

Sellersville Borough Council's
Public Management Committee
Council Chambers
140 East Church Street
Sellersville, Pa 18960

September 17, 2019
7:00 O'Clock P.M.

The September, 2019 meeting of Sellersville Borough Council's Public Management Committee was called to order by Chair Dodson at the above designated time and location.

ROLL CALL:

Mayor	:	Thomas C. Hufnagle
Councilpersons	:	Lois A. Dodson, Chair Alexander Potoczny, Vice-Chair Donald Crouthamel Kathleen Hallman Lynne Saylor
Absent	:	James G. Hull, First Alternate Marie Howells
Manager/Secretary	:	David J. Rivet
Solicitor	:	Randal White

REVITALIZATION COMMITTEE

Tiki Martino, Chair of the Revitalization Committee addressed the PMC on Revitalization Committee issues. She stated that Planning Commission Chair John Larsen, who is also on the Revitalization Committee, asked the Revitalization Committee to come up with bullet points for updating the zoning ordinance as it pertains to the downtown Borough Core area. Additionally, the Committee is interested in having revenues generated from the Gallery and other events go towards revitalization. Ms. Martino and Mrs. Hallman attended a Skippack Business Alliance meeting to investigate their organization's structure. The Revitalization Committee is also looking at developing a website for businesses in Sellersville. Transportation issues such as bus service for those residents who are without vehicles, rail service and use of the train station were also topics discussed.

Chair Dodson asked if there has been any discussion about branding Sellersville. Ms. Martino stated yes, but no brand has been approved as of yet.

VANDEMARK PROPERTY

Solicitor White was in attendance to discuss options for dealing with the Vandemark property at 216 Washington Avenue since the property was removed from the September Bucks County Tax Sale. One option includes executing the borough's liens to get a court judgement. The question was raised if the Bucks County RDA could bid at the resulting Sheriff's sale if this was done. Solicitor White will discuss the question with the RDA's solicitor. Other options discussed were condemning the property due to lack of utilities.

PARK AVENUE MANOR

At an August 23, 2019 meeting that included Solicitor White, Perkasio Sergeant Alec Sprouse, Sellersville Borough Manager Rivet, Park Avenue Manor owners John Mains, Sr. and John Mains, Jr., the owners were pressed on several issues regarding the operation of the Park Avenue Manor. Among the topics were questions from Solicitor White and Manager Rivet regarding how they classify the facility as they were no longer licensed by the Commonwealth's Department of Human Services as a personal care facility. The Mains stated that if they have three or fewer individuals who require assistance with active daily living activities (ADL), they were a "commercial boarding house". When pressed as to whether this was a definition used by the Department of Human Services, they agreed that it was not. The Mains said that they keep the people who require assistance with their ADL to three or less and that currently they have 20 borders, but could have up to 23 boarders. At the conclusion of the meeting, the Mains agreed to be more aggressive in dealing with disruptive boarders.

Solicitor White was asked if the Park Avenue Manor, 475 E. Park Avenue, by virtue of it no longer being a licensed personal care facility, is in the violation of the Borough's Zoning Ordinance. Park Avenue Manor is in the Medium Density Residential Zoning District which allows nursing homes and personal care facilities by special exception. Boarding homes are not an allowed use in the MR Zoning District. Additionally in the Zoning Ordinance definition of "boarding house", there is a limitation of not more than 15 residents. The lengthy history of the facility as a care facility makes the zoning issue murky. Councilman Crouthamel inquired as to whether not failing to enforce the zoning issue, if they are in violation, weakens the borough's position with this or other violations. Solicitor White stated that one defense the owners could try to raise in any future zoning action, would be "variance by estoppel" if the ordinance was not enforced for years. For the "variance by estoppel" defense to be used successfully, the defendant would be required to prove all of the following four points:

1. A long period of municipal failure to enforce the law, wherein the municipality knew or should have known of the violation, in conjunction with some form of active acquiescence by the municipality in the illegal use;
2. Whether the landowner acted in good faith and relied innocently upon the validity of the use throughout the proceedings;
3. Whether the landowner has made substantial expenditures in reliance upon his belief that his use was a permitted use; and

4. Whether the denial of the variance would impose an unnecessary hardship on the applicant, such as the cost to demolish an existing building.

