

BRISTOL TOWNSHIP

2501 BATH ROAD BRISTOL, PA 19007 (215) 785-0500 FAX (215) 785-2131

COUNCIL MEETING

August 20, 2009

The meeting was called to order by President Tarlini at 7:10 P.M.

EXECUTIVE SESSION: personnel and litigation were discussed.

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

ROLL CALL: Council Members, Tarlini, Pluta, Greer, Monahan and Davis were present.

Public comments will be taken on Land Development and Official action items. General comments will be taken during Opportunity for Residents to Address Council.

VOUCHER LIST & REQUISITIONS AND MINUTES:

- a) Councilman Monahan called for the motion to approve the outstanding voucher list and all requisitions for July 2009. Second by Vice President Pluta. Second by Vice President Pluta.

Roll Call Vote:	Councilman Greer	yes
	Councilman Monahan	yes
	Councilwoman Davis	yes-except abstain from vendor #2496
	Vice President Pluta	yes
	President Tarlini	yes-except abstain from vendor #2313 Curtain & Heefner for \$322.00 #014145390

Motion Approved: 5-0

- b) Call for a motion to approve minutes from the April 16, 2009, May 7, 2009 and June 4, 2009 Council Meeting. Councilwoman Davis called for the motion to approve the minutes of April 16, 2009. Second by Councilman Monahan.

Roll Call Vote:	Councilman Greer	abstain
	Councilman Monahan	yes
	Councilwoman Davis	yes
	Vice President Pluta	yes
	President Tarlini	yes

Motion Approved: 4 ayes, 1 abstain

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Councilman Monahan called for the motion to approve the minutes of May 7, 2009. Second by Councilwoman Davis.

Roll Call Vote:	Councilman Greer	abstain
	Councilman Monahan	yes
	Councilwoman Davis	yes
	Vice President Pluta	yes
	President Tarlini	yes

Motion Approved: 4 ayes, 1 abstain

Councilman Pluta called for the motion to approve the minutes of June 4, 2009. Second by Councilman Monahan.

Roll Call Vote:	Councilman Greer	abstain
	Councilman Monahan	yes
	Councilwoman Davis	yes
	Vice President Pluta	yes
	President Tarlini	yes

Motion Approved: 4 ayes, 1 abstain

Mr. Bartlett stated Councilman Greer abstained from the minutes because he did not attend those meetings.

REPORT FROM MANAGING DIRECTOR:

Mr. Bartlett stated the liquid fuel money left will be used for three bids. I asked for authorization for conditional approval pending review of the applicant. We are close to complete and will evaluate. The bids were from Kehoe Construction for \$263,761.50, General Asphalt Paving for \$227,332.15 and James D. Morrissey Inc. for \$218,050.45. I ask for the lower bidder, pending review. Councilman Monahan called for the motion to authorize the conditional approval, pending review of the applicant to James D. Morrissey Inc. for \$218,050.45. Authorize the conditional approval, pending review of the applicant to James D. Morrissey Inc. for \$218,050.45. Second by Councilwoman Davis. Poll: all ayes. Motion approved.

Mr. Bartlett stated the 2004 Bond proceeds leftover money could be used for inlet replacement. Councilman Pluta called for the motion to approve using the 2004 leftover bond proceeds (leftover money) for inlet replacement and release the funds as recommended, in the amount of \$156,656.10, hold a 10% retainage for the warranty period and release \$140,990.40. Second by Councilman Greer. Poll: all ayes. Motion approved.

Mr. Bartlett stated we have a drawdown of money to be approved. The Redevelopment Authority no longer requires a resolution every time. The Authority designated signers to do the draw down, myself

and Gail Gordon. This is to receive funds back and we will report to Council. Councilman Monahan called for the motion to approve Jeff Bartlett and Gail Gordon as designated signers to do the draw downs from the Redevelopment Authority. Second by Councilwoman Davis. Poll: all ayes. Motion approved.

Mr. Bartlett stated the paving project went well. Hopefully, we will finish in the next couple of weeks. There have been very few complaints.

The summer camp in the Recreation Program is complete and went well.

Discount Tickets from the Bucks County Parks has a grant available. We are a member. The project is for kids and must be enviro-active-community service. This is due December 31, 2009. It is a great opportunity for day care centers or schools.

