explained there is a vacancy and there will be a roll call vote to fill vacancy.
3. Ms. Gimpel made a motion.
4. Mr. Yourtee seconded the motion to nominate Ms. Boyle.
5. Mr. Profy stated in the past a roll call vote was taken as to whom they are voting for.
6. Mr. Profy stated a candidate received the most votes.
7. Mr. Profy stated that the vote has been done both ways in the past.

Mr. Profy replied that Council proceeded on June 24, 2004 to take a vote and then made the motion and Mr. Galazin was appointed to Borough Council.

Ms. Gimpel asked when in the past were all candidates treated as nominated when it specifically stated many times that you need a motion.

Mr. Profy replied that you selected four candidates and one of which was the candidate nominated and the facts were that not all by the vote were expressions of interest made for the other candidates that had come forwarded.

Mr. Mucklow asked what happened to the motion on the table, why was it not acknowledged.

Mr. Profy advised Council that this is a closed matter and Mr. Galazin has been appointed to fill the vacancy on Borough Council.

Ms. Linington told Mrs. Barnes that the residents of Langhorne Manor are very up set with this appointment.

Mrs. Barnes replied that she finds this very hard to believe.

Ms. Gimpel asked when Mr. Galazin took the Oath of Office. Mayor Farmer replied on July 7, 2004.

Ms. Gimpel asked who administered the Oath and Mayor Farmer replied that he had.

Ms. Gimpel asked if he signed it and Mayor Farmer replied that he had it notarized.

Mr. Yourtee asked if there was a response to Mrs. Bartnikowski's remarks. Mrs. Bartnikowski replied that a response is not necessary.

Mrs. Barnes called on Krista Conkle. Ms. Conkle asked again about the plans pertaining to the thirteen storm drains that run from Hill Avenue.

Mrs. Barnes told Ms. Conkle at the July 6, 2004 meeting Ms. Conkle was told to call Mr. Bush and schedule a time when they could go over the plans.

Ms. Conkle replied that she did not remember that. Mrs. Barnes informed her that it is in the minutes of July 6, 2004.

Ms. Conkle spoke again on the thirteen storm drains that run from Hill Avenue to one trunk line. Ms. Conkle asked Mr. Profy if he had spoken to Penn Dot as to their obligation and to their intentions pertaining to the water problem on Hulmeville Avenue.

Mr. Profy replied that he had spoke to the District Director of Penn Dot, Andy Warren and he stated that he had referred it to a member of his staff and Mr. Profy had not heard anything since then, so he called Mr. Warren this morning he was informed that he would not be in his office today.

Ms. Conkle stated that she knows her water problem will not be taken care of over night, but she will bring it before Council's every time she comes to a meeting about the poor drainage on Hulmeville Avenue due to the inadequate storm drain system that was put in to eliminate the water problems on Hill Avenue.

Mr. McTigue stated that Council had addressed a little of the history of this problem at the July 6, 2004 Council meeting of the storm drains on the 300 block of Hill Avenue that were put in 1988-89. Mr. McTigue tried to explain the process that had taken place in 1993-94 when the door-to-door survey was conducted, Mr. McTigue was interrupted by Ms. Conkle asking if everybody's interest was taken into consideration at that time. She continued to speak about her neighbors behind her who want them to put in extra pipes to get rid of their water problems on Hill Avenue.

Ms. Conkle asked who is responsible for Hulmeville Avenue. Mr. Profy stated that it is a state road and the State is responsible for maintaining the road and improvements within the right away. He can not speak for Penn Dot, but with prior experience Penn Dot has its' own way of working and this matter has been brought to Penn Dots attention. Mr. Profy stated that he has personally spoken to Mr. Warren three or four times concerning Ms. Conkle's problem.

Mr. Profy stated that he would try to speak again to Mr. Warren prior to the September 7, 2004 Council Meeting pertaining to this matter.

Mr. McTigue told Ms. Conkle that Council has described to her the efforts Council is trying to make on her behalf in an area where Council has no purview. Ms. Conkle interrupted and Mr. McTigue told Ms. Conkle that he was not finished speaking, and he did not interrupt her when she was speaking. Mr. McTigue stated that you keep coming to the Council Meetings and talking to us like we can directly influence Penn Dot. We have told you that Borough Council has been in contact with Penn Dot; we are doing the best we can. I don't understand what it is you are asking for at this point.

