

BRISTOL TOWNSHIP  
2501 Bath Road, Bristol, Pa. 19007  
Ph. (215)785-0500 Fax (215)785-2131

COUNCIL MEETING  
JULY 17, 2008

President Davis called the meeting to order at 7:08 P.M.

EXECUTIVE SESSION: personnel and litigation were discussed.

President Davis called for a Moment of Silence and Pledge of Allegiance.

ROLL CALL: Councilmembers Davis, Pluta, Tarlini, Mobley and Monahan were present.

Public comments will be taken as each item is addressed. General comments will be taken during Opportunity for Residents to Address Council.

PRESENTATION: By Joseph Barbagallo, Forensic Auditor, Forensic Accounting is the art and science of testing forensic matters and court proceedings. Five years were covered. Some was done manually and some was done with mining software. A lot of the information was through interviews with management personnel. The Fraud deterrence report and the forensic audit are available through the Township and the Courier Times on-line. It is not a financial statement audit; it is a forensic report. One suggestion is to have an employee tip line. President Davis called for the motion to start the process for the tip line and get the cost to Council. Second by Councilman Monahan. Poll: all ayes. Motion approved. Mr. Barbagallo stated I will volunteer to help implement the fraud tip line at no charge; it can be anonymous. Councilman Mobley called for the motion to implement Mr. Barbagallo's recommendations (from the forensic audit). Second by President Davis. Poll: all ayes. Motion approved. President Davis stated Mr. Bartlett has already started implementing the recommendations. Mr. Barbagallo stated it is not that there is a lack of controls but additional controls could be put in place. Councilman Mobley called for the motion for anything over \$5,000 to come before Council for approval. Motion died for a lack of a second. President Davis thanked Mr. Barbagallo for all the work and said Council will appreciate any additional help he would offer. Mr. Retzler requested a point of order. Mr. Sacco said an incorrect statement was made about Mrs. Friel; Mrs. Friel did not send out checks; a point of order is not appropriate. President Davis called for the motion for a recess (8:35 P.M.). Second by Councilman Monahan. Poll: Councilmember Mobley voted no. Councilmembers Pluta, Monahan, Tarlini and Davis voted yes. Motion approved 4-1. President Davis called for the motion to resume the meeting. Second by Councilman Mobley. Poll: Councilmembers Mobley, Pluta, Monahan and Davis voted yes, Vice President Tarlini was not available for the vote. Motion approved 4-0. The meeting resumed at 8:45 P.M.

REPORT FROM MANAGING DIRECTOR:

Police Pension Funding; Mr. Bartlett stated Council authorized Susquehanna to coordinate finances of the police pension for three areas: Bond Council, paying agent and underwriter. Councilman Monahan called for the motion to authorize Susquehanna to coordinate financing of the police pension. Second by Councilman Pluta. Poll: all ayes. Motion approved. Councilman Monahan called for the motion to obtain Wells Fargo as paying agent for services. Second by Councilman Pluta. Poll: Councilmember Mobley voted no. Councilmembers Pluta, Monahan, Tarlini and Davis votes yes. Motion approved 4-1. Councilman Monahan called for the motion to obtain DPFA for underwriter services. Second by Councilman Pluta. Poll: Councilmember Mobley voted no. Councilmembers Pluta, Monahan, Tarlini and Davis voted yes. Motion approved 4-1. Councilman Monahan called for the motion to authorize the Solicitor to draft the debt ordinance. Second by President Davis. Poll: Councilmember Mobley voted no. Councilmember's Pluta, Monahan, Tarlini and Davis voted yes. Motion approved 4-1.

Mr. Bartlett reported next week the software will be upgraded. Wednesday there will be no computer in the Township. Services will be extremely limited. This will be put on the website. Employees will be here the 23<sup>rd</sup>, 24<sup>th</sup> and 25<sup>th</sup>.

