

**Yardley Borough Council Meeting
October 2, 2018**

The meeting was held in Council Chambers with the following members present:

David Bria	Sandi Brady	Bryon Marshall	Ryan Berry
Matthew Ross	Caroline Thompson		

Also in attendance were Mayor Chris Harding, Chief Joseph Kelly, Solicitor E. Closser, Engineer Vanessa Nedrick, and Assistant Borough Manager Paula Johnson. President Marshall called the meeting to order at 7:30 pm, and led with the Pledge of Allegiance.

Minutes

Mr. Bria moves to approve an amended version of the minutes of the September 18, 2018 meeting, which is seconded by Mr. Ross. A Conflict of Interest Abstention Memorandum submitted by Mr. Bria is included with these minutes. Motion carries.

Progress Reports

Solicitor

Nothing to report

Borough Assistant Manager

1. Borough has received state aid for municipal pension fund.
2. Ms. Johnson will be attending budget training on 10/3. Ms. Johnson will also attend civil service training with Chief Kelly on 10/11.
3. Mr. Berry asks if the flagpole is up. Ms. Johnson notes that a donation was received from Martelli and the flagpole is up.

Mayor

Yardley weekly radio show scheduled for 10/3 at 1:00 on 1490 AM.

Police Chief

Chief Kelly reports for the month of September 2018 the Police Department answered 535 calls for service, issued 5 parking tickets, 111 traffic citations, 5 non-traffic citations, investigated 6 motor vehicle accidents and made 11 arrests, 3 being for DUI.

Borough Engineer

1. Main and Afton signal improvements. RVE is coordinating with PennDot on ADA ramp construction and signal design at this intersection.
2. 2018 Liquid Fuels Road Program. Construction is substantially complete and final inspection and punch list will be completed.

3. Inset cleaning and jetting. Cleaning is scheduled for 10/8.
4. University Drive sink hole. Two quotes have been received from Trenchless Solutions and TLC Drain and Sewer. Trenchless was asked to revisit their quote since it was substantially lower than TLC's (\$13,048 versus \$4,800.) Both companies are reviewing their quotes and Engineer is continuing to solicit quotes.
5. FMA 2014 grant application. Construction is complete and grant coordinator is in the process of closing out the projects.
6. FMA 2015 grant application. Construction is underway for 31 N. Delaware.
7. MS4 Permit. Annual report was submitted on 9/28/18.
8. Yardley Walk. A deficiency letter has been sent to Lenar regarding the upper dam.

Council Vice President

Nothing to report

Council President

Nothing to report

Council Committees

General Government-Ms. Thompson

1. The Annex tour was rescheduled due to rain. Pictures of the building are submitted to Council. The building is in need of substantial repair and Ken Smith is going to draw up a list of the needed repairs. Mr. Berry asks if leak in Borough hall will be fixed. No official write-up from Ken Smith on repairs needed yet and money is available but would need to be voted on. Work also needs to be bid out.
2. Preliminary budget has been sent to Council. There are three follow-ups from budget town hall: Excel spreadsheet will be published on website, line item descriptions will be included, and one-time costs in this budget will also be included.
3. Ms. Thompson, Ms. Bria, Ms. Johnson, and Mr. Ross will be attending budget and finance training and have requested time with the trainer to review Borough's preliminary budget and specifically review budget transfer section.
4. Mr. Marshall asks about status of main roof in Borough Hall. This item needs a vote and to be bid out.
Mr. Ross motions to advertise for bids for the roofing of Borough Hall, which Ms. Thompson seconds. Motion passes.

Community Outreach-Ms. Thompson

Nothing to report

Public Safety – Ms. Brady

As a follow up to last meeting in which a resident voiced concerns about parking on Lincoln Avenue the Public Safety Committee is looking into this situation.

Ms. Brady makes a statement about a situation that occurred at the executive committee meeting on September 27th. The text of her statement is attached to these minutes.

Public Works-Mr. Ross

Regarding the North Main Street sidewalk change order an updated quote has been received. The quote was received too late for this meeting but will be presented at the next public works meeting and Council meeting.

Community & Economic Development – Mr. Bria

1. Mr. Bria reports that the Mary Yardley Bridge Committee is moving forward with a plan to market and fundraise for the project. At this time, close to 50% of the fundraising goal in pledges have been made. No money has been raised yet, just pledges made. Mr. Closser has prepared a draft agreement between Borough and Committee for review by council president.
2. Pretty Bird Coffee is expanding their service hours to the evening and will begin offering sushi. They are requesting a variance regarding parking which is set for November's ZBH meeting.
3. The next Planning Commission meeting will hold a discussion about fences in the floodplain.
4. Community and Economic Development will be attending the upcoming ZHB meeting to discuss economic impact of building in the flood plain, impact to flood insurance rates, and the impact of variances.