Comments are received about public utilities, such as PECO and Aqua; also we receive complaints about PECO and the telephone Poles. PECO or Verizon own these. The majority are owned by PECO. We call the down poles into them and they make the repairs. If there is a problem it should be reported.

Aqua is doing work, water lines replacement in the Township. Inspectors are out there. They will complete the job. We are working with PECO and Aqua on the issues.

The Redevelopment Authority is accepting applications for casino grant money. The applications must be in by September 18, 2009 and delivered to the Redevelopment Authority by December 30, 2009.

COUNCIL ITEMS:

- A. Councilwoman Davis called for the motion to approve the Housing Assistance program dated August 5, 2009. Second by Vice President Pluta.

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

Motion Approved: 5-0

- B. Councilman Greer called for the motion to approve Resolution 18-2009 concerning the Community Development Block Grant Program Fiscal Years 2001, 2003, 2005, 2007 and 2009 amendment to action year plans. Second by Councilman Monahan.

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

Motion Approved: 5-0

- C. Councilman Monahan called for the motion to approve the selection of Armor & Sons for the Newportville/Fergusonville Lighting Project as recommended by the Bucks County Redevelopment Authority. Second by Vice President Pluta.

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

Motion Approved: 5-0

- D. Call for a discussion regarding the sewer plant evaluation. Mr. Bartlett stated this is a proposal to get a current evaluation of the facility. We are looking to do a major investment in this property. We should see what it is worth or has it out lived its usefulness. Very few companies do this type of work. They have evaluated sewer plants. Councilwoman Davis called for the motion to award to Howards Woods Corporation to go ahead with the evaluation and people who would partner purchase or operate it. Look at the potential to market for the plant and collection system not to exceed \$24,800. Second by Vice President Pluta. Councilwoman Davis stated there are other reasons, we applied for nine million dollars in grants and loans and didn't get the amount we were looking for. We are looking at a bond on this. We will need an appraisal. Mr. Bartlett stated we received two million in grants; we were looking for eleven million. Pennvest has small grant program and loans. A lot of facilities are not worth what they think they are. Councilman Greer stated the purpose is to determine value. We don't want people to think we are going to sell the plant. We are trying so people won't pay a high rate, we will evaluate. Councilman Pluta stated with the State requirement a lot needs to be done. We need the value to be informed; this is not a prelude to a sale at the plant. Councilman Monahan stated we are not selling we are just getting an idea of the worth. President Tarlini stated we are going to spend, we should know the value before we do that.

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

Motion Approved: 5-0

- E. Councilman Monahan called for the motion to approve the Maple Beach Cooperation Agreement between the Township and the Redevelopment Authority. Second by Vice President Pluta. Mr. Bartlett stated months ago the Township approved this. Now this will partner with the Redevelopment Authority to do some work in a cooperation agreement. Currently this is owned by Dow (it was Rohm and Haas). It borders the river. Possibly it would be developed and benefit the Township. The other concern is Dow will sell this to a developer and we would lose our say and influence and access to the river. Mardele Delancy, a Maple Beach resident said there are four private homeowners as well as Dow. Vice President Pluta responded that is noted in the agreement.

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

Motion Approved: 5-0

- F. Councilman Monahan called for the motion to approve the appraiser for Maple Beach Project as recommended by the Redevelopment Authority. Second by Councilwoman Davis. The company is Benchmark Appraisal. The amount is \$13,500.

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

Motion Approved: 5-0

- G. Councilwoman Davis called for the motion for the Municipal Grant Traffic Walk Countdown Signalization. Second by Councilman Monahan. The Redevelopment Authority will apply for the Grant. There were fatalities on Route 13 which facilitated this. The light will tell when to walk and how many seconds until the light will change. The entire Route 13 corridor will be slowed down and not used as a race way. The lights will be placed similar to traffic signals in a city.

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

Motion Approved: 5-0

REPORT FROM CHIEF OF POLICE:

Chief McAndrew reported a grant was awarded for \$460,000. This will be shared with other police departments. It will be used for equipment, training and to purchase tazor guns (they are brightly colored side arms).

