

HULMEVILLE BOROUGH COUNCIL
Meeting Minutes
June 2, 2014

The regular monthly meeting of the Hulmeville Borough Council was held on the above date at the Borough Hall, 321 Main Street.

Councilmember's Present

Thomas Wheeler, President
Raymond Johnson, Vice President
Dan Mandolesi
Debbie Mahon arrived 8:00
Dale Walton Jr.
Mayor Dave Harris arrived 7:40
Nick Lodise
Judy Coleman

Staff in Attendance

Solicitor Robert De Bias
Sargent Bob Juno
Police Chief Tom Walton
Secretary Dorothy Omietanski
Authority Chair Jim Clark
Treasurer Diane McKairnes
HHS President Marce Heald
Water & Sewer Clerk Pat Slater

Councilmember's Absent: none

Guests in Attendance: Ron Robbins, Fern Jones, Margret Brewer, Donna Rebey, Kristen DiPazede, Al Suppin, William Kirk, Mr. Soto, Kyle Smyth, Ron Best and Kevin Carragher and family.

Call to Order: Mr. Wheeler called the meeting to order at 7:35pm; all those present joined in the Pledge of Allegiance.

Minutes: Motion made by Mr. Mandolesi seconded by Mr. Johnson to approve the minutes of May 5, 2014.

Police Report: Mr. Johnson read the report for the month of May 2014: 11 Incidents, 7 Traffic, 6 Parking, 0 Accidents, 2 Assists, 0 Summary, 0 Criminal, 7 District Court, 0 County Court, 0 EMS for a total hours worked: 256.0, Total Salary \$5,378.66.

- Chief Walton informed council that Kevin Carragher passed his certification test in Harrisburg and would be sworn in tonight.
- Chief Walton said that all was quiet this past month. During the month of May there was a mandatory training that all 4 current staff members had to complete and everyone passed.

Public Comment: Kyle Smyth of 603 Main Street Apt L Hulmeville PA 19047 was the first guest to speak regarding the rental ordinance. He submitted two documents for councils review. The first document was from the court of common pleas for Dauphin County Pennsylvania and was a court case Elizabethville borough verses Brett White. In the document Mr. White is suing Elizabethville Borough Council who recently adopted a Landlord Inspection Registration Ordinance for violating his rights under the 4th amendment. The second document is from Cowan & Kelly attorneys at law in Langhorne Pennsylvania and the document is titled Constitutionality of Proposed Ordinance for Inspection of Rental Units. The document again challenges the constitutionality of the proposed ordinance. Mr. Smyth read from both documents and stressed that he felt the new ordinance being proposed was a violation of the 4th amendment. Mr. Wheeler explained that council is passing the ordinance for the safety of all renters in the boro and stressed that this ordinance was not something

thought up overnight but that it has taken 6 years for council to finally agree on an ordinance. Ron Best at 603 Main Street Apt F Hulmeville PA 19047 suggested that an ordinance be put in place, no inspections completed and if a complaint is made then the council could take action on the landlord who is being reported. Mr. Best does not want an inspector coming into his personal space to inspect. Marcy Heald said she supports the ordinance and anything that is created to help keep her family safe. Fern Jones at 603 Main Street Apt C Hulmeville PA 19047 has lived in her apartment for 23 years and feels very safe and also expressed that she does not want anyone in her house inspecting.

Motion made by Mr. Mandolesi seconded by Mr. Lodise to table the proposed rental ordinance until Mr. DeBias has a chance to review the documents submitted and look further into the 4th amendment laws. The vote will be postponed until the next meeting July 7, 2014. All in favor: motion carries 7-0-0.

Police Officer Swearing In Ceremony: Mr. Carragher was sworn in by Mayor Harris for Hulmeville Borough Police Department. A Loyalty Oath was signed by Mayor Harris and Ms. Omietanski.

Authority:

- The transition from Roberta Turner to Mike Whittker has gone smoothly and Ms. Turner has been very helpful in the training of Mr. Whittker.
- Mr. Clark has had contact with the Colonia Inn regarding the grease trap and they are willing to rectify the issue. Mr. Stoner send the Colonia Inn information to install an in ground 1000 unit tank which Mr. Clark feels is unnecessary. He is going to contact the Colonial Inn and let them know they just need an in kitchen unit similar to what the Hulmeville Inn uses.
- Mr. Clark met with Ms. Mahon and Mr. Wheeler regarding Act 537 and feels they are now about 75% complete. Once completed Mr. Clark will email everyone on the board the final report. An in home sewer inspection may be in the future but he warns that this will be very costly to implement. In order to complete in home inspections it would require the borough to either hire staff or contract work out. The work needed to be done will include billing, and follow up on violations. Mr. Clark also noted that PennDel is actively working towards a sewer inspection ordinance. Mr. Clark feels confident that our sewer lines are fine it is the laterals are the issue that needs to be addressed.
- Ms. Mahon provided a list of engineers to Mr. Clark.
- Neshaminy Shore Picnics asked the fire department to pump water out of the fire hydrant to fill their pool. The question was raised did they pay for the water pumped? Ms. Slater said according to her records they did not pay for the water. Mr. Walton will find out from the fire department how much water was pumped out to fill the pool. Mr. Walton will contact Ms. Slater with the estimated amount of water used and Ms. Slater will write up a bill. Mr. Walton will submit the bill to Mr. Wheeler for his approval and then Mr. Walton and Mr. Wheeler will deliver the bill and procedures that need to be followed in the future to the owner of Neshaminy Shore Picnics. Mr. Walton will also make sure the fire department is made aware of the procedures that need to be followed in the future should Neshaminy Shore

Picnic request pools to be filled again. Mr. Clark has asked to be kept in the loop regarding the progress on this matter.

Storm Water:

- Ms. Mahon met with Mario regarding MS4 permit.
- Ms. Mahon is looking for the first two published Town Criers for this calendar year. Ms. Slater said she has them and will provide her electronic copies of both.
- Ms. Mahon is requesting a copy of the street cleaning and Vile & Sons bills when they are received.
- Ms. Mahon submitted her letters for storm water to Ms. Omietanski to stuff and label. She is asking that they be mailed regular mail this week.
- Ms. Mahon has received two replies for Michelle Court and noted that 4 Michelle Court and 6 Michelle Court are not installed yet so do not need a reply.
- The storm water link is on the web site and Ms. Mahon is encouraging everyone to check and make sure it all works properly.

Maintenance on Borough Hall:

- An LED light is needed for the light on the flag so that the light will not burn out so quickly
- John Aronsis of Green Up sprayed the playground free of charge.
- The compressor broke on the air conditioner for the office. A new compressor has been ordered and the only charge will be for labor to install the new compressor.

Zoning:

- There is paving taking place on the shoulder on Water Street. Mr. Mandolesi will send Ms. Juno to the site to make sure they are not paving on a floodway.
- Mr. Mandolesi submitted Ms. Juno's May 2014 monthly report. Ms. Juno drafted and emailed Mr. Mandolesi for monthly report for March and April – 1 hour, researched and emailed communications to T-Mobile - .75 hour, emailed communications for rental provisions to Grace Episcopal - .50 hour, and checked and photographed Water Street at request of Mr. Wheeler - .50 hour.

Streets:

- PENDOT finally street cleaned Main Street and apologized for the mix up on the date of the cleaning. Mr. Lodise also mentioned to PENDOT the issue with the road erosion at the end of Main Street. There is another road issue which was brought up at the end of Walnut St. Mr. Lodise will contact PENDOT about that as well.

- Scott Hoffman asked if there were any changes in lights which Mr. Lodise reported no changes.
- There was a curb issue reported by the homeowner at 206 Ford. The owner wanted to know if they needed to fix the curb or if the borough was responsible to fix it. The owner thought that the snowplow may have done the damage to the curb. Mr. Lodise examined the curb in question and felt in his opinion it was not due to the snowplow so the owner would need to fix it for themselves. The homeowners also asked if they needed a permit to complete the work and the answer to their question is no a permit is not needed. Mr. Wheeler will follow up with the plow company to get their opinion on whether they feel they did the damage to the curb and will contact Mr. Lodise when he has their response.
- Mr. Walton informed the council that the Courier, Tom Tomlinson, and Frank Farry will all be in attendance at the bridge dedication. Mayor Harris did contact the RDA, Tina Davis and will contact the County Commissioner regarding the bridge dedication. Mr. Walton will be posting an announcement of the bridge dedication on the marque at the firehouse and will announce it door to door along Main Street.
- Mr. Syzmenak and Mr. Lamb were looking for the concrete road blocks. The blocks are no longer at the bridge site.

Solicitor Report:

- The bridge project officially came in \$900 under budget. **Motion made by Mr. Lodise seconded by Mr. Mandolesi to make payment on bridge construction in the amount of \$27,156.20. All in favor: motion carries 8-0-0.**
- **Motion made by Mr. Lodise seconded by Mr. Walton to sign a resolution prepared by Mr. DeBias to allow radar to be used by local police municipalities . All in favor: motion carries 8-0-0.**
- Neshaminy Shore Picnic – Berkheimer will collect all returns filed by Mr. Dawson and determine if the correct tax is being submitted. The returns should be filed to Berkheimer every month whether or not they are open for business. Mr. DeBias spoke to the staff at Berkheimer and they are expecting returns to be filed by June 10th and will send us copies of the returns they receive. Unless Mr. Dawson returns all proceeds back to a nonprofit group Dawson is servicing Berkheimer will expect amusement tax to be paid for the group. Ms. Omietanski is to call Tammy at Berkheimer around the 20th of every month if returns are not received in the office.