Council President-Mr. Marshall

Regarding Friends of Reading Avenue group three applications have come forward and the application period remains open. The three members of the committee are currently Chris Kavanagh, Brian Welch, and John Bachalis. Ryan Berry will act as Council Liaison to the committee.

Bill List

Ms. Thompson moves to approve the bill list dated October 2, 2018, which is seconded by Mr. Bria. Motion carries.

Correspondence

None.

Public Comment

1. Sandy Bowker, 84 N. Main Street. Thank you to the council for their work. Thank you also to Perry Warren regarding the traffic study. Two important issues not included in

the study concern the weight and width of trucks coming through town. Ms. Bowker asks if there will be a committee formed concerning safety in the community. Mr. Marshall notes that the Public Safety Committee meeting meets the first meeting day of each month and is open to the public.

2. Matt Curtin, 88 N. Main St. Congratulations to Paula on her appointment and also recognition that Ryan Berry was a great partner with getting sidewalk issues resolved and Sandi Brady for her courage in reading her statement tonight.
3. Tom Loveless, 123 N. Main St. Recognition of Ms. Brady's statement. This behavior is unacceptable, what can the community do to prevent this behavior in the future, and can this council member be removed?
4. Janet Harding, 121 S Main. Spoke in support of Ms. Brady. This behavior is disgusting and this council member needs to be removed. The rest of the Council who sat and watched should be ashamed. It is no surprise that the offending council member isn't present at this meeting but he should also show his face and take responsibility for his actions.
5. Pete Guidotti, 44 S. Bell Ave. As chair of the Planning Commission he notes that there is a meeting on 10/8 and the community is welcome to attend. There will be a discussion of the proposed ordinance changes regarding fences and building in the flood plain. He notes that there is a conflict between language in the proposed ordinance and the superseding ordinance.
Additionally, bullying was a big issue in the last election and needs to be cleaned up once and for all.
6. Dan Mohn, 132 Longshore Ave. Question regarding the ZHB. Is the ZHB an independent organization and is it appropriate for a member of Council to lecture ZHB on what they can and cannot do. Mr. Bria notes that the ZHB is independent and council members can attend and offer public comment. Mr. Bria intends to attend the next meeting to offer comment about the ordinance changes because changes made by the ZHB effects everyone in the community. Mr. Mohn states that Council needs to stop interfering in the ZHB and allow it to act as an independent, quasi-judicial group. Mr. Mohn notes that if he hears of further interference by the Council in the ZHB he will be contacting the district attorney regarding the situation.
7. Mr. Marshall made a statement about the events at the executive committee meeting of September 27th regarding Ms. Brady and Mr. Ruttle. This situation is not new and he, himself, has been an object as well. A discussion was held after Ms. Brady and Mr. Berry left regarding conduct and what can be done. Options about what can be done are limited. Mr. Marshall apologizes for not acting in solidarity and leaving with Ms. Brady and Mr. Berry but he couldn't because if any more Council members had departed that would have resulted in a loss of quorum and Council would not have been able to vote on the appointment of Ms. Johnson to the position of Borough Manager. Mr. Marshall feels that Mr. Ruttle was hoping to force some resignations from Council by his actions, derail the process of appointing Ms. Johnson, and finally to force a reaction that would close the meeting. Mr. Marshall does not accept the conduct of Mr. Ruttle and stands with Ms. Brady and with the mission of the Council President.
8. Mark Brady, 23 W. Afton Ave. What are choices to get rid of Mike Ruttle? Mr. Closser notes that he is an elected official but there is no recall provision in PA law. The options are limited but the solicitor will be looking into our anti-bullying ordinance which many

Council members ran for election on. Mr. Bria notes that short of criminal conviction is one of the only ways to remove and elected official. Mr. Brady suggests that Mr. Ruttle be removed from any committees and marginalized.

9. John Bissert, Treasurer of Yardley Business Association. YBA will match any contributions from the borough or community members up to \$10,000 to refurbish the Borough's holiday decorations. There is already a \$1,000 pledge from a community member. Donation checks should be made payable to YBA with note on the check indicating the donation is for holiday decorations.
10. Mayor Harding notes that ShopRite of Yardley has donated.
11. Michele Smull, 181 S. Canal St. Speaks in support of Ms. Brady and notes that Mr. Ruttle is known for bullying many members of the community and he should be marginalized.
12. Carol Petty, 46 Cadwallader Court. Speaks in support of Ms. Brady and notes she is another victim of Mr. Ruttle's bullying in a public meeting over Buttonwood Park. Stay strong and he will be defeated.