Ms. Conkle replied up until now nobody told her that it was not the Borough's responsibility. She has been asking for three months and at the last meeting Mr. Profy stated that he would find out who is responsible for Hulmeville Avenue.

Mayor Farmer and Mrs. Barnes again stated that Ms. Conkle's drainage problem on Hulmeville Avenue was the second item discussed when they had their meeting with Mr. Warren. Mr. Warren stated that he would get back to Mrs. Barnes.

Ms. Conkle stated all she wants is a place to put the water after she drains her property. She does not expect the Borough to drain her property. Ms. Conkle only wants a way and a place to drain the water from her property.

Mayor Farmer stated that was what they discussed with Mr. Warren and they are waiting for a reply from Penn Dot.

Ms Conkle stated since she now knows that it is Penn Dot's responsibility she will not continue to badger Borough Council with her problem, she will badger Penn Dot.

Mrs. Barnes stated that Borough Council is putting the pressure on Penn Dot and hopefully they will respond to this problem as quickly as possible.

**5. COMMITTEE REPORTS** – Mrs. Barnes reported on the Delaware Valley Regional Planning Commission who had their final meeting on July 15, 2004 and the Route 413/513 Corridor Study has been completed and a copy is to be kept in the Borough Office.

Mrs. Barnes reported on July 27, 2004 Langhorne Manor Borough Planning Commission met to review a draft of the Comprehensive Plan and they did refer to a lot of the information from the Delaware Valley Regional Planning Commission report. The Planning Commission did review the Comprehensive Plan and after some discussion there were some changes, and they will return with a completed plan for the Planning Commission to approve.

Mrs. Barnes reported on July 29, 2004 she attended the meeting of the Southeastern Bucks League of Municipalities to observe what was being discussed. Most of those attending were from the larger townships. They discussed the possibility of nerve gas being sent through Bucks County. Mrs. Barnes stated she felt she needed more information before she would present it to Council for approval of an ordinance. It turns out that all Permits are on hold so no action needs to be taken at this time.

**At this time Mrs. Barnes announced the new committee assignments.**

**BOROUGH OF LANGHORNE MANOR  
618 HULLMEVILLE AVENUE  
LANGHORNE, PENNSYLVANIA 19047**

**BANKS**

First National	General Fund Checking
First National	General Fund Savings Account
First National	Payroll
First Federal	Highway Aid Account
First Federal	Capital Reserve
First National	PBU Escrow (formerly PCB)
First National	Sewer Department Checking
First National	Sewer Department Savings
First National	Sewer Account
First National	Sewer Start Up Savings
First National	Sewer Construction Checking
First National	Sewer Construction Savings
PA INVEST	PA INVEST Sewer Account

**Officials, Commissions, Authorities, Appointees, etc.**

Planning Commission Five Year Term	Frederick Tomlinson to 2005 Mary Jane Boyle to 2006 Maryann Barnes (Chairman) to 2007 Jim McMeeking to 2008 Steve Yourtee 2009
Auditors Six Year Term (Elected)	Paul T. Cichy (Chairman) to 2008 William Hiltner to 2006 Nicole J. Innamorato to 2010
Zoning Hearing Board Three Year Term	James McCreary to 2005 Gary Mucklow to 2007 Ronald Bartnikowski to 2007
Langhorne Manor Borough Higher Education and Health Authority	Ella Schock (Secretary) to 2005 Josephine Cloak to 2006 Paul Cichy to 2008

Five-Year Term	Jean Nelson to 2009 Francis J. Farmer to 2007
Shade Tree Commission Five-Year Term	Mary Jane Boyle to 2006 Elizabeth Linington (Chairman) to 2008 Steve Yourtee to 2007

**Officials, commissions, authorities, appointees, etc.**

Constable	Jim McMeeking (6 yr. 2004 - 2010)
Fire Marshall	Frank Farry
Secretary/Treasurer	Loretta M Luff
Solicitor	Thomas J. Profy, III, representing Begley, Carlin & Mandio
Building Inspector	Joseph A. Bush, Jr. (2 yr. 1-01-04 - 12-31-05)
Code Enforcement Officer	Joseph A. Bush Jr. (2 yr. 1-01-04 - 12-31-05)
Zoning Officer	Joseph A. Bush, Jr. (2yr. 1-01-04 - 12-31-05)
Plumbing Inspector	James Peet (2 yr. 1-01-04 – 12-31-05)
Borough Engineer	Pickering, Corts & Summerson
Custodian, Outside	Jim McMeeking
Custodian, Inside	Loretta Luff
Emergency Management Coordinator (Appointment by recommendation of the Governor)	William McTigue (Appointed 1996)
Vacancy Board (One year appointment)	John Gibbons
Assistant Secretary	Betty Cichy
Liaison to Comcast Cablevision	John Lisa

