

**Yardley Borough Council Meeting
February 6, 2018**

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

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

Also in attendance were Mayor Chris Harding, Borough Manager John Boyle, Police Chief Joseph Kelly, Solicitor E. Closser, and Borough Engineer Thomas Beach. President Ruttle called the meeting to order at 7:30pm, and led with the Pledge of Allegiance.

Minutes

Mr. Berry made a motion to approve the minutes of the January 16, 2018 Council meeting. Ms. Thompson seconded.

Mr. Bria made a motion to correct the minutes from the January 16, 2018 meeting with regards to the Public Comment section. The minutes should read:

Ms. Perlmutter stated that she owns and distributes information using the yardleyborough@aol.com and that she received the list inadvertently from Paula Johnson.

Mr. Ross seconded. Motion passes unanimously.

REPORTS

Progress Reports

Solicitor

No report

Borough Manager

Mr. Boyle asked Council members to sign Resolution 18-02 – Emergency Operations Plan before leaving this evening.

Mayor

Mayor Harding congratulated the Philadelphia Eagles on their Super Bowl win. Mayor Harding reminded Council that his Yardley Borough radio show will be on-air tomorrow, February 7th from 1:00pm-2:00pm, WBCB.

Police Chief

Chief Kelly provided monthly service statistics for January 2018. 491 calls for service, 19 parking tickets, 80 traffic citations, 3 traffic accidents, 0 DUIs and 2 arrests. In addition, Chief Kelly explained that Septa will close Yardley train station on Thursday due to the Eagles Super Bowl parade.

Borough Engineer

Mr. Beach stated that there has been no update from PennDOT with regards to the North Main Street sidewalk project. The contractor is still on hold and will be ready to start work, once final approval has been received.

FMA Projects: 2014 – finishing touches to one home left to complete; 2015 – one home completed and one home will go to bid next month.

Mr. Beach provided information about the sink hole in parking lot next to Continental Tavern. They investigated, and it appears to be created by the deterioration of the old corrugated metal storm drain system. Mr. Beach stated that at least a new 20-foot section of pipe was inserted and the work was performed under an emergency contract. Mr. Beach stated that they have asked for an updated status on the NO parking signs at Yardley Walk and will continue to follow-up. They were told that the signs were ordered and Yardley Walk is waiting for them to arrive.

Mr. Ruttle asked the cost of the sink hole repair. Mr. Boyle stated that it is \$8,525 to date. Mr. Bria asked if the Borough will bear the full cost of the repair. Mr. Boyle stated yes, the storm water system is Borough property.

Council Vice President (Community & Economic Development Committee)

Mr. Bria asked that the new members of Council ensure that they have completed the National Incident Management System training modules.

Mr. Bria stated that the 4 new Council members attended full day training sessions from the Pennsylvania State Association of Boroughs (PSAB) on January 26-27, 2018. Mr. Bria would like to investigate creating a Rules of Council document. There is a template available from PSAB and will look at adapting the document to Yardley's Council format and provide it to the General Government committee for further review.

Mr. Bria stated that Mr. Ruttle asked him to work with the General Government committee to look into the email distribution concern that was brought before Council, during the January 16, 2018 meeting. Mr. Bria shared details of the review and stated that, in summary, they do not believe any wrongdoing occurred on the part of the Borough, and they continue to support Ms. Johnson in her role as Borough Secretary and Assistant Manager. Work will be done to develop a more stringent confidentiality policy and clearly outline the Borough's record keeping and communication practices. They will also attempt to block any further emails that may appear to be from legitimate Yardley Borough sources.

Council President

Mr. Ruttle reminded Council that it is important to control the kind of communications distributed and how Yardley Borough residents view them. Mr. Ruttle shared his concerns about public safety issues if Yardley Borough communications are not deemed reliable or from an unofficial source.

Mr. Ruttle stated that they received correspondence from State Representative Perry Warren's office about grant opportunities. Further review is needed and will report back at the next Council meeting.

Mr. Ruttle stated that he and Mr. Boyle met with representatives from Waste Management with regards to damage to landscaping at Yardley Walk. As a result of the meeting, and to reduce the potential for this issue in the future, residents may receive notification that trash must be in containers and that trash left in bags may not be picked-up.