Certificates of Appropriateness

1. 17-05 – 10 N. Main St. (sign)
Mr. Bria moves to approve Certificate of Appropriateness 17-05 for 10 N. Main St with the suggestions noted on HARB form, which is seconded by Mr. Ross. Motion carries.

Old Business

1. Hiring of New Borough Manager.....Mr. Bria
Mr. Bria made a personal statement in support of Ms. Johnson and her qualifications for the job and especially of her care and concern for the community.
Mr. Bria moves to offer the position of Borough Manager to Paula Johnson with such position to last until December 31, 2019, and on such terms and conditions as agreed upon between Ms. Johnson and the search committee put in an employment contract and subject to review and acceptance by Borough Council at a regularly scheduled meeting.
Ms. Brady seconds the motion. Mr. Berry asks about formally approving the contract which will done once the contract is finalized. Mr. Bria notes that the end date of the contract is set as 12/31/19 because the current Council cannot bind a future Council to the contract. A roll call vote was called for by Mr. Berry and was taken as follows: Ms. Thompson-Yes, Mr. Berry-Yes, Ms. Brady-Yes, Mr. Bria-Yes, Mr. Marshall-Yes, and Mr. Ross-Yes. The motion passes unanimously.

Mr. Bria moves that the General Government Committee, in conjunction with the Borough Manager, develop a job description for a support staff position and engage in the process of searching and filling that position, which is seconded by Mr. Ross. Mr. Bria notes that the question of whether or not the Treasurer position stays with Ms. Johnson or moves to the new Assistant Borough Manager will be decided at that time. Motion carries.

2. Yardley Borough Police Chief Contract through 2021.....Ms. Brady
Ms. Brady moves to make an addendum to current contract to indemnify Chief Kelly effective upon signing as well as designate Chief Kelly as a full-time employee. There are no other changes as a result of that designation. Ms. Brady moves to approve the addendum to the 2015 contract for Joseph D. Kelly, III, Yardley Borough Police Chief, which Mr. Berry seconds. Motion carries.

Ms. Brady moves to approve a three-year contract with Chief Joseph D. Kelly, III commencing January 1, 2019, which is seconded by Mr. Berry. Mr. Bria acknowledges the work of Mr. Berry and Ms. Brady on this contract. He also commends Chief Kelly on his dedication to this community. Mayor Harding offers his thanks to the committee and to the Chief and his force. Rob Johnson, 188 South Main, offers recognition of Chief and his dedication to this community and personally speaks in recognition of Paula Johnson, his wife, and her dedication to the Borough. Motion carries.

3. Res No 18-10 regarding Master Lease with Fulton Bank.....Ms. Brady
Ms. Brady moves to approve Resolution No 18-10 regarding Master Lease with Fulton Bank for the new police truck, which Mr. Ross seconds. Motion carries.

4. Natural Resources Protection Ordinance Discussion.....Mr. Ruttle
Mr. Bria presented the history of this ordinance, originally drafted under previous Council. Earlier this year the ordinance was unanimously approved to be advertised and at the second vote for the ordinance several questions were raised and the motion was tabled. Current Council has taken the issue up again and requested comment from Council members. No new information has been received except for a couple of items from Mr. Berry. Mr. Bria suggests that a discussion be held and then see if Council wishes to bring the issue to a vote.

Ms. Brady asks if any changes have been made to the ordinance regarding development within 150 feet of a waterway. Originally it was presented that the ordinance would only apply to new development but previous discussion revealed that it would affect anyone with property within 150 feet of a waterway. Those questions remain and Mr. Bria notes that nothing in the ordinance has changed.

Mr. Berry notes that spot zoning cannot happen, changes have to be made borough-wide. It would be helpful to know who is really effected in reality. Can the engineer make a report on who exactly would be effected by the change to the ordinance? Mr. Bria agrees that a study is warranted.

A community member asks what is driving this ordinance. Mr. Bria notes that the ordinance changes how much of the open space can be developed and reduces the amount of space that can be developed. Change effects everybody in the borough and his sense is that the majority of borough residents would prefer to limit the amount of development allowed.

Michelle Smull notes that she lives 150 feet from the canal and there is a lot of fear mongering and government making rules for no reason.

Mr. Bria notes that there are special considerations for properties near the canal. Those considerations are set by the state. Mr. Bria is in favor of a study to find out exactly who

is affected. Notice should be provided to those who are affected so they can attend a public meeting on the subject. He will not move this matter to a vote at this meeting. Dan Mohn, 132 Longshore Ave. Asks that a thorough layman's explanation of the ordinance be sent to all who are affected. Changes need to be well considered and reasonable and for the good of those living in the flood plain.

Ms. Thompson, as a resident of the flood plain, is supportive of this ordinance because we need to be responsible with the land and flooding is going to get worse with more development.

Mr. Bria notes that flood insurance rates are going to go up because of too many variances being granted.