**COMMITTEE ASSIGNMENTS MADE BY PRESIDENT OF COUNCIL**

Maryann Barnes will serve on the Planning Commission; the Zoning Ordinance Review Committee; Zoning Code Coordinator; Budget Committee; Sub-Division & Land Development, Sewer & Water Utilities Committee (disbanded)

Bob Byrne will serve on the Street Light Committee, Police Committee, Safety Code Review, Building Code Review, Plumbing Code Review and Maintenance of Borough Properties.

Stephen Galazin will serve on Police Committee, Grant Application Coordinator and Comcast Liaison.

Sharon Gimpel will serve on Insurance Issues, Tax Collector Liaison, Assessment Liaison, Shade Tree Commission Liaison, Newsletter Committee and Budget Committee.

Nicholas Pizzola will serve on Penn Vest Finance, Chairman of Budget Committee, Ordinance Review other than Zoning & Sub Division & Land Division, Rescue Squad Liaison, Fire Department Liaison, and Newsletter Committee.

William McTigue will serve as the Emergency Management Coordinator, on the Refuse Collection, Recycling Program, Leaf Pickup, Landfill Issues and Police Committee Chairman.

Steve Yourtee will serve on Borough Streets, Snow Removal, Street Signs and Borough Grounds Coordinator.

Mrs. Barnes reported she received a letter from Armour & Sons Electric stating that they performed their annual re-lamping inspection of the traffic signal and it is functioning properly. The only problem is the pavement markings are deteriorated and in need of replacement.

Mr. Byrne stated that he has a machine that does this kind of painting and he would volunteer to do the work.

Mr. Byrne reported on street light pole #11 on Hulmeville Avenue that comes on when ever it wants to. Mrs. Luff explained that permission was given to replace what ever is needed to have the light working properly. This light has been reported a couple of times.

Ms Gimpel stated that on the property insurance policy the pump station is listed and she feels that 25% of the premium should be paid out of the sewer account and remainder of the premium out of general fund. Mrs. Gimpel asked if Council would entertain a motion to pay 25% of the premium out of the sewer fund.

Mr. Profy stated that it is just an account issue and it should be pro rated 25% out of the sewer fund and there is no reason for a motion.

Mr. Profy suggested that Paist & Noe be contacted as to the coverage we are carrying and make sure it is enough on the different properties including the sewer pump station.

Mr. Profy informed Mr. Yourtee that on the Volunteer Program the Borough has medical insurance up to \$25,000.00 per accident, liability for one and three million and he feels the Borough has adequate coverage. The County also carries insurance for this program.

Mr. Profy spoke on the Public Law Act 477 and they are continuing to search for a carrier to provide that coverage. Public Law Act 477 provides that an injured policemen and this includes part time policemen, receives 100% of their salary not the two-thirds of their salary as in the past provided by Workmen's Compensation Insurance. Without the additional coverage it would be two-thirds Workmen's Compensation Insurance and one-third the Borough's responsibility. The carriers are uncomfortable with this and this is why it is difficult obtaining the additional coverage.

Mr. Pizzola asked if there is a time limit for obtaining this coverage. Mr. Profy replied no.

Ms. Gimpel reported on the two copies of the letter that the Shade Tree commission proposed for consideration concerning safety issues pertaining to the trees, to be mailed to the residents.

There are three options do nothing, send out a letter to prune the trees according to the issues stated in the letter getting a Contractor's License for the contractor who does the work or let them get the work done without a contractor obtaining a license in order to help the residents.

Mrs. Barnes asked if the date of September 1, 2004 is enough time for the residents to complete the work.

Ms. Gimpel explained that the work should be done while the leaves are still on the trees so problem limbs that are hanging over sidewalks and roadways are noticeable also so the work is completed prior to the start of school.

Mr. Pizzola asked if the date could be change to September 15, 2004

Mr. Yourtee replied that he does not see a problem changing the date to September 15, 2004.