Council Committees

Community Development

Mr. Ross stated that he and Mr. Bria met to discuss Community & Economic Development, projects, and issues happening within Yardley Borough. A list of priorities is being generated and Mr. Ross expects to report more information at the next meeting. Mr. Ruttle stated that he will continue meeting and working with the Community & Economic Development Committee, to ensure continuity of current priorities.

Public Safety

Mr. Bria stated that Public Safety met prior to the Council meeting and went over statistics and they are working with Chief Kelly on budget items and needs of the department, for 2019.

Community Outreach

Ms. Brady stated that she met with Ms. Thompson about filling several vacancies on boards and committees within the Borough.

Public Works

Mr. Berry stated that the Public Works Committee will meet February 20, 2018 at 6:30pm to discuss priorities. Mr. Berry stated that the EAC will be bringing a grant proposal to Council, in March.

General Government

Ms. Thompson stated that she is waiting for a full list of priorities from the Borough committees and hopes to share more information at the next Council meeting.

Bill List

Ms. Thompson made a motion to approve the bill list dated February 6, 2018. Mr. Bria seconded. Motion passes unanimously.

PUBLIC COMMENT

Brian Welch, 22 Reading Avenue – stated that he was pleased to hear about Mr. Bria’s findings from the email investigation. Mr. Welch explained that he received an email, in June, from the email address in question.

Dawn Perlmutter, 18 West College Avenue – asked for an update into the issues mentioned during her presentation at the last meeting. Mr. Ruttle stated that they have been reviewed. Ms. Perlmutter passed out a printed outline from the presentation at the last Council meeting to the Council members. Ms. Perlmutter stated she has used her yardleyboro@aol.com email account four times to share information with Yardley residents.

Ms. Perlmutter asked that the following items be added to the minutes from her presentation at last Council meeting; there are allegations of corruption and special treatment, pattern of arbitrary decisions, breach of confidentiality, unsure as to who made the zoning decision at a secret meeting, work continues to be done at the property without permits with knowledge from the Borough. Ms. Perlmutter asked that Mr. Welch’s question at the last Council meeting about who else had received a tree removal order and the response was no one be added. Ms. Perlmutter asked that the comments from Ms. Prickett about the equipment to build a retaining wall, trailer to hold building materials, and that the Prickett’s live in Yardley be included as part of the minutes.

Mr. Ruttle stated that there was no secret meeting and the initial determinations are made by the Zoning Officer when applications are received. Mr. Ruttle stated that what Ms. Perlmutter presented at the last Council meeting were allegations and not supported with evidence. Mr. Ware, Zoning Officer, examined the evidence and decided that the property had been grandfathered.

Mr. Ruttle stated that he received an email originating from Ms. Perlmutter dated January 25, 2018 and asked Ms. Perlmutter if this was similar to the email that was sent before the last January meeting. Ms. Perlmutter stated this email was sent out before the election and it was sent to Council members and candidates. Ms. Perlmutter stated that another email was sent out to the Borough distribution list about the issues presented at last Council meeting.

Kim Prickett, 20 West College Avenue – addressed comments made by Ms. Perlmutter; although permits were not requested timely they do have a permit now, the backhoe is at the property to fix the existing retaining wall, the trailer contains building materials, and Ms. Prickett stated that she said she lived in the Borough and did not say she currently lives in the Borough.

Ms. Perlmutter asked if people who do not live in the Borough are allowed to speak at the Council meetings. Mr. Ruttle stated that people who wish to be recognized and speak at the meetings are allowed to do so.

Ms. Perlmutter shared additional concerns with regards to permitting within the Borough, communication from Borough staff, and tax records.

CERTIFICATES OF APPROPRIATENESS

1. **18-01 10 South Main Street (dumpster enclosure)**.....**Mr. Ross**
Mr. Ross made a motion to approve Certificate of Appropriateness 18-01 for a dumpster enclosure at 10 South Main Street. Mr. Ross stated that the application was approved by HARB. Mr. Berry seconded. Motion passes unanimously.
2. **18-02 49 South Main Street (sign)**.....**Mr. Ross**
Mr. Ross made a motion to approve Certificate of Appropriateness 18-02 for a sign at 49 South Main Street. Mr. Ross stated that the application was approved by HARB and the style and color is consistent with Borough standards. Mr. Berry seconded. Mayor Harding reminded Council about Mr. Taylor’s sign ordinance revisions and his request for reducing the size of the signs within the Borough.