Mayor's Report:

- Ed Vasant passed away on Sunday morning. A memorial service will be scheduled for the end of June or beginning of July.
- Mayor Harris officiated one wedding and has one more scheduled for June.

Wall at Borough Hall: The budget set aside for repairing the wall at borough hall was spent on electric. Mr. Wheeler received one estimate for repairs that totaled \$4,200. Mr. Mandolesi will try to get two more estimates for repairs. Ms. Mahon suggested that we transfer some of the funds set aside for storm water. She estimates we will have roughly \$4,000 of unused money that may be used for the wall repair. Mr. Johnson also suggested that we look into a community development grant and asked that Ms. Omietanski fill out the application for the grant. The grant paperwork must be submitted by September. Ms. Omietanski requested that Mr. Johnson forward her the information he has on the grant.

Treasurer's Report: Treasurer's Report of May 1, 2014 was made available for inspection:

• General Fund Checking Balance as of May 1, 2014:	\$ 19,543.55
Expenses Totaled:	-\$ 43,007.97
Income Totaled:	<u>\$ 152,444.68</u>
General Fund Checking Balance as of May 31, 2014:	\$ 128,980.26
• Sewer Fund Checking Balance as of May 1, 2014:	\$ 95,019.36
Expenses Totaled:	-\$ 19,014.60
Income Totaled:	<u>\$ 17,839.76</u>
Sewer Fund Checking Balance as of May 31, 2014:	\$ 93,844.52
• Sewer Fund PLGIT Balance as of April 1, 2013:	\$350,675.23
Interest April	\$ 12.56
Deposit	\$ 0
Expense	<u>-\$ 0</u>
Sewer Fund PLGIT Balance as of May 31, 2014:	\$350.687.79
• Highway Aid PLGIT Balance as of April 1, 2014:	\$ 32,787.04
Interest March	\$.80
Deposit	\$ 0
Expenses	<u>-\$ 5,570</u>
Highway Aid PLGIT Balance as of April 30, 2014:	\$ 27,217.84
• General Fund PLGIT Balance as of April 1, 2014:	\$ 10,887.91
Interest March	\$.39
Deposits	\$ 0
Expenses Total:	<u>-\$ 0</u>
General Fund PLGIT Balance as of May 31, 2014:	\$ 10,888.30

Bills: A copy of the bill list dated June 2, 2014 was provided to Council and offered for review by the public:

• General Fund beginning balance as of June 1 2014:	\$ 128,071.08
ending balance as of June 19, 2014:	\$ 110,646.22

- **Sewer & Water** beginning balance as of June 1, 2014: \$ 93,411.77
ending balance as of June 6, 2014: \$ 74,360.33
- **Highway Aid** beginning balance as of June 2, 2014: \$ 8,242.57
ending balance as of June 2, 2014: \$ 8,242.57

A motion was duly made by Mr. Mandolesi seconded by Ms. Mahon and carried unanimously to approve the bill list dated June 2, 2014; motion carries 8-0-0.

At 9:45pm the meeting was adjourned to discuss possible litigation in an executive meeting.

At 10:30pm the meeting resumed and there being no further official business the meeting was adjourned at 10:31pm; motion made by Mr. Wheeler seconded by Mr. Walton.

Respectfully Submitted

Dorothy Omietanski,
Hulmeville Borough Secretary

**Work Session Meeting Minutes
June 18, 2014**

A work session of the Hulmeville Borough Council was held on the above date at the Borough Hall, 321 Main Street.

Councilmembers Present: Thomas Wheeler, President, Raymond Johnson, Vice-President (arrived 7:40), Dan Mandolesi, Debbie Mahon, Nick Lodise (arrived 7:46), Mayor Harris and Dale Walton Jr.

Councilmember's Absent: Judy Coleman

Other's in Attendance: Solicitor Robert DeBias and Secretary Dorothy Omietanski.

Guests in Attendance: none

Call to Order: Mr. Wheeler called the meeting to order at 7:36 pm; all those present joined in the Pledge of Allegiance.

