

**MINUTES  
LANGHORNE MANOR BOROUGH COUNCIL  
MEETING OF JULY 6, 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, July 6, 2004, at 8:04 P.M. Eastern Standard Time by Maryann Barnes President.

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

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

**PERSON ABSENT** - None

**2. APPROVAL OF MINUTES** – Mrs. Barnes stated that there were two sets of minutes, June 1, 2004 and June 24, 2004, to approve this evening. Mrs. Barnes entertained a motion to approve the minutes from the June 1, 2004 Borough Council meeting. A motion was made by Mr. McTigue and seconded by Ms. Gimpel to approve the minutes as amended. No objections were presented. Mr. Byrne and Mr. Yourtee abstained. Motion carried.

Mrs. Barnes entertained a motion to approve the minutes of the June 24, 2004 Borough Council meeting. Mr. McTigue in review of the June 24, 2004 minutes, referred to the motion to appoint Mr. Galazin to fill the vacancy on Borough Council and the vote was three to three. Mr. McTigue recalls the vote to be four to two with Mr. Pizzola, Mrs. Barnes, Mr. Byrne, and himself voting in favor of the appointment. Mrs. Luff believes Mr. Byrne voted nay.

Mr. Yourtee asked if after the tapes are reviewed and it is found to be a three to three vote does that mean that the appointment is not valid. Mr. Profy stated that the Mayor according to the Borough Code would be entitled to a tie-breaking vote. Mr. Profy stated that he is certain that Mr. Byrne did vote on the motion in the affirmative. Had he not, the code specifically states that in a tie vote the Mayor cast the tie breaking vote. Mr. Profy was certain that if there had been a tie he would have pointed this out and a three to three vote does not carry.

Mr. Byrne stated that he was not sure how he voted.

Mr. Yourtee asked how does that apply to filling the vacancy within thirty days of Mayor Farmer's resignation

Mr. Profy stated that the motion must be determined.

Mr. Byrne stated that he voted for Ms. Ciani and he might have said aye inadvertently, he was not sure if he was wrong in doing that, maybe he should have abstained.

Mr. Yourtee asked, if the June 24, 2004 minutes are not approved this evening and when the tape is reviewed and it is determined that the vote is a tie and the tie is not broke till the August 3, 2004 Council meeting wouldn't that be in excess of thirty days and shouldn't it be cleared up this evening.

Mr. Profy stated that the next step of the process, as we speak, would be that it would go to the vacancy board. It goes to the vacancy board for fifteen days and if the vacancy board does not act, it will then go to court. Mr. Profy stated that he was certain it was not a tie vote.

Mrs. Barnes stated that the Council still had time to act on this.

Mr. Profy replied that Council should clarify the vote tonight. Mr. Profy asked Mrs. Luff if she could tell by listening to the tape how Mr. Byrne voted. Mrs. Luff replied that she would have to listen to the tape.

Ms. Gimpel made the following statement:

“Let the public record reflect the sequence of events in the appointment of a councilperson on June 26, 2004 at taxpayer expense of over \$370. On June 1, 2004 at the Langhorne Manor Borough council meeting, it was unanimously approved to advertise the vacant council position on June 15, 2004 at an approximate taxpayer expense of \$184. All council members agreed that they would be available to interview prospective candidates at 8 PM on June 15, 2004. On June 15, 2004, she returned home from Florida to specifically attend this borough meeting. She called home upon her arrival in Philadelphia and was told that the meeting was cancelled due to the possibility of not having a quorum. She has attended numerous borough meeting over many years and has sat waiting for an hour or more for council members to show, as well as have witnessed the borough secretary calling council member that the meeting could not start and their presence was required. In addition, it is not good practice for an advertised meeting at taxpayers' expense to be cancelled based upon a presupposition of not having a quorum. Therefore, the taxpayers paid an additional advertising expense of \$187. Furthermore, there is no question (thru verbal verification) that a quorum of council member was available for the meeting on June 15, 2004.