Tom Cadwallader, 85 West Afton Avenue – stated that the prior Council tried to make signage more liberal to help businesses. Mr. Cadwallader asked this Council to be careful about reducing sign sizes and how it affects businesses.

Ms. Thompson asked when the last time that the sign ordinance was reviewed. Mr. Ruttle stated that a review of the ordinance took place 4-5 years ago.

Motion passes. Mr. Bria abstained due to a conflict of interest.

OLD BUSINESS

1. **DeNovio Land Development Extension****Mr. Ross**
Mr. Ross made a motion to extend the DeNovio Land Development for two years, until the first Council meeting of February 2020. Mr. Marshall seconded.

Mr. DeNovio asked Council to reconsider for a three-year extension. Mr. Ross explained that he does not want to make a decision that binds the next Borough Council beyond the term of the existing Council. Mr. DeNovio accepted the two-year decision. Motion passes unanimously.

2. **Resolution 18-01 (Ban Hydraulic Fracking)**.....**Mr. Bria**
Mr. Bria made a motion to approve Resolution 18-01 to Ban Hydraulic Fracking in the Delaware River Basin. Ms. Brady seconded. Mr. Bria stated that the EAC reviewed and unanimously approved the Resolution. Mr. Berry asked to clarify that the Resolution supported the efforts of the Delaware River Basin but is not asking the Borough to ban hydraulic fracking. Ms. Thompson recommend letting EAC know about meetings in case they want to attend. Mr. Ruttle stated that the Resolution was drafted by the Borough Solicitor Jordan Yeager, a recognized expert in environmental impacts of hydraulic fracking in the Commonwealth. Motion passes unanimously.

3. **Resolution 18-02 (Emergency Operations Plan)**.....**Mr. Bria**
Mr. Bria made a motion to adopt Resolution 18-02 for the Emergency Operations Plan. Mr. Ross seconded. Mr. Bria stated that annually, when there is a new Council, they must adopt the Emergency Operations Plan (EOP). The EOP is not new, and there are no changes, but the Council must adopt the existing plan.

Brian Welch, 22 Reading Avenue – asked if the EOP could be made available online. Council stated, no, due to the sensitive nature of some of the information contained in the document. Mr. Boyle reminded Council that they need to sign the EOP before leaving after the Council meeting. Motion passes unanimously.

4. **Anti-Discrimination Ordinance (Authorize to Advertise)**.....**Mr. Bria**
Mr. Bria made a motion to approve the authorization to advertise the Anti-Discrimination Ordinance. Mr. Ross seconded. Mr. Bria stated that neither federal or state law offer anti-discrimination protections LGBTQ

community. Four communities within Bucks County have adopted a similar ordinance including New Hope, Doylestown, Newtown, and Bristol. Mr. Ruttle stated that the ordinance is primarily drafted from Doylestown and Newtown Borough ordinances already in place.

David Appelbaum, Resident – stated that he wants to show support for this important ordinance.

Motion passes unanimously.

5. **Shade Tree Commission Order**.....**Ms. Brady**
Ms. Brady stated that at the last Council meeting, an approval was made to have the front tree pruned and back tree removed, at Ms. Perlmutter’s property, located at 18 West College Avenue. Ms. Brady stated that on January 22nd, Ms. Perlmutter informed the Borough that Save-A-Tree was coming to perform work on the trees on January 29th. Ms. Brady stated that she spoke with Save-A-Tree and that Ms. Perlmutter did attempt to schedule and pay for the tree work to be performed, but after Save-A-Tree received calls they opted to cancel the service and not perform the work required.

Ms. Brady made a motion that the Borough remove the backyard tree and prune the front tree and levy the costs to Ms. Perlmutter. Mr. Ross seconded. Mr. Marshall asked if there could be a not to exceed figure established for the work to be performed. Ms. Brady does not have the estimates from the Borough tree removal service. Mayor Harding recommended that the Borough use the Save-A-Tree estimate as a guide for the cost of removal. Mr. Ruttle stated that he and Mr. Boyle will review the estimate and approve the work to be performed.

Mayor Harding asked the Solicitor about performing the tree removal. Solicitor Closser stated that the Borough has the authority in its ordinances to enforce the order and in this case, it will require that the work be performed. Because of the health and safety issue, the Borough does not have a choice in the removal. Mr. Ruttle stated that the Borough will use an insured contractor in the event that there were any issues.

