

REGULAR COUNCIL MEETING

NOVEMBER 16, 2009

The session was called to order at 7:08 p.m. by the President of Council, Ralph DiGuiseppe.

Council offered a moment of silent prayer.

The Council then proceeded to salute the flag.

Present were:

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|---------------------|----------------------|
| Mr. James Lutz | Mr. Patrick Sabatini |
| Ms. Michael Harris | Mr. Leo Plenski, Jr. |
| Ms. Betty Rodriguez | Mr. Ralph DiGuiseppe |
| Mr. Anthony Muccie | |

Absent—Robyn Trunell

Also present were:

Mayor Joseph Saxton
Mr. James Dillon, Borough Manager
Mr. William Salerno, Borough Solicitor
Chief Arnold Porter, Police Chief
Mr. Herbert Slack, Fire Chief
Ms. Lorraine Cullen, Council-Elect
Mrs. Maria Fields, Administrator

PRESENTATION OF COMMENDATIONS TO POLICE OFFICERS

Mayor Saxton and Police Chief Porter presented commendations to Patrolmen Bill Davis and Justin Gross in recognition of their accomplishments in the field of Crime Scene Evidence Collection in Bristol Borough culminating in numerous arrests.

PRESENTATION OF AWARDS TO FIREFIGHTERS FOR RIVER RESCUE

Mayor Saxton and Fire Chief Slack presented Unit Citations to the following for outstanding performance in the rescue of the driver of a vehicle in the Delaware River at the Bristol Wharf on September 20, 2009: Firefighter Michael Badolato, Firefighter Robert Bonhurst, Firefighter James Burnett, Firefighter Robert Huffnagle, Firefighter Brad Pond, Firefighter Stephen Reeves, Patrolman James Ellis, Patrolman Dino Lepore, Bucks County Rescue Squad Members Daniel Mirau and Sean Thompson.

The Mayor and Fire Chief also presented the Bristol Borough Fire Department Medal of Gallantry to Firefighter James Burnett for his courage, bravery, and profound regard for human life in entering the Delaware River and swimming out to rescue the driver of a vehicle that had gone into the Delaware River at the Bristol Wharf on September 20, 2009.

BID OPENING FOR REFUSE COLLECTION AND DISPOSAL

Mr. DiGuissepe stated two bids were received from Waste Management and J. P. Mascaro & Sons. He noted Republic Services, Inc. (formerly BFI) had received the specifications, but did not bid. Kim Souyack represented Waste Management and Pat Mascaro and Sam Augustine represented J. P. Mascaro & Sons. Mr. DiGuissepe then opened and read aloud the two bids. He said the Borough Solicitor and Manager needed to review the bid documents and will then make a recommendation to Council.

GRUNDY POWERHOUSE PRESENTATION

A presentation was made on the Powerhouse at Grundy Mills by Marcel Groen, Esq. and Linda Andrews, Executive Director of Habitat for Humanity in Bucks County. Mr. Groen represents Keystone Redevelopment Group who is selling the property to Habitat for Humanity. The Borough was represented by Amy Lachowitz, Esq. from Gaetan Alfano's office.

A discussion as well as a question and answer period followed on the Powerhouse.

An Executive Session was called at 8:15 p.m.

The meeting reconvened at 8:30 p.m.

Present were:

| | |
|---------------------|----------------------|
| Mr. James Lutz | Mr. Patrick Sabatini |
| Mr. Michael Harris | Mr. Leo Plenski, Jr. |
| Ms. Betty Rodriguez | Mr. Ralph DiGuissepe |
| Mr. Anthony Muccie | |

Mr. DiGuissepe noted the Executive Session was to discuss possible litigation with the attorneys.

GRUNDY POWERHOUSE PRESENTATION CONT'D.

Mr. DiGuisepe said one of Council's concerns was the condominium association fees because for 30 units at \$100.00 a month per unit, it is impossible to maintain the building. He stated another concern was the two story building; the original plan was a one story building. Mr. DiGuisepe said the other concern was the time frame; Council would like the building completed in 24 months.

PUBLIC PARTICIPATION

Bernard Mazzocchi felt Grundy Powerhouse is one of the treasures of the Borough; it has a lot of historic significance.

Ellen Callahan, 208 Buckley Street, asked if the owners of the condominiums at the Powerhouse at Grundy Mills decided to sell or rent. It was noted the owner could sell, but there could be a deed restriction which would state the condominium must be owner occupied.

Joseph Nelson, 2416 Wilson Avenue, was concerned about the second floor being constructed at the Powerhouse at Grundy Mills. He believed the construction of a second floor meant larger units.

Bernard Mazzocchi, 2607 Pitt Avenue, Bristol Township, complained about the process of occupancy permits in the Borough. He also thanked Mayor Saxton and Councilman Harris for their service to the Borough and welcomed Council Member-Elect Lorraine Cullen.

Denise Smith, 562 Bath Street, was concerned about the speeding way cars turn right at Mill Street from Old Route 13 at the Bike Shop.

REGULAR BUSINESS

Mr. Harris (Mr. Sabatini) moved to approve the minutes of the Regular Council Meeting of October 13, 2009, the Special Public Meeting of November 9, 2009, the Council Work Session of November 9, 2009, and the Budget Meeting of November 12, 2009 as printed.

Unanimous

REGULAR BUSINESS CONT'D.