Now, let's review the appointment process. Three very conscientious residents interviewed for the council vacancy. Each of these candidates had been attending numerous meetings and had performed countless hours of volunteer service to our community. At the conclusion of the interview process, a no-show candidate for the May 2003 Election, for Borough Council meetings when he was not on Borough Council and for the interview process on June 24, 2004 and his letter of application was read and the resume was briefly reviewed. Immediately following, a motion was made to nominate an interviewed candidate and then a second motion was made. The President of Council proceeded to ignore the motion on the table and asked for an individual roll call for each councilperson to choose the candidate of their choice. President of Council should have asked for any further nominations and then officially close the nomination prior to the individual roll call or should have addressed the specific motion on the table. Past practice of an individual role call is irrelevant. Langhorne Manor Borough utilizes Roberts Rules of Order for procedural conduct for the

council meeting. Robert's Rules states that nominations are necessary before voting especially when there is a probable division of the assembly.

Furthermore, after review meeting minutes, it becomes questionable if the appointment motion carried. There were three ayes and three opposed. President of Council quickly announced that the motion carried, ignoring the tie vote situation. According to Borough code, the Mayor is responsible for breaking the tie votes. (Section 1003)

One final parting comment, remember the words of the oath of office: during my term of office, perform the duties of my office with fidelity. Question - Who is being faithful to whom?"

Mr. Profy stated that Borough Council should see if the minutes could be clarified. Mr. Profy still feels that the vote passed. Mr. Profy stated that the vote should be verified this evening because if there is going to be an open position on Council and the position has not been filled he thinks there is a possibility of litigation providing the fact that Mr. Galazin's claim to office would be of issue. In addition, the date of Mayor Farmer's resignation from the office of Borough Councilman was June 1, 2004 at 8:02 P.M. so Council is still within the fifteen-day period for the vacancy board. Mr. Profy stated if the minutes are not clear and Council cannot agree if the vote had passed, there could be another situation where someone can claim you have a continuing vacancy in the office of Borough Councilperson. If there is, then it is still within the jurisdiction of the vacancy board.

Mr. Yourtee stated since Mr. Byrne was sitting in front of the tape machine there is a good chance it will be clear how he voted.

Mr. Profy's stated if Council proceeded with the meeting this evening without finalizing this situation Council would be beyond the limit of the vacancy board.

Ms. Gimpel asked if Mr. Galazin had taken the Oath of Office. Mayor Farmer replied no. Ms. Gimpel asked if Mr. Galazin had been notified of his appointment. Mayor Farmer replied that Mr. Galazin just arrived home today from his trip to Europe. Ms. Gimpel asked if Mr. Galazin was notified. Mrs. Barnes stated that she had notified him this evening.

Ms. Gimpel asked why he isn't present at the meeting to take the Oath of Office.

Mrs. Barnes replied that Mr. Galazin said he would be at the meeting but would be a little late. Ms. Gimpel asked how long would Council wait.

Mr. Profy stated that the tapes should be reviewed to see if it could be determined how Mr. Byrne voted.

Meeting recessed at 8:28 P.M. for the purpose of reviewing the tape from the June 24, 2004 Borough Council Meeting.

Meeting reconvened at 8:43 P.M. Mrs. Luff announced that the tape clearly shows that Mr. Byrne voted aye to the motion to appoint Mr. Galazin. It was her mistake, the vote was four in favor, and two opposed to the appointment of Mr. Galazin.

Mr. Byrne stated that he voted in favor of Mr. Galazin's appointment because the roll call vote was in favor of Mr. Galazin; he figured it was a done deal so he inadvertently replied aye. If he could retract his vote, he would.

Mr. Yourtee asked how the rule of the thirty-day vacancy applies to someone who has not taken the Oath of Office.

Mr. Profy stated when a person is appointed; he has a reasonable length of time following his appointment to take the Oath of Office.

Mrs. Bartnikowski asked what a reasonable length of time is.

Mr. Profy replied that he understands that Mr. Galazin has been out of the country until today, if he takes the Oath of Office within the next several days, which would be a reasonable length of time.

Motion was made by Mr. Yourtee and seconded by Mr. McTigue to approve the minutes of June 24, 2004 as amended. No objections were presented. Motion carried.

Mrs. Barnes responded to Ms. Gimpel's comments. It is correct that the notice to fill the vacancy for the office of Councilperson was advertised not only once, but also twice. It was also announced at the June 1, 2004 meeting that the interviews would be held on June 15, 2004. The advertisements that appeared in the newspapers are very specific and it was announced at the meeting. The ad said, "... A vacancy exists in the office of Councilperson of the Borough and notice is herewith given that any registered elector of the Borough desiring to fill said vacancy should immediately so notify Borough Council in writing and addressed to Langhorne Manor Borough, 618 Hulmeville Avenue, Langhorne PA 19047, addressed to Maryann Barnes Council President. Said notice is to be accompanied with a resume or a statement of qualifications of the person desiring to fill said vacancy..." The notice goes on to say that applicants would be interviewed at the meeting.