We are approaching paving and the milling work was bid out. The machine was used, with difficulties. The problem is with leveling and getting close to the curbs. We put a memo to them requesting by Monday they need a machine to do what it needs to be done or we will void and go to the next bidder. It is more money. I am requesting Council to give a contingency vote to avoid delay. Delaware Valley Milling is \$4,000 per day. The current one is \$3,500 per day. The Liquid Fuels representative says if they do not comply, we can change after giving the certification from the new company. Councilman Monahan called for the motion, since this creates more work for our men, to go to the next bidder if this is not rectified by Monday. Second by Vice President Tarlini. Mr. Sacco stated we can go after the performance bond. Poll: all ayes. Motion approved.

Respond to Residents' Complaints:

Mr. Bartlett reported the Bucks County Department of Health is continuing to spray for mosquitoes.

This week the Zoning Hearing Board will hear from Rite Aid regarding the upgrade and replacement of the Getty Gas Station with a bank. Part of the plan would be not to burden the Township; the implementation will be placed on the developer.

The road program started. We will start paving July 28, 2008. We will notify the residents who were told it would be next week.

Green belt maintenance; we are working on dying and breaking trees.

Green Lynne was completed. They will go back when it settles.

Mr. Bartlett requested a line item transfer from snow and ice removal. Vice President Tarlini called for the motion to approve the following line items transfers: 014312-360 \$35,000 to road maintenance repair and maintenance account. 014313-240 \$25,000 to Traffic Safety, traffic signs and paint. Second by Councilman Pluta. Poll: all ayes. Motion approved.

REPORT FROM DIRECTOR OF BUILDING, PLANNING & ZONING;  
SUBDIVISION/LAND DEVELOPMENT:

Mr. Kucher reported receiving a number of phone calls regarding the work at the 3M Site. Presently they have land approval. They are constructing a detention basin and water controls. We will continue to monitor. It is for warehouse flex space.

Mr. Bartlett stated we are in receipt of a request from Lower Bucks County Joint Municipal Authority. Councilman Mobley called for the motion to approve the request from Lower Bucks County Joint Municipal Authority for a waiver of fees for footers at a lift station. Second by Councilman Monahan. Poll: all ayes. Motion approved.

Councilman Monahan asked Mr. Kucher what he has done to enforce the adult entertainment ordinance? Mr. Kucher responded surprise inspections are done at the beginning of each year. I will show you the report on Monday.

REPORT FROM DIRECTOR OF WATER & SEWER:

Mr. Britton reported the Act 537 is in progress with Pennoni. We are also planning the collection system and treatment system.

Collection system; we are working with the roads department on manholes in the paving area.

Inflow and infiltration; work is continuing. The bid was to Mussers and they will finish at the end of August. An RFP for additional work will be forthcoming. I will work with the engineer on that.

Conveyancing system; Silverlake had underground storage which was problematic. An above ground tank was installed.

Pumping stations, we are proactive with repairs.

Treatment system; the Chapter 94 Report (Waste load Management Report) is being worked on. It is a correction action plan. The draft will be ready for early next year.

I am working on the standard operating procedure. One is for chlorine gas, which we had a safety issue with.

Emergency maintenance is being done to insure the maintenance of equipment.

Moratorium; it is on for new connections. You should apply, but we are under a connection ban from the State. Only permits under Chapter 94 regulations will be allowed.