Mr. Harris (Mr. Sabatini) moved to accept the Treasurer's Report for the month of September as printed. Unanimous

Mr. Harris (Mr. Sabatini) moved to accept the Police & D.J.'s Report as printed. Unanimous

Mr. Harris (Mr. Sabatini) moved to accept the Fire Chief's Report as printed. Unanimous

Mr. Harris (Mr. Sabatini) moved to accept the Borough Inspector's Report as printed. Unanimous

Mr. Harris (Mr. Sabatini) moved to accept the Planning Commission Meeting Report of October 19, 2009 as printed. Unanimous

Mr. Harris (Mr. Sabatini) moved to accept the Zoning Hearing Board Report as printed. Unanimous

NEW BUSINESS

3. MOTION - PRE/FINAL MINOR SUBDIVISION FOR THOMAS & PATRICIA LOUGHRAN FOR 304 BUCKLEY STREET.

Mr. Sabatini (Ms. Rodriguez) moved to deny the preliminary/final minor subdivision for Thomas & Patricia Loughran for 304 Buckley Street per the recommendations of the Bristol Borough Planning Commission, the Borough Engineer's letter of September 29, 2009, and the Bucks County Planning Commission review memorandum of July 14, 2009.

Mr. Lutz stated the applicants have a property with a residential unit and a garage and they want to give it to their children. He did not believe it has an impact on anybody. He said the house and garage have sewer lines; they are not asking for anything additional or to build anything.

NEW BUSINESS CONT'D.

ITEM #3 CONT'D.

Mr. Salerno explained this is the classic case where a subdivision should not be allowed solely because the owner has good intentions. He stated this is not an oversized lot, it does not have public access, and for all the reasons set forth in the reports by the Borough Engineer, the Bucks County Planning Commission, and the Borough Planning Commission, he recommended this be denied.

Mr. Lutz opposed the motion.

The motion was carried 6-1.

**4. MOTION - ACCEPT LAND DEVELOPMENT TIME EXTENSION
REQUEST OF ROHM AND HAAS TO DECEMBER 31,
2009.**

Ms. Rodriguez (Mr. Plenski) moved to accept the Land Development Time Extension Request of Rohm and Haas to December 31, 2009.
Unanimous

**5. MOTION - APPROVE OPEN SPACE PLAN UPDATE PROPOSAL
CONTRACT WITH BUCKS COUNTY PLANNING COM-
MISSION IN THE AMOUNT OF \$5,380.00.**

Mr. Plenski (Ms. Rodriguez) moved to approve the Open Space Plan Update Proposal Contract with the Bucks County Planning Commission in the amount of \$5,380.00.
Unanimous

**6. MOTION - ACCEPT AUDITOR'S PROPOSAL DATED 10-7-09
FROM HELLMANN & COMPANY TO AUDIT 2009
FINANCIAL RECORDS.**

Mr. Muccie (Mr. Harris) moved to accept the Auditor's proposal dated 10-7-09 from Hellmann & Company to audit the 2009 financial records.
Unanimous

OTHER BUSINESS CONT'D.

Mr. Dillon stated Mr. Lutz has been asking for the last few months and as recently as last Monday evening at the work session the status of the study by the Pennsylvania Economy League. Mr. Dillon then gave a brief history of the formation and purpose of the Pennsylvania Economy League. Based on Mr. Lutz's inquiry, Mr. Dillon contacted a representative of the Pennsylvania Economy League, Mr. Cross, who has been involved with the Borough in the 2002 and 2005 Study. Mr. Dillon said he wanted to follow-up on the status of the comprehensive study that the Pennsylvania Economy League had invited the Borough to participate.

The following email was read by Mr. Dillon from Gerald Cross of the Pennsylvania Economy League:

"I am attaching the final version of the fiscal health study that was to include Bristol Borough. I have previously supplied Councilman Jim Lutz with this same report upon his telephone request. I emailed it to him (Lutz) in September, 2009.

The report that was to include Bristol Borough is considered complete and the PA League of Cities and Municipalities does not have plans to fund another round of studies that might include Bristol Borough. Once the Foundation decided not to fund the Borough's \$4,000 portion of the project, I (Cross) decided not to ask the Borough for its own funds, but rather to move along to those municipalities that had foundation funding.

I (Cross) have valued the work we (Pennsylvania Economy League) have performed for the Borough, both in 2002 and 2005. Please feel free to contact our office for anything else that we can provide. I (Cross) regret that we (Pennsylvania Economy League) could not include the Borough in our study that showed the very difficult financial constraints that all municipalities must operate under; the fact that Bristol does as well as it does is testament to Council's efforts to help their citizens."

OTHER BUSINESS CONT'D.

Mr. Dillon stated he responded by email to Mr. Cross as follows:

"Gerry (Cross), thank you for the information. I am shocked but not surprised to hear that Mr. Lutz has been in contact with you on various occasions over the last few months. He has never shared this information with Council or this office. As late as this past Monday he asked me, at a publicly televised Council meeting, the status of the report. I told him that to my knowledge the report was still being worked on by your office. I personally apologize to you (Cross) on behalf of Borough Council and myself for Mr. Lutz's unprofessional and discourteous comments to you and the Pennsylvania Economy League relative to slanting your report to make the Borough look good."

Mr. Cross responded:

"Thanks for the information. If Mr. Lutz calls again I will politely but firmly express my displeasure at his lack of honesty as to his intentions regarding our report."

Mr. Sabatini (Mr. Muccie) moved to adjourn the meeting at 9:27 p.m. Unanimous