Mrs. Barnes stated that the only resume she received was from Mr. Galazin, however the night of June 15, 2004 there was not a quorum, and she cancelled the meeting. Mrs. Barnes did not want people sitting around waiting for a meeting to begin, which had happened before, as it is very disconcerting, and people get upset. The meeting was rescheduled at that time for Thursday June 24, 2004 at 8:00 P.M. At that time, the only person who had contacted her in writing was Mr. Galazin. The night of the June 24, 2004 meeting Mrs. Barnes was handed three resumes or letters of interest. Mrs. Barnes stated as Council President she has in her mind when she is coming to this meeting that one person is interested in the vacancy.

Mrs. Barnes stated that the newspaper advertisement is specific and her job as Council President is to follow what the newspaper advertisement says.

Mr. Profy stated that this is the procedure that Langhorne Manor Borough Council has always followed.

Mrs. Barnes stated that in her opinion, she is to do what is in the advertisement or change the rules according to Council's recommendations. She feels that she has been very generous to the applicants in the way she has handled these situation. She could have told the three people who applied the evening of the meeting that they could not interview that evening. She did not do that.

Somebody in the audience asked if Mrs. Barnes could have refused to interview the three people who handed in their requests the evening of the meeting. Mrs. Barnes replied yes she could have and she was not going to get into an argument over this. Mrs. Barnes asked for her time just as Ms. Gimpel had asked for her time to comment, and the residents have to realize where she is coming from. They say one thing and then they expect her to do another it can't be both ways. Mrs. Barnes stated that is her point of view.

Ms. Gimpel stated that there have been many Council vacancies that she has been witness to. In the past, the people have brought their resumes directly to Mrs. Barnes at the time of the meeting.

Mrs. Barnes replied yes it could have been done in that way because she has allowed it. Mrs. Barnes said to Ms. Gimpel that her statement this evening insinuated that Mrs. Barnes did things at the June 24, 2004 meeting the way Mrs. Barnes wanted them done. Mrs. Barnes stated that Mr. Galazin did it the way it was supposed to be done. Mrs. Barnes stated that Ms. Gimpel made her point and Mrs. Barnes hopes that she made hers.

Mr. Yourtee asked how did Mrs. Barnes determine that there would not be a quorum for the June 15, 2004 meeting, he was contacted to be available for the meeting, when he arrived home at 6:00 P.M. on June 15, 2004 there was a message that the meeting had been cancelled and no reason was given. Mr. Yourtee wanted to know how many people were called.

Mr. McTigue replied that Sunday June 13, 2004 prior to the meeting he made a point to let Mr. Yourtee and Mrs. Barnes know that he was going to be on vacation and not able to attend the meeting.

Mr. Yourtee stated that there would only be one person missing from the meeting.

Mrs. Barnes stated that Ms. Gimpel stated at the June 1, 2004 Council meeting that she would be in Florida and would be unable to attend. Mrs. Barnes stated that she was also unavailable for the meeting on June 15, 2004 so there would not be a quorum.

Mr. Yourtee asked about the motion that Ms. Gimpel had made and Mr. Yourtee seconded to nominate Ms. Boyle before the roll call vote. There was no action on this motion.

Mr. Profy stated that there were four candidates and all four were treated as being nominated.

Ms. Gimpel replied that they were not nominated, there was only on person nominated, and that was Ms. Boyle.

Mr. Profy stated that there were four candidates who came forward and four candidates were on the ballot and Borough Council treated all four as nominated instead of going through the procedure of nominating each of the four and putting the four on the ballot and then having the roll call vote. Mr. Profy stated that this was how it had been done in the past when Council had three or four people apply for a position. All four candidates were treated as nominated and Council voted on the nominated candidate.

Mrs. Barnes stated that she would like to continue with the meeting.

**3. POLICE REPORT** – Mayor Farmer gave the police report for the month of June 2004.

**4. COMMENTS FROM RESIDENTS & VISITORS** – Mrs. Ciani asked if Council had received any information from Andy Warren concerning the storm drain by her house on the access road and Hulmeville Avenue.