REPORT FROM BUILDING, PLANNING AND ZONING DIRECTOR:

Mr. Kucher reported Cedar Avenue will reopen tomorrow.

Habitat for Humanity's application is continued until the September 14th meeting.

Complaints were received for the flea market at Georgines. He was warned. We issued citations. This will be heard at Zoning Hearing on September 14, 2009.

The open space plan needs to be updated. The Township allocated one million dollars to do this. The Township County officials will start meetings in September or October. Residents are highly encouraged to have input. The update takes six to eight months. The deadline is December 31, 2009.

REPORT FROM FINANCE OFFICER:

Mrs. Gordon reported the July budget reports were given to Council. The general fund revenue is coming in as expected. Delinquent Real Estate collection is up from last year. The expenditures are closely monitored and are at or below budget. The Township is looking to reduce expenditures. The Budget procedure has started. I will meet with the Budget Committee in September to work on the budget. The finance Department has been working all summer on delinquent accounts. Last month \$100,000 was collected. We are going to court on some accounts. The Solicitor is assisting.

There was an oversight in the past. This is costing the Township \$38,983, which is not a budgeted item. Travelers made payments to officers in the past and issued paperwork. We took over and made the payment. Part of the agreement is get annuity agreements back or releases from the officers, there are twenty eight of them only fifteen of the officers sent them back, and thirteen did not. We have to take out a bond each year. We went letters, once they sign this bill goes away forever. President Tarlini called for the motion to approve \$38,983 from the pension reserves. Second by Vice President Pluta. Poll: all ayes. Motion approved.

President Tarlini asked do we have a legal recourse to make them sign or not get paid? Mr. Sacco responded no. The agreement released Travelors from responsibility. We did contact Travelors. They

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said we pay the pension. There is no risk. Already two releases were received. The PBA attorneys asked questions. It is just a matter of explaining. Hopefully most or all will be signed.

REPORT FROM SOLICITOR:

Mr. Sacco reported the no parking ordinance for Queen Anne Drive, Weston to Keyston Drive is completed and needs to be advertised prior to approval. Councilwoman Davis called for the motion to approve advertising the Ordinance for no parking on Queen Anne Drive from Weston to Keston Drive from 8:00 A.M. to 2:00 P.M. during school hours. Second by Councilman Monahan. Poll: all ayes. Motion approved.

Mr. Sacco stated Mrs. Gordon said the budget is being prepared. The amusement tax-vending tax, we have looked at the ordinance and made a recommendation about reducing the charge. \$150 to \$200 based on the number of slots, compared to other municipalities were \$25 per machine, the juke boxes \$125, mechanical amusements will now be \$150. We will prepare and advertise three times. This will give direction for the budget. Councilman Greer called for the motion to prepare the amusement tax-vending tax ordinance. Second by Councilman Monahan. Poll: all ayes. Motion approved.

OTHER:

Councilwoman Davis stated complaints are being received about trucks. Companies that provide all night service get called out and the diesel engines make a lot of noise. I tried to help neighbor to neighbor with this problem. Mr. Sacco stated we have an ordinance. If they are large diesel trucks they may not be allowed. The question is enforcing it and you would have to give a warning. Councilwoman Davis stated I don't want to prohibit someone's business. Mr. Kucher said it may be with the tow trucks, they rotate and neighbors don't have that noise all the time. Mr. Sacco stated the complaint would need to be documented, one warning, then a citation. Mr. Kucher stated we can start enforcing that tomorrow. Chief McAndrew stated the complaints we received were investigated, the weight limit is seven thousand pounds. Mr. Bartlett stated sometimes it is a simple neighbor dispute. I say be courteous, don't backup to avoid the beeper sounds.