Matt Curtin, 88 N. Main St. His feeling is, is there any energy in the community for this issue at all. It is not worth doing the study. There is more sympathy for protecting open spaces, not for the development of the country club land.

Tom Loveless, 123 N. Main St. Why can't the country club be made preserved space so it can't be developed? Mr. Bria comments that it takes someone to purchase the land and designate it as preserved space. Also, this issue is not exclusively about the country club, it is about development throughout the community.

Mr. Guidotti notes that 28% of borough is inside the floodplain, 70-80% of the borough would be affected by this ordinance.

Mr. Marshall notes that this motion was originally tabled because it was driven by the last council. This is a new council with new conversations and new feedback.

Ms. Thompson notes that we need to be specific in new ordinances so that they are perfectly clear.

Mr. Bria notes that the flood plain ordinance supersedes any new ordinance that is passed.

Mr. Marshall notes that the fence ordinance was crafted carefully to avoid the \$850 fees for the residents in the flood plain.

New Business

Mr. Berry motions to adjourn at 9:00, which is seconded by Mr. Bria. Motion passes.

Submitted by,
Mary Ann McLean

Conflict of Interest
Abstention Memorandum

TO: Recording Secretary, Amy Fitzgerald
Borough of Yardley, Berks County, Pennsylvania

FROM: DAVID REIA Borough Councilperson

DATE: 9-18-18

Pursuant to Pennsylvania's "Public Official and Employee Ethics Law" (65 PA CSA 1101 et seq.), I hereby declare that I am required to abstain regarding the following issue/motion:

CERTIFICATES OF APPROPRIATENESS

18-23, 18-24, 18-25, AND 18-26

My conflict/reason for abstaining is:

APPLICANT IS MY LANDLORD


Signature of public official

Note: Section 1103(j) requires the following procedure:

"Any public official or public employee, who in the discharge of his official duties, would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes for the meeting in which the vote is taken"

Note: Under the State Ethics Commission requires a public official to complete a form every time he has a conflict of interest!

October 2, 2018
Statement RE: Sep 27, 2018 Executive Session
Submitted by Sandi Brady

I want to thank everyone, including Bryon Marshall, The Mayor, The Chief, the Boro Mgr, and many members of the community, who has reached out to me via text, email, phone, and in person, for the words of encouragement and support since Thurs night. It has made all the difference to me, following a difficult experience. And, I especially want to thank Ryan Berry for his presence of mind and courage to walk out when Mr. Ruttle began to yell personal insults at me. The fact is Thurs night's Executive Session was not the first time I have been on the receiving end of Mr. Ruttle's tirade. I have been repeatedly targeted since I joined Council. And, everyone on Council knows it. There is, in fact, a pervasive bullying mentality and culture on this Council.

You may have wondered how a person like Mr. Ruttle was ever even voted to the position of Council President in January instead of someone else. Well, that was my first glimpse of what was to come. When someone else simply considered having me as part of a committee that some colleagues hold too dear, he faced the repercussions. And even today, I am not sure he has fully recovered from those harsh repercussions.

As with most bullies and their targets, Mr. Ruttle doesn't know me at all. We have never had a one-on-one conversation. We have never worked on a committee together. He simply targeted me at the onset and has repeatedly undermined and insulted me since I joined Council. When I made any requests of our former Boro Mgr, Mr. Ruttle would give a direct order to not fulfill my requests. At an Executive Session in April, Mr. Ruttle sat with his back towards me as I presented research and analysis Mr. Berry and I had spent hours upon hours preparing. Then, he yelled and screamed insults at us.

He has called me a viper, the enemy, corrupt, poison, the worst thing that has happened to this town. All of my colleagues, including the Solicitor have witnessed Mr. Ruttle's attacks on me. But unfortunately, politics and the power of a vote sometimes carry greater weight than human decency or doing the right thing.

So, Thursday's Executive Session was no exception. During the session, we would interview a candidate for Boro Mgr and then discuss. Unhappy with the outcome of the search committee's process - remind you, I was not and have never been the chair of the committee, Mr. Ruttle unleashed his rage on me, yelled insults at me and called on me to resign. With the exception of Mr. Berry, bystander apathy once again took hold of my colleagues. Mr. Berry and I walked out of the meeting. The others continued on with the meeting for about another 30 minutes. So, let me ask you...If you were Mr. Ruttle, would you change your behavior?

So, it comes as no surprise that Mr. Ruttle is not here this evening. It is a common call in his playbook. When his behavior becomes public, don't take any accountability, and lay low until the dust settles. But, when his vote is needed, we will most likely see him emerge again.

But, I certainly hope I am wrong. And, I hope my colleagues will help drive the culture change that is needed on Council. I hope they will lead with integrity and do the right thing even when no one is watching.