Councilman Monahan asked how do you control the chlorine and have you done pretreatment? Mr. Britton responded sampling is ongoing. I have not done any inspections as of this date. Councilman Mobley asked when did we change labs and did you ask? Mr. Britton responded no, I changed the vendor. Councilman Mobley requested the prior lab back. Mr. Britton requested the policy of vendor management. Councilman Mobley asked did Mr. Bartlett discuss with you the purchasing policy? Mr. Britton responded no, but I am following municipal regulations for purchasing. Councilman Mobley stated the purchase of the mixer was done without permission. Mr. Bartlett stated the actual quote said freight included on the pH mixer. I was not aware the item was purchased. Councilman Pluta stated we are waiting for a report from our engineer, we inspected the plant. Councilman Mobley stated I will not approve the bill run. Councilman Monahan asked was the other part defective, did you need it immediately? Mr. Britton stated yes it was. Councilman Monahan stated Mr. Sacco can he do that? Mr. Sacco responded yes. Councilman Monahan stated it says emergency requirements. Mr. Sacco stated we don't even need to get into the emergency part of it, under the bidding requirements if an item is over \$4,000 but less than \$10,000 the requirement is to get three written proposals and then go with the lowest proposal. That wasn't followed in this situation and we have to address that in the future. If it is an item is over \$4,000 and less than \$10,000 whether that is \$9,999 or \$4,001 you are to get three written proposals and then go with the lowest written proposal. What Mr. Barbagallo indicated (earlier) was that they looked at if there were a number of bids issued to one contractor where it was \$9,990, \$9,880. This is just one particular award. The other thing to emphasize is the procedure has to be followed. It wouldn't come back for you. Let's say you budget for a pump, and that pump is \$4,050. And the pump is ordered it wouldn't come back before you until you see it on the bill run. What Mr. Mobley is indicating is even if it is budgeted if the item is over \$4,000 he wants it to be brought before Council so that when you see it, it is not now on the bill run, it has already been ordered, what are you going to say, we are not going to pay it. Let us reiterate, there was nothing done here, it seems, that was inconsistent with State bidding requirements. Councilman Monahan stated if that part was important for him to continue with the operation of plant don't you think he should have gotten that? Mr. Sacco responded yes, if the other issue is that it had to be done right away then yes, right. Councilman Monahan stated I understand he has to have three bids. Mr. Sacco stated but if that is the situation, if it is still an emergency you are still, it would be prudent, to go out and still get the written quotes. Councilman Monahan stated I understand all that. Mr. Sacco stated but again it doesn't appear anything was done not within the State bidding requirements. Mr. Britton stated Mr. Mobley and Council from now on I will bring everything over \$4,000 to the Council in a meeting to request approval to purchase, no matter what the delay. Councilman Monahan stated Mr. Britton you should do that but,

in case of an emergency, you know sometimes you have to go over that. President Davis stated Mr. Britton I don't necessarily agree with you bringing everything to us; we are not experts that is why we hired you. We look to you for your advice. In our packet if you feel that you need to send us and you want to do that, you do that. Councilman Pluta stated just for the record in light of this problem with the pump I did ask Mr. Britton (he does have a monthly meeting with us as sewer liaisons and he gives us a review of what he is doing for the month) what he would like to see done for the following month and for the year I asked him, in light of this, that any project that he proposes to do in the upcoming month, if he expects that project to be over \$5,000 to please give us an idea, not an exact figure but at least let us be aware of that. Councilman Mobley stated it should not have taken place.

Coleen Hawthorn of Birch Valley asked to speak. Mr. Sacco stated only Bristol Township taxpayers have a right to speak. There is not a motion on the floor for public comment. Taxpayers have an opportunity to speak. If you are not a resident it would be up to Council. President Davis called for a recess (10:05 P.M.) since no one recognizes Council. Second by Councilman Monahan. Poll: all ayes. Motion approved. The meeting resumed at 10:12 P.M. President Davis stated Roberts Rules of Order says the Chair doesn't have to recognize the public until a motion is made. From now until the end of the meeting I won't take public comment unless a motion is made. Mr. Retzler called for a point of order. President Davis stated I would like to state for the record that I did not speak of any personnel matters here tonight. The other three did not either, in the event we get sued only one member (Councilman Mobley) talked about personnel issues. Councilman Mobley stated I talked about the issue, nothing was wrong with that. Mrs. Richardson said I wanted to ask a question. President Davis stated I would like to make a motion to adjourn; no one wants to recognize Council. Mrs. Richardson stated I have a right to speak. Mr. Lebo was asked to turn off the volume (there was disruption at the meeting). Mr. Sacco stated Council could raise the only point of order. There must be a motion on the floor.

#### REPORT FROM CHIEF OF POLICE:

Chief McAndrew expressed appreciation for everyone who attended the viewing for Joe Fehn.

A couple months back an air conditioner was requested for the basement. Now we believe we can get by with two freezers for the body fluid and evidence.

Tomorrow at noon, four police recruits are graduating. They will be on the streets soon.

COUNCIL ITEMS:

- A. Vice President Tarlini called for the motion to approve the outstanding voucher list and requisitions for June 2008. Second by Councilman Monahan.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

- B. Councilman Monahan called for the motion to approve the outstanding voucher list and requisitions for the Sewer Department for June 2008. Second by Councilman Pluta.