PUBLIC COMMENT:

1. John Brocken-gave Council pictures and spoke of a tree between Neshaminy Road and Neshaminy Creek which fell, when weather was good and ruined his storage shed. The Township came out and cut the grass. Messages were left; the township came and looked at the problem. They expressed concern but nothing was done to clean it up. It is on a public access. Another tree close to his house is in the same condition. Mr. Bartlett stated it is not a Township road, it is a paper road at the end of one of the subdivisions. They were put on paper but never improved. Ownership is by the adjoining property owners. There is a process where they could divide and take ownership of the road. The tree in question is on the other side of the roadway. We have no authorization. Mr. Lawson stated it is a paper ally. Mr. Brocken said

- we tried years ago to close the road. The Township said no. Mr. Bartlett stated the township's only concern is storm water runoff. Mr. Brocken said if I have to pay I will pursue ownership.
2. Rose Reinsneider-said she is from Georgines, owns the parking lot and went to License and Inspections and they said three free flea markets could be held before permits were needed. Afterwards, Mr. Kucher said zoning was needed. Ms. Reinsneider said she felt committed to the vendors so the flea market continued. A call was received at 4:30 P.M. on a Friday from Mr. Kucher saying not to have the flea market. Ms. Reinsneider put the paper work in and wanted to know why others could have a flea market and Georgines could not. Mr. Kucher stated they applied for a special exception. Now they are in violation \$500, per event. Zoning Hearing will have the final say. Councilman Monahan asked initially why did you let here have that? Mr. Kucher responded I wasn't there. I received a call and said three were okay, I came back and checked and called her and said what needed to be done. Councilman Greer stated this is a communication issue. With Mr. Kucher out of town she felt the right information was received. Now this was corrected. Now she is obligated. Consideration should be made for the communication issue, now she is committed. The number of citations given should be considered. She will have to contact the vendors and say stop. President Tarlini stated yes, until the Zoning Hearing Board, maybe fees could be worked out. Mr. Kucher stated this is for five or six weeks. We said no, they do it anyway. President Tarlini stated she thought the information was correct. Once told to stop, it must stop until the Zoning Hearing Board and work out the fees.
 3. Jackie Kimble-said the VFW has flea markets, but not in a residential area. Mr. Kucher will have to look into this. Councilwoman Davis asked Mr. Sacco is there any difference for a non-profit? Mr. Sacco responded no, it is a zoning issue. Council can't give Zoning Relief. There were complaints at that time; maybe the issues could be remedied. The process must be followed. Ms. Reinsneider said I have a petition with five hundred signatures that are okay with it. Mr. Bartlett stated use that for zoning. Maybe the staff thought you were having a yard sale.
 4. Roseanne Rose-spoke of a rock crushing issue in her neighborhood. Another neighbor was with her. The case was heard on August 6th with the Zoning Hearing Board, which voted not to permit this. Mr. Sacco stated the court case reversed the Zoning Haring Board decision limited where and how much noise they could make. The next step is the Court of Common Pleas, which is costly. This contractor's yard has been there long. The Judge was mindful of the residents. It is one hundred fifty feet away and complies with the noise ordinance. There is no procedure to go back to the Judge to appeal to court, it would be expensive. Mrs. Rose said if we knew we would have gone there. We need a voice up there for the residents of Makefield Terrace. Mr. Sacco stated the Zoning disputes, the contractor hired an attorney. Residents could have obtained an attorney. This is a dispute between neighbors for them to work it out. Each party is represented by their own attorney. I was elected to go, however the Judge made his decision. Mrs. Rose asked for an appeal. Mr. Sacco stated to become a party to the case you need your own attorney. The time has expired. I don't believe an appeal would be acceptable. President Tarlini stated we have done what you asked Mrs. Rose, if you want to take it further you must do it on your own.