Mr. Profy reported that Mr. Warren told him that the pipe that runs under Route 1 was cleared by Cal Morrison, from Mr. Warren's office, around Memorial Day. They intend within the future, which Mr. Warren defines as the end of the month, to again check that line and clean out five hundred feet of line that runs perpendicular to the line that crosses Route 1, which is a Borough line. PennDOT will flush that line for the entire distance. They will also check again the line that runs under Route 1.

Mrs. Ciani stated that she had spoken to Mr. Morrison on June 28, 2004 and he stated that they would not be back.

Mr. Profy stated that the preliminary study was completed and it has to be submitted.

Ms. Ciani asked if it had been submitted. Mr. Profy replied that he was not sure if it had been, he knows the Borough Engineer has been working on it and when there is a deadline the engineer will meet that deadline. Mrs. Ciani saw in the Treasurer's report where Pickering Corts and Summerson was paid \$2912.00, and she wondered if that was for this project. Mr. Profy stated that he could not speak on that, he would have to check with the Borough Secretary/Treasurer.

Ms. Ciani reported that she has contacted three companies to find out what would be charged to have the storm drain scoped. American Inspections would charge \$1850.00, All State Power Vac \$2,360.00. The third company, Mr. Rooter Plumbing, agreed to come out for a look. They put a camera down in the storm water line. Ms. Ciani was able to see what was in the line, and it is totally blocked. Ms. Ciani passed out papers describing a new pipe and an estimate from Mr. Rooter Plumbing for \$476.36. Ms. Ciani explained that the line is blocked with mud etc. and that the camera can not give a complete view as to the pipes physical condition, i.e., cracked or broken.

Mr. Profy asked if the work was done at Ms. Ciani's expense. Ms. Gimpel replied that it was done free of charge and Ms. Gimpel went down to the storm drain and looked with a light and it is completely blocked.

Mr. Profy asked if the information had been shared with PennDOT. Ms. Ciani replied no. Ms. Ciani had this done on July 1, 2004, before she went on vacation.

Mr. Profy stated that PennDOT should be made aware of this information and that there is no question that PennDOT has accepted responsibility for the pipe under Route 1.

Mr. Profy stated that PennDOT has agreed to flush the same line that K.E. Seifert Inc. had previously worked on, that is part of the five hundred feet that PennDOT agreed to flush.

Mr. Profy stated that PennDOT agreed today to flush that line in its entirety, by the end of the month. Ms. Ciani stated that she does not have until the end of the month, she wants it done now, and this is phase one for her.

Mr. Profy stated that he could not speak for PennDOT; he cannot commit them to a date. Mr. Profy can only repeat what Mr. Warren told him this afternoon. Ms. Ciani stated that she would call Mr. Warren tomorrow.

Mr. William Callaris spoke about his neighbors who are very concerned that Borough Council would continue the employment or rehire a police officer who has had some legal problems according to the Courier Times and he wants information as to what Council's plans are.

Mayor Farmer stated that Borough Council would be going into Executive Session and Mayor Farmer would be informing Council of the information he had received from different reports. The only report he had not received is from the District Attorney's Office. Council at that time will have the opportunity to vote as to bringing the officer back or not.

Mr. Callaris asked Mayor Farmer if he would tell them from whom or what agency did he receive this information.

Mayor Farmer replied no, not at this point.

Mr. Profy replied that Mayor Farmer could identify the agency from which the information was received. Mayor Farmer replied the Bristol Township Police report is the main one.

Ms. Krista Conkle wanted to remind the Borough Council about the storm drain problem on Hulmeville Avenue. She has been doing some research on this problem and she found out the problem that Ms. Ciani has been discussing is not a new problem. Ms. Ciani brought this same problem before Council on November 8, 1994. Ms. Conkle hopes that she does not have to fight the drainage problem on her property at 217 Hulmeville Avenue for ten years; she feels that this is not right.

Ms. Conkle wants to know who is responsible on Council to see that the drainage problems are corrected in the Borough. Is it Ms. Ciani's responsibility to call Mr. Warren and share this information with him or is it Council's responsibility to represent the residents? Ms. Ciani was told to call PennDOT and share her information with them. Ms. Conkle feels that someone on Council should be speaking on behalf of the community.