Roll Call Vote:	Councilman Mobley	no
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 4-1

- C. Councilman Monahan called for the motion to approve the minutes from the May 1, 2008 Council meeting. Second by President Davis.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

- D. Councilman Pluta called for the motion to approve Ordinance 2008-08 calling for the submission of the question for the election of government study commission of seven members to study the existing form of government in Bristol Township, to consider the advisability of the adopting of an optional form of government or a Home Rule Charter, to recommend the adoption of an optional form of government or to draft and recommend a Home Rule Charter. Second by Vice President Tarlini.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

- E. President Davis called for the motion to *deny* ordinance 2008-09 calling for the submission of the question for the election of government study commission of seven members to study the existing form of government of the municipality, to consider the advisability of the adoption of an optional form of government or to draft and recommend a Home Rule Charter. Mr. Sacco stated there is no need to approve; no approval was recommended. Second by Councilman Monahan.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

- F. Vice President Tarlini called for the motion to award Bid Number 2008-08, Bridge Joint Replacement on Wistar Road over Queen Anne Creek to the lowest bidder Eastern Highway Specialists, \$60,900.00. Second by Councilman Pluta.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

- G. Councilman Monahan called for the motion to approve repository sale, Nichol Street, Tax Parcel Number 05-015-180 to Nicholas & Anne Madeja in the amount of \$70.00. Second by Councilman Pluta.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

- H. Councilman Monahan called for the motion to approve the Housing Assistant Program. Second by Vice President Tarlini.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

- I. Councilman Monahan called for the motion to approve awarding Bid Number 2008-09, VFW (Terchon-Beaver Dam Road from Community Development). Roof Replacement to the lowest bidder Jemar Contracting Inc. with a total bid price of \$57,077.00. Second by Vice President Tarlini.

Roll Call Vote:	Councilman Mobley	yes
	Councilman Pluta	yes
	Councilman Monahan	yes
	Vice President Tarlini	yes
	President Davis	yes

Motion approved 5-0

#### REPORT FROM SOLICITOR:

Mr. Sacco reported the approved ballot question of the Government Study Commission will be placed on the ballot; whether to form a Government Study Commission. There has to be seven members elected. Even if you vote no, you have to answer the second question. I have packets of information on the Government Study Commission and a form you can remove Newtown and put Bristol Township. It must be signed before a notary and the petition circulated (until August 5, 2008). You must be a registered voter and get two hundred signatures from registered voters by August 26, 2008 to get it to the Bucks County Board of Elections. You can call and speak with them.

I spoke with the County to accept land for the skate park. We will hear from them on the procedure.

The open space land already approved (the proposed Dunkin Donuts) will close by the end of the month.

#### OTHER:

Councilman Monahan stated Penndot should be notified to clean up in the area from Brittany Springs to Crestwood.

Red Cedar Hill to Levittown Parkway (we have an agreement to take care of that area) should be completed.

Wistar Road is a mess near Conwell-Egan. Wawa owns the property. They should be notified.

At the Zoning meeting Monday, two people complained about the noise from night deliveries at the Rite Aid, during the deliveries the trucks are kept running.

Cedar Avenue there is a height limit sign, which is too late for drivers of trucks to see before going down the hill resulting in the police having to direct traffic.



Councilman Mobley called for the motion to waive the fee for the senior hall for a pageant. Councilman Monahan second the motion and clarified they have to pay \$150 (that is for the clean up) we can waive the rest; \$400 is the full fee. Poll: all ayes. Motion approved.