Mr. McTigue asked about the waiving of the required fee for a Contractor's License, it should be qualified with a limited period of time that this would be allowed so the residents wouldn't think this requirement is being waived forever without an Ordinance change. Mr. Yourtee agreed.

Mr. McTigue spoke on the dispatching of the Code Enforcement Officer for non-compliance properties as there is going to be a cost to do this. How is the cost of the Code Enforcement Officer going to be recovered? With respect to the Code Enforcement Officer,

there will be an expense for him to inspect the non-complying properties being referred to him. The question is what if any provision does the Shade Tree Ordinance provides to recover from the homeowner for the cost of the inspection by Mr. Bush.

Ms. Boyle asked who pays Mr. Bush when he goes out on a complaint? Mr. McTigue replied that the Borough Pays.

Mr. McTigue stated that as far as he knows the times that the Code Enforcement Officer Mr. Bush, is dispatched to handle a problem, he is not aware of this happening very often or is a high dollar volume involved. For sometime the Shade Tree Commission has said that there is a number of properties that are in non-compliance, we are going to take an initiative and send out a letter and hope the residents will do what they are suppose to, if they don't and there is a large number of properties that need inspections and re-inspections that will create a bigger funding issue then miscellaneous complaints. He is not saying that is not a reason for doing this Shade Tree Project, all he is asking is what provisions, if any, does the Ordinance provide for collection of the cost of enforcement?

Ms. Boyle asked where does the funds come from when Mr. Bush goes around with the list from the police department? Mr. McTigue replied that the funds come from the General Funds.

Ms. Boyle asked why the money for the non-compliance residents comes from the General Fund.

Mr. McTigue replied that Ms. Boyle is missing his point; it is not about the source of funds, but about the volume of funds as it was stated when the Code Enforcement Officer is to go out and make miscellaneous inspections he is paid for this out of the General Fund. If Mr. McTigue recalls correctly this does not happen very often. We now have a Shade Tree issue that is finally being addressed telling the residents that there are a number of non-compliance properties hopefully the residents are going to do the right thing, if they don't then there will be a number of properties that will need to be inspected. That number of events will be much larger then what we are use to paying for on a miscellaneous basis and he is only asking if there is a cost recovery provision in the Ordinance that will fund this project.

Ms. Boyle stated that she would have to review the Ordinance and she understands what Mr. McTigue is saying, but he has to realize, anytime the Shade Tree Commission has done anything it has been through the general newsletter and there has been nothing done.

Mr. McTigue stated that he does not oppose the notion of the letter going out to the residents, he is only asking, have we anticipated if there are a large number of non-compliance properties where are the funds going to come from for the inspections by the Code Enforcement Officer?

Mr. Profy stated that the provision in the Ordinance is for recovering cost only if the Borough has to do remedial work. There are no provisions in the Ordinance that enables the Borough to impose inspection fees upon the properties.

Mr. Bush stated that it is a state law before Municipalities can issue a permit; he must make sure the contractor has insurance.

Mr. Yourtee stated that there are no permits required.

Mr. Yourtee asked what happened to the list from the police department concerning intersections that need trees or brush trimmed.

Mr. Profy stated that without obtaining a permit it is unlawful to remove, trim or prune any tree situated within a public area, obviously trimming or pruning requires a permit.

Mr. Profy recommended the same program that the Borough previously had, waive the permit fee, but he believes the contractors must be licensed and have insurance coverage. Mr. Profy stated that the contractor's insurance is not only protection for the Borough but also for protection for the workmen, as the Borough could be joined in litigation.

Mr. Profy stated that there is nothing in the Ordinance requiring the homeowner to pay the cost of an inspection from the Code Enforcement Officer.

Mr. Profy asked Mr. Bush the cost for an inspection. Mr. Bush replied \$30.00

Ms. Boyle stated that permit requirements and exceptions reading from the Ordinance pertaining to the requirements for a permit to do work in a public area. Ordinance NO. 2000 – 001 – Article 3-Permit Requirements and Exceptions—Section 1. It shall be unlawful for any person to care for any shade tree or to perform or cause to have performed major or total pruning of any shade tree within a Public Area without first obtaining a permit from the Commission as set forth in Article 8 and conforming to the requirements of the permit, except that it shall not be unlawful to do the following without a permit or approval of the commission:

- a) Trim shade trees to conform to the clearance requirements of this Ordinance;
- b) Trim or prune shrubs and bushes within a Public Area;
- c) Remove or cut off low hanging or broken branches of trees which create or may create a public nuisance or danger.
- d) Carry out normal repair, upkeep, minor pruning and trimming;
- e) Prune, trim or cut for the maintenance of public utility facilities;
- f) Removal, trimming or pruning of any tree not situate in a Public Area.