Ms. Conkle stated that at the June 1, 2004 meeting she had given information to Mr. Yourtee about community service. It was stated at that meeting that Council would have to look into the liability insurance for volunteers. According to the May 7, 2002 minutes, Council had the same discussion. This should not take two years to plan a community service project. Ms. Conkle hopes that in 2006 this conversation does not come up again with nothing being accomplished.

Ms. Conkle asked what year the storm drains on Hill Avenue were installed. Mrs. Barnes answered in 1988. Ms. Conkle asked if Hulmeville Avenue was considered at that time. A lot of money had been spent on Hill Avenue; it probably wouldn't have cost that much more to include Hulmeville Avenue.

Mrs. Barnes replied that she thinks that Hulmeville Avenue had been considered at that time. Ms. Conkle asked who has the records as to what was considered at that time.

Mrs. Barnes stated that Ms. Conkle has requested several times to review the plans for the storm drain system, Mrs. Barnes would like Ms. Conkle to meet with Mr. Bush and review the plans.

Ms. Conkle referring to the thirteen drains that run from the 300 block of Hill Avenue, stated, they have to drain somewhere. Mrs. Barnes replied that the whole program didn't work then and it still doesn't.

Ms. Conkle referred to the minutes from 2002 where Mr. McTigue stated that the inlets on Hulmeville Avenue are connected to a trunk line. She understands from this statement that one line holds all the water from the thirteen drains and does the engineer that did the work at that time still feel that this is acceptable today in 2004.

Ms. Conkle asked what funds pay for the storm drain work.

Mr. Profy replied that Highway Aid is used for the local streets, and PennDot maintains state roads.

Ms. Conkle stated that the storm drains that she is inquiring about are in the right away of a state road. Mr. Dave Sine her neighbor contacted PennDOT and they told him that they have to go through Langhorne Manor Borough. Ms. Conkle asked if it is appropriate for them to contact PennDOT since Hulmeville Avenue is a state road. Mrs. Barnes replied that PennDOT was contacted and they were made aware of the problem that exists on Hulmeville Avenue when they met with Mr. Warren.

Ms. Conkle asked after they met with Mr. Warren was there any follow up pertaining to Hulmeville Avenue.

Mr. Profy replied no, there was nothing pertaining to Hulmeville Avenue.

Mrs. Barnes stated that Mr. Warren told them that he would be getting back to the Borough regarding the drainage problem on Hulmeville Avenue.

Ms. Conkle asked who should be following up with PennDOT regarding this problem, should she do it.

Mrs. Barnes stated no, she does not believe that Ms. Conkle should do that. Mrs. Barnes asked Mr. Profy to look into this matter.

Ms. Conkle asked what the procedure was for following up on situations like this, as she does not plan on being at a Council meeting in 2015 discussing the same problem.

Mrs. Barnes told Ms. Conkle that all the years that she has served on Borough Council Ms. Conkle is the first person from Hulmeville Avenue to come before the Borough Council and complain about a water problem.

Mr. McTigue stated that in 1993-94 along with another Councilperson, a memo was produced on the storm drains, based on door-to-door interviews with every homeowner on the street. Pickering, Corts and Summerson took a look at the system as it is presently installed. It is obvious that it is not doing what it is supposed to do. They looked at improving the system to carry away storm water for both a twenty-five year and one hundred year storm event. In both cases, it involved some work on some inlets on Hill Avenue. It would require complete excavation and reinstallation of the trunk line that carries the water from the 300 block of Hill Avenue. This line runs along the side yard of 308-310 Hill Avenue, continues along the side yards on Hulmeville Avenue and ultimately exits into the woods. At the time the work was done, about ten to twelve years ago, to add a couple of extra inlets and trunk line would have cost \$235,000.00 just for construction and design. At that time our Borough's budget didn't amount to \$235,000.00.

Ms. Conkle asked who is responsible since Hulmeville Avenue is a state road. For example if PennDOT scopes under Route 1 and the access road, is PennDOT being nice or are they giving grant money to the Borough to use in the form of Highway Aid.

Mr. Profy stated that PennDOT does not give grant money. PennDOT has agreed to do the line under Route 1 as that is their legal responsibility and they have extended their commitment to flush five hundred feet of the Borough's storm drain.