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5. Jake Tryon-spoke of Route 413 & Route 13 having flag memorials but no one mows the grass. Present Tarlini stated that is Bristol Borough's property, Councilman Monahan brought that up months ago and Mr. Lawson took care of it. The State takes care of it, but, only two times per year. Councilwoman Davis stated I receive complaints quarterly about that and report to Mr. Kucher. We've been looking at the problem. Councilman Monahan stated regarding Route 413 & Rout 13, I was contacted, followed through and it got done. Now it hasn't been taken care of.
6. Mike Kaplan-spoke about Georgines, he said he suggested the flea market because of the economy. A lot of them are residents and a lot of the money is donated to the community. How many complaints were received? Mr. Kucher responded fifteen. Mr. Kaplan said there are not fifteen neighbors behind there. Prior to 10:00 A.M. it is quiet. There are not many vendors in that area. There are no traffic problems. President Tarlini stated it is a zoning issue for September. It will be taken care of them.
7. Ken Smith-did not speak.
8. Mardelle F. Delancey-spoke of the amount of money being spent to evaluate the sewer plant while there are many issues to address. Some turn this into a profit which will be nice revenue. Also the Maple Beach animals need a home. It is a refugee camp for animals.
9. Bob Lewis –spoke of speeding on Route 13. The speed limit should be twenty five miles per hour. There were signs in the Dorset Avenue area it should be looked into to replace those signs enforcing the reduced speed zone. Chief McAndrew stated the lowest speed limit is thirty five miles per hour. I will check into this with Penn dot. Councilman Greer stated there is one sign left, Mr. Lewis is correct. Chief McAndrew stated I will check with Penn dot and report to Council.
10. West Retzler-said the Government Study Commission's meetings are scheduled the same day as the Council meeting. Councilwoman Davis stated we could suggest a change to them but Council meetings were always scheduled on Thursdays. Vice President Pluta said there were fifteen meetings; two were the same night as the Council.

ADJOURNMENT:

Councilman Greer called for the motion to adjourn. Second by Councilman Monahan. Poll: all ayes. Motion approved. The meeting adjourned at 9:35 P.M.

Respectfully submitted
Denise Gorry
Secretary

/dg

MOTIONS APPROVED:

- 1) Approve the outstanding voucher list and all requisitions for July 2009.
- 2) Approve minutes from the April 16, 2009 Council Meeting.
- 3) Approve minutes from the May 7, 2009 Council Meeting.
- 4) Approve minutes from the June 4, 2009 Council Meeting.
- 5) Authorize the conditional approval, pending review of the applicant to James D. Morrissey Inc. for \$218,050.45.
- 6) Approve Jeff Bartlett and Gail Gordon as designated signers to do the draw downs from the Redevelopment Authority.
- 7) Approve using the 2004 leftover bond proceeds (leftover money) for inlet replacement and release the funds as recommended, in the amount of \$156,656.10, hold a 10% retainage for the warranty period and release \$140,990.40.
- 8) Approve Jeff Bartlett and Gail Gordon as designated signers to do the draw downs from the Redevelopment Authority.
- 9) Approve the Housing Assistance program dated August 5, 2009.
- 10) Approve Resolution 18-2009 concerning the Community Development Block Grant Program Fiscal Years 2001, 2003, 2005, 2007 and 2009 amendment to action year plans.
- 11) Approve the selection of Armor & Sons for the Newportville/Fergusonville Lighting Project as recommended by the Bucks County Redevelopment Authority.
- 12) Award to Howards Woods Corporation to go ahead with the evaluation for the plant and collection system not to exceed \$24,800.
- 13) Approve the Maple Beach Cooperation Agreement between the Township and the Redevelopment Authority.
- 14) Approve the appraiser for Maple Beach Project as recommended by the Redevelopment Authority.
- 15) For the Municipal Grant Traffic Walk Countdown Signalization grant to be applied for by the Redevelopment Authority.
- 16) Approve \$38,983 from the pension reserves because of the Travelor's agreement.
- 17) Approve advertising the Ordinance for no parking on Queen Anne Drive from Weston to Keston Drive from 8:00 A.M. to 2:00 P.M. during school hours.
- 18) Prepare the amusement tax-vending tax ordinance.

8/20/09

	NAME	STREET ADDRESS	AGENDA (X)	OTHER (X)
1	John Brocken	Croydon Walnut Nest		X
2	Rose Reifsnieder	Georgines		X
3	Jackie Kimble	GEORGINES		X
4	Rosanne Jose	3005 Old Redgum Rd		X
5	SAKE TRVAN	306 NYANNEWOOD		X
6	MICHAEL KAPLAN	GEORGINES		X
7	KEN SMITH	EDGEW BT	X	X
8	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXXXXXXXXXXXX		X
9	MARQUEL F. DELANEY	Maple Beach, Bannock, PA		
10	Bob Peters	202 LOUISE AVE	X	X
11	Wes Kistner	West Briston		
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8:27
8:38
arrived
8:50 ✓
9:10
9:15
Paved
9:22
9:25
9:30