PUBLIC COMMENT:

1. Bob Ausora-said the Managing Director should decide on emergency purchases.
2. Charles Schultz-said the industrial waste pretreatment program is crucial.
3. Patti Nichols-said there is a property on Prospect Avenue, which is a disgrace; License and Inspection should be enforcing action on this property. Mr. Bartlett stated people were fined, renovations are on going. They do have permits. The house is totally gutted.
4. Jake Tryon-said since Ford Road properties are allowed to use black top for curbs Levittown should be able to do the same.
5. Ellen Boyd-said on Prospect Avenue the electric box has live wires and there are vagrants living there.
6. Mark Haydek-did not speak.
7. Gallus Obert-said the lines were approved to be painted in the parking lot August 10, 2007 but were never done.
8. Ken Smith-said many residents had questions and now the department heads are gone.
9. West Retzler-disagrees with the police response time in his neighborhood.
10. Carol Esterline-asked why Dr. Petro was on the bill run, since previously there was a vote to discontinue services with him? President Davis responded the new company went out of business. Mr. Bartlett stated Dr. Petro is on the panel for workmen's compensation. He has a good price and got summer help in for physicals in a reasonable time. Previously the issue was the retainer, which is not charged now.
11. Sylvia Farley-did not speak.

ADJOURNMENT;

President Davis called for the motion to adjourn. Second by Councilman Mobley. Poll: all ayes. Motion approved. The meeting adjourned at 11:55 P.M.

Respectfully submitted  
*Denise Gorry*  
Secretary  
/dg

MOTIONS APPROVED:

1. Start the process for the tip line and get the cost to Council.
2. Implement Mr. Barbagallo's recommendations (from the forensic audit).
3. Call for a Recess (8:35 P.M.).
4. Resume the meeting (8:45 P.M.).
5. Authorize Susquehanna to coordinate financing of the police pension.
6. Obtain Wells Fargo as paying agent for services.
7. Obtain DPFA for underwriter services.
8. Authorize the Solicitor to draft the debt ordinance.
9. Go to the next bidder if the problem with the paving/milling machine is not rectified by Monday.
10. Approve the following line items transfers: 014312-360 \$35,000 to road maintenance repair and maintenance account. 014313-240 \$25,000 to Traffic Safety, traffic signs and paint.
11. Approve the request from Lower Bucks County Joint Municipal Authority for a waiver of fees for footers at a lift station.
12. Approve the outstanding voucher list and requisitions for June 2008.
13. Approve the outstanding voucher list and requisitions for the Sewer Department for June 2008.
14. Approve the minutes from the May 1, 2008 Council meeting.
15. Approve Ordinance 2008-08 calling for the submission of the question for the election of government study commission of seven members to study the existing form of government in Bristol Township, to consider the advisability of the adopting of an optional form of government or a Home Rule Charter, to recommend the adoption of an optional form of government or to draft and recommend a Home Rule Charter.
16. *Deny* ordinance 2008-09 calling for the submission of the question for the election of government study commission of seven members to study the existing form of government of the municipality, to consider the advisability of the adoption of an optional form of government or to draft and recommend a Home Rule Charter.
17. Award Bid Number 2008-08, Bridge Joint Replacement on Wistar Road over Queen Anne Creek to the lowest bidder Eastern Highway Specialists, \$60,900.00.
18. Approve repository sale, Nichol Street, Tax Parcel Number 05-015-180 to Nicholas & Anne Madeja in the amount of \$70.00.
19. Approve the Housing Assistant Program.
20. Approve awarding Bid Number 2008-09, VFW (Terchon-Beaver Dam Road from Community Development). Roof Replacement to the lowest bidder Jemar Contracting Inc. with a total bid price of \$57,077.00.
21. Waive a portion of the fee for the senior hall for a pageant.
22. Call for a motion to recess at 10:05 P.M. Meeting resumed at 10:12 P.M.

7/17/08

	NAME	STREET ADDRESS	AGENDA (X)	OTHER (X)
1	Bob AOSORA	Blue Ridge	X	X
2	Charlie Johnson	Temporarily	✓	✓
3	PATTI Nickals	CROYDON		
4	SAKE TR YON	C ROYDON		
5	Ellen Boyd	Wipea Blada, Croydon	✓	✓
6	Theresa L	Leather Pt	X	X
7	GALLUS J. OBEOT	FREEDOM LN	X	X
8	KEN SMITH	Fogey	X	X
9	WEST KERRICK	WEST BRISTOL		X
10	CAROL Esterlin	BRISTOL TWP		X
11	SYLVIA FARLEY	BRISTOL TWP	-AUDIT	
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