Ms. Conkle asked if anybody on Council at the August 3, 2004 Council meeting would be able to give her a definite answer. If storm drains were to be installed or a pipe to run down Hulmeville Avenue to collect some of this water would it be Langhorne Manor's or PennDOT's responsibility, since it is in the right away of a state road. Whom can she go to for the information she is requesting? She feels that she is not having her questions answered.

Mr. Profy stated that he would talk to Mr. Warren before the August 3, 2004 meeting.

Mr. Yourtee asked Ms. Conkle if she has been able to determine what PennDOT's right away is on Hulmeville Avenue. Ms. Conkle replied that is why she comes to the Council meetings to try to find out who is responsible since she is always being told that Hulmeville Avenue is a state road. Ms. Conkle stated that in the minutes from 2002, when the work on the corner of Hulmeville and Gillam

Avenues was being done, Carroll Engineering was doing the plans for the pipe to be installed. Mr. Yourtee stated that Carroll Engineering informed him that PennDOT would have to be contacted since the Borough does not have the proper drainage along the edge of their road and the Borough should have PennDOT do the repairs to this problem.

Mr. Yourtee asked if PennDOT's right away extends beyond the edge of the asphalt or to the edge of the asphalt.

Mr. Bush stated that the right away usually extends past the edge of the blacktop, but each street has a different dimension, and we would have to check with Penn Dot to get the exact dimension of the right of way

Mr. Profy stated that he would get a determination as to what PennDOT's obligations are and to what their intentions are for the improvements on Hulmeville Avenue.

Mr. Yourtee told Ms. Conkle that collection inlets that would be in residents yards or in the right away between the residents properties would involve the Borough, crossing a state road with a pipe would involve PennDOT and water exiting into the woods involves the Heritage Conservancy. There are three entities to deal with in this situation.

Ms. Conkle stated when Hill Avenue was completed that the Borough had to deal with the same people and they did not have a problem at that time.

Mr. Yourtee stated that he was only trying to help her by answering her question of whom or where does she turn to for her answers. After the Borough and PennDOT agree to fix the problem, the Conservancy could say no, you are not going to dump the water on our property.

Mr. Profy replied that it depends on the volume of the flow and as long as they would not create a flooding condition on their own property in order to alleviate it on somebody else's property.

Mr. McTigue stated at the time the original work was done there were no storm water management regulations in effect.

Mrs. Barnes stated at this time she would like to go on with the chairperson's reports.

Ms. Gimpel stated that out of respect for the residents attending this evenings meeting who are concerned about the police department issue could Council go into Executive Session at this time.

Mrs. Barnes stated that they would recess and go into Executive Session. No vote will be taken at that time.

Meeting recessed at 9:30 P.M.

Meeting reconvened at 10:20 P.M.

Mr. Profy reported that the Executive Session of Borough Council was held to discuss a personnel matter involving Wesley Seitz. The Executive Session requested that Mr. Profy prepare a form of action item for Borough Council in the form of a motion that the request of Wesley Seitz for reinstatement and placement on the active status role will not be granted. Council directs that Mayor, Francis J. Farmer, hold an informal hearing on the statement of charges to be prepared by the Borough Solicitor. The informal hearing to be held by Mayor Farmer and determinations made at that hearing would be conveyed to Borough Council for further action.

Motion was made by Mr. Yourtee and seconded by Mr. Pizzola to accept the motion as presented by Mr. Profy that reinstatement or placement on the active roll not be granted to Wesley Seitz. No objections were presented. Motion carried.

Mr. Kaisinger stated that he did not understand the motion and he wanted it explained.

Mr. Profy stated that Mr. Seitz's request for reinstatement and placement on the active status role was not granted. Even though he is part time, he has rights under the laws of the Commonwealth of Pennsylvania, primarily the local agency act. He has the right to an informal hearing; he is afforded the right to counsel, to have a record made and a transcript of the proceedings. He also has the right to receive a detailed statement of the complaints, which have been lodged against him. Council will be in the position of the governing body of the local agency if there is a hearing; this body then makes a decision based on the record, which is compiled before them. The individual in this case Mr. Seitz has the right to have a court review as to why the Borough Council has decided to decline his request based on the record that is made of the hearing before the Borough Council.

Mayor Farmer asked Mr. Kaisinger if he understood the motion, Mr. Kaisinger replied yes.