Councilman Crouthamel stated that the borough needs to be vigilant in monitoring this facility.

RENTAL PROPERTY ORDINANCE

Manager Rivet stated that as the recent Residential Rental Property Ordinance information has been mailed to identified landlords, questions have arisen that the Council may want to address in the future. One question was under the definition of personal care facilities, it states that licensed group homes are exempt if they have four or more residents. Manager Rivet has been contacted by the group home facility manager at 11 Hillcrest Place where they house three residents. The manager further stated that the group homes are moving towards having three or less residents. Solicitor White said that as with any new far reaching law, there will be adjustments over time as issues arise. The borough needs to make note of them for future consideration.

PORTNOFF LAW ASSOCIATES

Manager Rivet presented information to the PMC regarding the debt collection services of Portnoff Law Associates. Mr. Potoczny moved to engage Portnoff Law Associates for debt collection services. Motion was seconded by Mr. Crouthamel and passed with all in favor.

PMRS MINIMUM MUNICIPAL OBLIGATION

Manager Rivet presented the Minimum Municipal Obligation (MMO) to be paid to the Pennsylvania Municipal Retirement System (PMRS) in the next year which he calculated to be \$14,763. The amount of State Aid the borough receives from the General State Aid to Municipal Pensions generally covers this MMO.

RECYCLING

The waste collection contract ends December 31, 2020. The cost of continuing the recycling portion will be an issue in future bids. The public is not properly preparing recyclables nor keeping items such as keeping paper dry. As a result, the recyclables end up as bypass at the Materials Recycling Facility and then go to a landfill. The borough has updated recycling information on the website, however, most residents do not check it out. The PMC agreed that a public education process should be undertaken with mailers and advertisements in general circulating papers informing citizens of the recycling preparation requirements..

LAWN AVENUE SPEED ZONE

During the first two weeks of the North Main Street bridge, closure the borough received numerous calls regarding speeding and other traffic control issues on Lawn Avenue. The speed limit at the northern end is posted at 35 MPH and then 25 MPH south of the Noble Street intersection. Lawn Avenue is not listed in the Code of the Borough of Sellersville Chapter 152 Vehicles and Traffic Section 152-7 Maximum speed limits established on certain streets.

Mr. Crouthamel moved to work with the PA Department of Transportation and advertise an ordinance to make all of Lawn Avenue within the borough limits a 25 MPH speed zone. Motion was seconded by Mrs. Hallman and passed with all in favor.

ELECTRIC AND NATURAL GAS PURCHASES

The borough's energy advisor APPI Energy, bid electricity and natural gas for the borough. Their recommendation is to approve a bid from AEP Energy for a 48 month fully fixed offer of \$0.05478/kWh for electricity as it will provide the borough 4 years of additional fixed coverage. For natural gas pricing, the lowest offer they were able to negotiate was a 3 year price with Snyder Brothers at \$4.82/DTH (100% swing, priced to the burner tip). All other suppliers were coming back higher than Snyder Brothers.

Mr. Potoczny moved to approve the agreements with AEP Energy and Snyder Brothers for natural gas at the above rates and terms. Motion was seconded by Mr. Crouthamel and passed with all in favor.

2020 MEETING DATES

In preparing the 2020 budget backup information, Administrative Assistant Rambo noted that the June 8, 2020 Council meeting occurs during the PSAB conference and the next week is the PMC meeting. The September Council meeting falls on Labor Day and the October meeting falls on Columbus Day. PMC agreed to cancel the June Council meeting, change the September meeting date to Tuesday, September 8, 2020 and keep the October 12, 2020 meeting date as normally scheduled.

OTHER

Mr. Crouthamel informed the PMC that the Penn Foundation's Autumn Event featured former NFL player Ryan Leaf as a guest speaker and that he had free tickets available.

ADJOURNMENT

There being no additional matters to come before this meeting of Sellersville Borough Council's Public Management Committee, Chair Dodson declared this meeting duly adjourned at 9:26 P.M. The next regular monthly meeting is scheduled to be on October 15, 2019 at 7:00 P.M.

Attest:

David J. Rivet, Secretary
Sellersville Borough Council