Solicitor Report:

- A cease and desist letter was drafted by Ms. Juno and will be sent out to Mr. Schmid. Mr. Mandolesi read the letter to council for their approval. The letter states that all current activities at the Mill must cease immediately until certain conditions are met. She outlines what the borough is requiring of him to proceed. The letter was approved and will be sent out this week.
- A letter was received by Mr. DeBias from Mr. Taylor an attorney representing Cori Lynn DeLarso. This is a child who was sledding at the Hulmeville Fire House on February 16, 2014 when she sledded over a snow mound created by the snow removal service. Her sled flipped over and she broke her wrist. The letter was sent to the borough, the fire department and Ms. Black. They were also asking for the address of the snow removal company. Mr. DeBias will not be responding to the request due to the fact that this is not a borough issue.
- Mr. DeBias has been contacted by Mr. Nicastro regarding \$300 in a Kay Nicastro Tax Collector bank account. He would like to close the account and the bank will not release the money without a letter from audit. Audit has not completed their work and is waiting on some missing items. The money cannot be released until the audit is complete. There are some missing bank statements and audit needs to make sure the money held does not belong to people in the form of a rebate. Mr. Wheeler is working on trying to locate the missing information but due to the timing of Ms. Nicastro's passing this is a very difficult task.

Bridge Opening: The bridge opening is Friday. So far Tom Tomlinson and Frank Farry along with the Courier Times will be in attendance. The Hulmeville Inn just told Mr. Walton to contact them a couple days prior to the event and they will set something up for afterwards. Ms. Mahon will provide the ribbon for cutting and Mr. Walton did knock on doors along Main Street to announce the opening.

Mayor's Report: Mr. Harris attended the mayors meeting and there is nothing to report. Mr. Harris brought to council's attention that Pennel borough is voluntarily inspecting all properties sub pumps.

Street Signs: Mr. Lodise and Mr. Walton have completed all work on the street sign report except for Ford, Main Street and McKinley. They will be working to complete the work this month. It was brought to Mr. Lodise attention that at the location of 928 Bellevue Ave a traffic street sign is down and laying in the walk way. Mr. Lodise was not aware of the issue and will address it immediately following the meeting.

Old Business:

- Mr. Wheeler is looking for land development application fees. An engineer contacted him for the information and he cannot locate the fee amount. Mr. DeBias will check with Bensalem and Middletown to see what their fees are for land development and will get back to Mr. Wheeler with some prices. This problem brings up an issue that needs to be addressed. The zoning committee needs to meet and review and update all fees.
- Mr. Wheeler wanted to remind council that a contractor will be presenting a proposal to build a warehouse and office on a 4.5 anchorage of land and that council will need to exercise conditional use which means it will be up to them to pass or deny the proposal. The property is LIC and the first step will be to send him to the planning commission. Council will have 60 days from the time the paperwork is submitted to the borough to hold a hearing.
- Ms. Mahon reported that everything has been submitted for Act 167.
- Mr. Mahon pointed out there may be an issue with mowing at old borough hall. She noticed that Joe was mowing the lawn and wanted to make sure that our lawn service knows to cut the grass there. It was suggested that maybe it should be the responsibility of the renter to make sure it is cut.
- Mr. Lodise wanted to make council aware of an odd situation at the corner of Reetz Ave and Lincoln Ave at the stop sign. There is a conduit box that is broken and exposing wire. It appears to be a very old box and the wires seem to have no power but he felt that a new cover should be placed on the box. He will contact PECO to make them aware of the situation.
- Mr. Lodise noticed that the barricade at the end of Washington Street is still in need of repair from damage is sustained from a fallen tree. The tree has been removed but the barricade still needs repair. Mr. Wheeler, Mr. Walton and Mr. Lodise have volunteered to fix it.
- The curb at the Myers residents, homeowner at 206 Ford, has been confirmed by all parties that it is the responsibility of the homeowner to repair. The homeowner will be scheduling repairs and wanted confirmation that no permits or escrow is required. It has been confirmed by council that no permits or escrow will be required and that they may proceed with the repairs.

- A letter was sent to Mr. Wheeler from Mike Fitzpatrick who is hosting a bus trip for WW2 veterans to travel to DC to view their monument for the 70th anniversary. The letter is requesting donations of \$100 to help with this project. The council agreed that this is not something the borough can participate in but if any individual would like to provide a donation they can on their own.
- Ms. Mahon is still having issues with voice mail. She has asked that Ms. Omiotanski try to find out if our voice mail is through the phone service and hopefully they can assist us with questions.
- Mr. Mandolesi needs to talk to Paul about permits. Paul says all he does permits for is new construction.

There being no further official business the meeting was adjourned at 9:30 pm; motion made by Mr. Walton seconded by Mr. Wheeler.

Respectfully Submitted

Dorothy Omiotanski,
Hulmeville Borough Secretary