Someone in the audience asked if Mr. Seitz takes this to court could the court go against the Borough's decision. Mr. Profy stated that there has been no ruling made. Borough Council had decided not to grant Mr. Seitz's request, but they have initiated the process for a hearing on the request.

Mr. Clarisis asked Mr. Profy if there is a difference between not granting a request and denying a request. Mr. Profy replied no, his request to be reinstated at this time is denied; he will be afforded the right of an informal hearing, if he desires after that a formal hearing before Borough Council. Under the Local Agency Act, you cannot just terminate a public employee.

Mayor Farmer stated that Mr. Seitz does have his rights.

Mr. Profy stated that the Borough Council could not prejudge the matter until the record is established before Borough Council and they cannot consider matters outside of the record, which is compiled before them.

Mr. Clarisis asked would there be any records of the informal hearing, which Mayor Farmer will have with Mr. Seitz.

Mayor Farmer stated that it would be in his report to the Borough Council as to the out come of that informal hearing. It would only be Mayor Farmer and Mr. Seitz at the informal hearing.

Mr. Profy advised the Mayor not to say anything more, as he is the hearing officer.

Mr. Kaisinger asked if the decision is up to Mayor Farmer.

Mr. Profy stated that his advice to Borough Council is that there will be no further discussion on the subject.

**5. COMMITTEE REPORTS** – Mrs. Barnes stated that she received confirmation from Lynn Bush that the Planning Commission would be meeting on Tuesday July 27, 2004 at 7:30 P.M. at the Borough Hall to review the Comprehensive Plan. All members of the Langhorne Manor Borough Planning Commission must be notified. Mr. Profy stated that a letter had been sent to all the members already.

Mr. Byrne – No report.

Ms. Gimpel reported the Shade Tree Commission is working on some tree issues and they will be presenting them to Council for final approval in the future.

Mr. Byrne complained about the big holly tree at the corner of Elm and Hulmeville Avenues as it is difficult to get on to Hulmeville Avenue safely.

Mr. Bush stated that the police gave him a list of trees and bushes that obstruct the view of stop signs and intersections.

Mr. McTigue – No report.

Mr. Pizzola – No report.

Mr. Yourtee – He thanked Mayor Farmer for watering the outside flowers.

Mr. Yourtee referred to the newspaper article that Ms. Conkle had given him regarding community service workers. Mr. Yourtee reported that it is a good opportunity for getting volunteer workers for the Borough. The first person he spoke to was the organizer for Bucks County Adult Probation and Parole Department; they are non-violent offenders who must do community service. Through this agency, they provide out sourcing for the offenders. The Borough will have to submit their name and a list of things that are to be done and the number of people needed to do the work. The agency will build a list of people in our area, and then contact the Borough and prepare a schedule for the people to follow.

Mr. Yourtee received an agreement for the Borough to be placed into the program, which he will give to Mr. Profy to review. The program offers a limited amount of insurance coverage as far as injuries. Mrs. Luff informed him that the Borough is covered through our insurance. Mr. Yourtee reported that there would be a coordinator who will be there to supervisor the volunteers; there is no

need for police to be present as they are not that type of offenders. There is paper work that has to be submitted listing who was present and the total hours that they worked. We will be dealing with the Warminster office.

Mr. Yourtee stated that after Mr. Profy reviews the agreement we must submit the application to have our name added to the list of interested agencies. Once the program coordinator arranges a list of volunteers, a date and time can be set for the work to be performed and arrangements for the dumpster can be made. Borough will have to provide all tools for the project for the volunteers.

Mr. Profy stated that our liability insurance policy for volunteers should be checked for the amount of medical coverage. Mr. Profy will review the new policy.

**6. MAYOR'S REPORT** – No report.

**7. SOLICITOR'S REPORT** –No report all the issues he had were covered.

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

**9. 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 stated that he would like check # 3839 in the amount of \$1250.00 for Zelenkofske, Axelrod LLC to be held till a status report could be obtained as to where they are with their findings and their work to date.

Motion was made by Mr. McTigue and seconded by Mr. Pizzola to pay the bills with the exception of check # 3893. No objections were presented. Motion carried.

Mrs. Barnes entertained a motion to approve the Treasurer's report as presented.