Mr. Profy replied that he had read the Ordinance and he feels that the Shade Tree Commission is in the first section. He feels that permits must be obtained for this type of work that the Shade Tree Commission is requiring.

Mr. McTigue stated that the Shade Tree Commission is requesting each individual homeowner to get the work done, unlike the abatement program that had been done in the past.

A discussion followed pertaining to the license fee for contractor's to do the work being required by the Shade Tree Commission.

Mr. McTigue stated that the homeowner hires a contractor; they have to be licensed in the Borough, waive the fee of \$100.00 so the homeowner is not charged for the contractor's license fee. The inspector's time to verify the contractor's license and insurance is to be paid out of the General Fund for a limited time.

Mayor Farmer stated that the letter should be sent out by the Shade Tree commission informing the homeowner that if they hire a contractor to do the work the contractor must produce a Certificate of Insurance to Mr. Bush. If Mr. Bush is required to go out for an inspection he is to be compensated his hourly rate and it is to be charged against the Shade Tree Commission budget. Mayor Farmer also suggest the extra time be given to the homeowners to complete the work. Also all postage and expenses pertaining to this letter must be applied to the Shade Tree Budget.

Mr. McTigue asked if the date is going to be extended to September 15, 2004?

After a discussion of the changes to be made in the letter it was agreed to extend the date to September 15, 2004.

Mr. McTigue asked if the Shade Tree Commission would be referring the non-compliance properties directly to Mr. Bush or would they be referring them to the Borough Council.

Mr. Yourtee stated that this was discussed at their meeting as to what if there are ten homeowners who are not conforming by the end of the month and how will this be handled. No one on the committee had an answer at that time. If they were confronted with this problem they would bring it before Council at the next meeting.

Motion was made by Mr. Yourtee and seconded by Mr. McTigue to send the letter as presented by the Shade Tree Commission with two changes and all expenses to be applied to the Shade Tree Commission budget. No objections were presented. Motion carried.

Ms. Gimpel asked for a copy of the list of trees and brush that the police department wanted trimmed. Mayor Farmer replied that he would see that they received a copy.

Ms. Gimpel also asked Mr. Galazin for a copy of the map from that he had obtained. Mr. Galazin stated that he would see that they received a copy.

Mr. McTigue reported that he would be ordering a dumpster for the volunteer project when Mr. Yourtee is ready for it.

Mr. McTigue also reported that it was brought to his attention that there is a water drainage problem at the corner of Hill and Central Avenue. Some debris had been dumped on

top of the drainage pipe. Mr. McMeeking from Legal Lawn and Maintenance Services will unclog the debris at a cost of \$250.00.

Motion was made by Mr. McTigue and seconded by Mr. Galazin to have Legal Lawn and Maintenance Service remove the debris from the corner of Hill and Central Avenues.

Ms. Gimpel asked if Mr. McMeeking was going to clean just the top of the drain or is he going to go into the drain.

Mayor Farmer replied that it is a pipe that runs under the road and Mr. McMeeking is going to clean the pipe out and haul all the debris away.

Ms. Gimpel asked if he was going to lift up the grate at the end of the pipe.

Mr. Yourtee replied that it was just an open-ended pipe that you would put under a driveway.

Mrs. Barnes asked for a vote on the motion to have Legal Lawn and Maintenance Service clear the debris at the corner of Hill and Central Avenues. No objections were presented. Motion carried.

Mr. Pizzola-No report.

Mr. Yourtee reported that the paper work has been completed for the Community Service Project and he is the representative for the Borough. He received the names of three people who are being assigned to the Borough for work under the Community Service Program. The three people will be contacting him to set up a schedule. Mr. Yourtee will be keeping track of their hours that they work. Mayor Farmer asked Mr. Yourtee if he could check with the court system to find out if Mr. Yourtee could set up the times they are to work here instead of them telling Mr. Yourtee when they are available.