Ms. Perlmutter stated that she attempted to remove the tree on her own and was told by the removal companies that they are not able to perform the work because of the trailer and backhoe equipment located at 20 West College Avenue. Ms. Perlmutter also stated that she does not think that the Shade Tree Commission should be used to remove trees in the Borough.

Ms. Kim Prickett, 20 West College Avenue – stated that she called Save-A-Tree to inquire about the work that needed to be performed and the weight of the truck and stabilizing arms that would need to be located on her property. Ms. Prickett stated that she did not threaten Save-A-Tree.

Mr. Albert Prickett, 20 West College Avenue – stated that the fence in question is located on Ms. Perlmutter’s property and is not located on his property.

Motion passes unanimously.

NEW BUSINESS

1. **Save-the-Date (Yardley Farmers Market: 5/6-10/13)**.....**Ms. Brady**
Ms. Brady made a motion to approve the save-the-date for Yardley Farmers Market 5/6-10/13. Mr. Bria seconded. Motion passes unanimously.
2. **Save-the-Date (Carry the Load: 5/3)**.....**Ms. Brady**
Ms. Brady made a motion to approve save-the-date for Carry the Load on May 3rd. Mr. Berry seconded. Motion passes unanimously.

3. **Appointments to Communication Advisory Board**.....Ms. Brady
Ms. Brady stated that there were four applicants for the three openings on the Communications Advisory Board. The three members' terms will be decided by the Board at their first meeting.

Ms. Brady made a motion to appoint Irene Silveus to the Communications Advisory Board. Mr. Ross seconded. Motion passes 5 yes and 2 no votes.

Ms. Brady made a motion to appoint David Appelbaum to the Communications Advisory Board. Mr. Berry seconded. Motion passes unanimously.

Ms. Brady made a motion to appoint Adam Hiner to the Communications Advisory Board. Mr. Bria seconded. Motion passes unanimously.

Mayor Harding asked Mr. Boyle to send a letter to the 4th applicant, Tom Cadwallader, that did not get appointed to the Communication Advisory Board, thanking him for his application.

4. **Appointment to Environmental Advisory Commission**.....Ms. Brady
Ms. Brady made a motion to appoint Katerina Redtchits to the Environmental Advisory Commission. Mr. Berry seconded. Motion passes unanimously.

5. **Appointment to Civil Service Commission**.....Ms. Brady
Ms. Brady made a motion to appoint Councilman Bryon Marshall to the Civil Service Commission. Mr. Ross seconded. Motion passes. Mr. Marshall abstained.

Mayor Harding performed the oath of office appointing Mr. Marshall to the Commission.

6. **Payment Certificate #5 – Final (2015 FMA: 59 N. Delaware)**.....Mr. Berry
Mr. Berry made a motion to approve payment certificate #5 for 59 North Delaware in the amount of \$16,856. Mr. Bria seconded. Motion passes unanimously.

7. **Application for Minor Lot Line Adjustment Waivers**.....Mr. Ross
** Because this waiver pertains to Mr. Ruttie's property the following discussion and vote was presided over by Mr. Bria.

Mr. Ross stated that an application for a minor lot line adjustment was requested and all three owners of the properties in question have signed the application and waivers, and the application has been reviewed by the Zoning Officer and himself. The adjustment was requested due to a surveying error.

Mr. Ross made a motion to approve the application. Ms. Thompson seconded. Motion passes. Mr. Ruttie abstained.

Executive Session

An executive session was held to discuss personnel. No vote was conducted.

Adjournment

Mr. Marshall made a motion to adjourn the meeting. Mr. Bria seconded. Motion passes unanimously. Meeting adjourned at 9:02pm.

Respectfully submitted,

Amy Fitzgerald
Recording Secretary

**Conflict of Interest
Abstention Memorandum**

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

FROM: J. Michele Ruffe, Borough Councilperson

DATE: 2-6-18

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:

N.B.7 Application for Minor Lot Line Adjustment Waivers

My conflict/reason for abstaining is:

I am one of the applicants


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 at which the vote is taken "

(Please note the State Ethics Commission requires a public official to complete a form every time he has a conflict of interest)

Conflict of Interest
Abstention Memorandum

For David Bria
{Forthcoming from Recording Secretary (Amy)}