Mr. McTigue asked about the Treasurer's report from April 30, 2004 and May 31, 2004 had been tabled due to the entry for account ID # 486-161-01, he wanted to know if it had been resolved.

Mr. Pizzola reported that adjustment was made as shown on page one of the General Journal. Mr. Pizzola explained how the adjustment was done.

Mr. McTigue asked if adjustments have to be made to the April and May 2004 reports to reflect this adjustment. Mr. Pizzola stated that the adjustment is reflected in the June 30, 2004 report.

Mr. Profy suggested that you would approve the April and May 2004 Treasurer's report subject to the adjustment made in the June 30, 2004 report.

Mr. McTigue asked if the adjustment entry is specified on the June 30, 2004 report. Mrs. Luff replied that is listed under the General Journal report.

Mrs. Barnes asked for a motion to approve the June 30, 2004 Treasurer's report.

Mr. McTigue stated that the motion should include April and May 2004 along with the June 30, 2004 report that reflects the adjustment in the General Journal entry.

Mr. Profy stated that a motion to approve the Treasurer's report for June 30, 2004 which corrects the April and May 2004 Treasurer's report which also is being approved as adjusted.

Motion was made by Mr. Byrne and seconded by Mr. McTigue to approve the Treasurer's report as recommended by Mr. Profy. No objections were presented. Motion carried.

**10. SECOND MEETING** – Mrs. Barnes stated that a second meeting is scheduled for Tuesday July 20, 2004, at this time there is no items for the agenda for that meeting. Motion was made by Mr. McTigue and seconded by Mr. Pizzola to dispense with the July 20, 2004 meeting.

Mr. Profy reported in 1994 Langhorne Manor, Langhorne Borough, Pennel Borough, and Hulmeville Borough filed an action in the Commonwealth Court to join with the State Police to stop the closing of the Trevese police barracks. Litigation has been pending for ten years, during which time they did not close the barracks but spent 3.5 million dollars to build a new facility. Council for the State Police has filed a motion to dismiss the injunction. Mr. Profy's recommendation is for Borough Council to stipulate for the dismissal of the injunction. It would be expensive to go to Harrisburg and litigate when the money has already been spent on a new facility. Mr. Profy stated that a motion is needed to authorize the discontinuance of the action along with the other Boroughs.

Motion was made by Mr. Pizzola and seconded by Mr. Yourtee to authorize the discontinuance of the action along with the other Boroughs as recommend by Mr. Profy. No objections were presented. Motion carried.

Ms. Gimpel asked if any one looked into the Borough doing their own sewer billing.

Mrs. Barnes replied no, she explained that she had been trying to contact the Tax Collector because she needs some information from her.

Ms. Gimpel asked if we have a contract with Bucks County Water & Sewer Authority at the present time.

Mr. Profy replied the contract with Middletown Township was assigned to Bucks County Water & Sewer Authority. He is reasonably certain that BCW&SA would release the Borough from that contract if they would have a system in place. Ms. Gimpel asked if there is a period that the Borough would have to notify BCW&SA of our intentions. Mr. Profy asked who would be doing the billing. Ms. Gimpel stated the Tax Collector could since she has all the records.

Mr. Byrne asked if the Tax Collector has agreed to do the extra work. Ms Gimpel stated that she has spoken to her about this. Mayor Farmer asked what kind of compensation Mrs. Reid would be interested in receiving.

Ms. Gimpel stated that it depends on what the Borough is willing to pay and how the Borough wants to do the billing. Maybe the Borough would want the billing once a year. The

residents would have the option of paying the \$800.00 all at once or there could be coupons where they could pay quarterly, then she would have to keep track of the amounts so we could have a true accounting for the end of the year. She would reconcile this account the same as she does with the taxes with Mrs. Luff.

Mr. Profy stated that the Borough should get a plan in place and then contact Bucks County Water & Sewer Authority. There is a lot more to the service agreement than just sending out the bills.

Mr. Profy stated that Ms. Gimpel's idea of the one bill a year with the four coupons is something to consider.

**11. ADJOURNMENT** –Motion was made by Mr. McTigue and seconded by Mr. Yourtee to adjourn this meeting. No objections were presented. Motion carried. Meeting adjourned at 10:59P.M.

The next meeting will be Tuesday August 3, 2004 at 8:00 P.M.

Respectfully submitted.

Loretta M. Luff  
Secretary/Treasurer