Mr. Yourtee replied that he probably could. He discussed again what they would be doing, he also stated that there is some type of supervision needed and they will also need tools.

Mayor Farmer stated that somebody must supervise them so they just don't sit around. Mr. Yourtee replied definitely. Mayor Farmer stated that Mr. Yourtee must give a report to the court system as to what they did while they were in the Borough.

Mr. Byrne stated that a day's work should be scheduled for them.

Mrs. Barnes asked Mr. Yourtee to get more information as to whose decision it is when they are to come here and if anybody comes with them.

Mr. Yourtee replied that nobody comes with them that is our responsibility to supervise them. He was thinking about a date after Labor Day, having a weekend or two where he might be able to get people to assist in the course of the day.

Mr. Profy stated that this program is designed for municipalities that have a full time staff. The first thing is to find out is who sets the schedule. Do they set the scheduled being the employee or can the Borough require that the work be done on the weekends.

Mr. Yourtee stated that he would try to get the answers to the questions that Council has asked.

**6. MAYOR'S REPORT** – Mayor Farmer reported that a letter was sent to Mr. Seitz informing him of a preliminary hearing with Mayor Farmer. Mr. Seitz was away for the past couple weeks and did not receive the letter. Mayor Farmer will get a copy of the letter and arrange a meeting with Mr. Seitz.

**7. SOLICITOR'S REPORT** – Mr. Profy reported that each Councilperson received a copy of the letter showing the transfer of funds to the Borough from a collection matter on failure to obtain permits for property improvements.

Mr. Profy also reported on the Trevoise State Police Barracks where the Commonwealth Court entered an order dismissing the preliminary injunction that was entered ten years ago. There is no question in his mind that if there had been a hearing the court would have acted just as they did on the stipulation

**8. INSPECTOR'S REPORT** – Mr. Bush gave the Inspector's report for the month of July 2004.

Mr. Bush also reported on a fax received from Miller & Son Paving Inc. requesting permission to pave on Comly Avenue in the Langhorne Manor Borough's area, which runs from Hulmeville Avenue to Bellevue Avenue during nighttime hours. Langhorne Manor Borough does not have an Ordinance that covers working in the Borough during nighttime hours, but they need permission to do this work.

Motion was made by Mr. Yourtee and seconded by Mr. Byrne to give permission to Miller & Sons Paving Inc. the option to work at night on Comly Avenue. No objections were presented. Motion carried.

**9. CORRESPONDENCES** – There wasn't any correspondence.

**10. APPROVAL OF THE BILL AND TREASURER'S REPORT** – Mrs. Barnes stated that all Council members received a copy of the bill list for payment. She asked if there were any questions or discussion.

Mr. McTigue inquired about the check # 3839 that was tabled at the July 6, 2004 meeting. Should the check be documented on last months report so when Council decides to pay, it will be reflected on that months report even though during that month Council tabled it, or does it make more sense to say now we are going to take it off the bill list for last month and it will eventually be presented on the bill list for the month that we actually approve it.

Mr. Profy stated that it should be left on the table till it is time to take it off the table and the bill list that month would be supplemented by taking it off the table; and approving it.

Motion was made by Mr. McTigue and seconded by Mr. Yourtee to amend the bill list to include the \$15.00 for the video for the storm drains and \$111.00 for postage for the letter to be sent out by the Shade Tree Commission. No objections were presented. Mr. Galazin abstained. Motion carried.

Mrs. Barnes entertained a motion to approve the Treasurer's report as presented. Motion was made by Mr. McTigue and seconded by Mr. Pizzola to approve the Treasurer's report. No objections were presented. Motion carried.

**11. SECOND MEETING** – Mrs. Barnes stated that a second meeting is scheduled for Tuesday August 17, 2004, at this time there are no items for the agenda for that meeting. Motion was made by Mr. Yourtee and seconded by Mr. Byrne to dispense with the August 17, 2004 meeting. No objections were presented. Motion carried.

**12. ADJOURNMENT** – Motion was made by Mr. McTigue and seconded by Mr. Galazin to adjourn this meeting. No objections were presented.. Motion carried. Meeting adjourned at 10:06 P.M.

The next meeting will be Tuesday September 7, 2004 at 8:00 P.M.

Respectfully submitted.

Loretta M. Luff  
Secretary/Treasurer  
Langhorne Manor Borough