

Yardley Borough Council Meeting
May 7, 2019

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

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

Council members not in attendance: Mike Ruttle

Also in attendance were Mayor Chris Harding, Chief Joseph Kelly, Solicitor E. Closser, Engineer Leanna Colubriale, and Borough Manager Paula Johnson. Council President Marshall called the meeting to order at 7:35 pm and led with the Pledge of Allegiance.

Minutes (Time Stamp 7:36 pm)

Mr. Bria moves to approve the minutes of the April 16, 2019 meeting, which is seconded by Mr. Berry. The motion carries.

Progress Reports (Time Stamp: 7:36 pm)

Solicitor

During this legislative session there will be a number of bills proposed around the Right to Know Act. The bills may impact existing statutes.

Borough Manager

There is a new, 30-foot long sinkhole in Cramer's parking lot associated with the one that was there about 1.5 years ago. It is currently covered for safety purposes and will be worked on and evaluated for what future work needs to be done on the pipe.

Mayor

Thanks to all for Carry the Load participation and support. It was more successful than could have been hoped and plans are in place for an even bigger event next year.

Police Chief

Chief Kelly reports for the month of April 2019 the Police Department answered 485 calls for service, issued 7 parking tickets, issued 69 traffic citations, issued 1 non-traffic citation, investigated 12 motor vehicle accidents, and made 2 arrests, 1 being for DUI.

During the 4/27/19 National Drug Takeback Day, 29 pounds of expired and unused medications were collected and disposed of.

Mr. Marshall recognized police department's good work on a very busy past weekend in Yardley.

Borough Engineer

1. Main and Afton signal improvements – Permit plans have been submitted to PennDot. Bid package for required review will be submitted in the next couple of weeks.
2. 2019 Liquid Fuels Road Program - Bid package will be ready for review at next Council meeting.
3. Ms. Thompson – Asked about follow up from last meeting regarding Morgan Ave lot – PECO not willing to donate that land and they will keep the Borough informed of any issues with the property going forward.
4. Mr. Berry – Asked for follow up from PennDot regarding applications for sidewalk grants – Ms. Colubriale indicates that the grant coordinator from PennDot is not getting back to the engineer’s office about feedback on this matter. Engineer’s office will continue to press PennDot for information.

Council Vice President

1. Falls Township Board of Supervisors voted unanimously on 4/30 against Elcon project.
2. There is an upcoming meeting on May 9th regarding Trenton Mercer Airport development.
3. Mr. Berry notes that previous Council did pass a resolution against the Elcon project and hopefully that contributed to the favorable decision on the project.

Council President

There will be a joint meeting of the Planning Commission and Borough Council on Thursday 5/30 at 7:30 in Borough Hall. This meeting is open to the public and the community is invited to attend and contribute to the discussion and information-sharing session devoted to direction, planning, and ordinances in the Borough and the floodplain.

Council Committees

Community Outreach-Ms. Thompson

Ms. Thompson attended National Tourism and Hospitality Week awards ceremony hosted by Visit Bucks County. Experience Yardley was recognized twice with a Community Service award and awarded grant to pay for advertising for Second Saturday events.

General Government-Ms. Thompson

Q1 2019 numbers from our accountant are included in the meeting materials. The current trend is spending-to-date is a little higher than last year at this same time. Mr. Berry asks where the overages are and Ms. Thompson notes mostly with engineering and the solicitor but there is nothing to be worried about, just be mindful of expenses going forward.

Liaison Report - Mr. Berry

The Reading Ave Committee walked the easement property and is making plans for cleanup efforts and any budget requests which may be needed for 2020 budget.

Community & Economic Development – Mr. Berry

In preparation for the joint meeting with Planning Commission on 5/30 there will be an agenda item at the next council meeting (5/21) to discuss recommendations to be brought to the joint meeting.

Public Safety – Ms. Brady

Ms. Brady and Chief Kelly met with DCNR who are currently has a grant to survey the canal all the way from Easton. DCNR's priority is Yardley Borough and Morrisville. The source of the water is Yardley and they will conduct a study in the Borough. Homeowners may be contacted to allow access to the canal from private property. The study may take 10 months and it is set to begin May 13th.

Public Works-Mr. Ross

Nothing to report.

EAC – Mr. Ross

Nothing to report.

Bill List (Time stamp: 7:49 pm)

Ms. Thompson moves to approve the 5/7/19 bill list, which is seconded by Mr. Bria. Motion passes.

Correspondence (Time stamp: 7:49 pm)

Mr. Berry has received continued questions from Yardley Commons about when Septa will be done with work on the bridge. No updates have been received but Paula Johnson will call Septa to get an update.

A letter was received from Mr. Michael Ruttle critiquing some items from the last Council meeting. The letter is attached to these minutes.

Public Comment (Time stamp: 7:51 pm)

Kim Prickett – 20 W. College Avenue

- 1- Requesting the Borough look into adopting a False Claims Act. Anyone who knowingly files a false claim becoming liable for the costs of investigating that false claim.
- 2- Right to Know Act – Requests that Borough initiate a fee when someone asks to view info about another's property and notification be provided to the property owner.
- 3-Is there an update on the lien on the Perlmutter's property. Mr. Closser responds that the legal process is underway. Mr. Bria asks what is the average time for a lien to be filed. Mr. Stosser – There is no average time and the option to file a lien is indefinite.

Certificates of Appropriateness (Time Stamp: 7:56 pm)

19-06 4 South Edgewater Ave (front steps and back deck)

19-07 24 South Main Street (front steps)

Mr. Bria motions to approve certificates of appropriateness 19-06 and 19-07 as reviewed and approved by HARB, which Mr. Berry seconds. Motion passes.

Old Business (Time Stamp: 7:57 pm)

1. Mary Yardley Bridge Replacement Discussion.....Mr. Berry
Mr. Berry read a statement regarding this topic which is attached to the meeting materials. Engineering plans and cost estimates for the various options for the project are also attached to the meeting materials. A lengthy discussion was held regarding the different options, costs, grants, fundraising, and ADA features. Mr. Berry hopes to receive consensus regarding which of the three options the Council and the community wishes to pursue for the grant application which will be submitted soon.

John McCann – 174 N. Main - Next meeting for the committee is 5/22. Over \$10,000 has been pledged so far and he will forward those pledged to Mr. Berry.

Ms. Brady – Maximum grant is 250k and there is a 15% match required.

Mr. Berry – If you pledge more than 15% the application is more attractive to the grant committee.

Susan Harvey - 141 N. Main – Spoke fully in support of the project.

Joe Hunter - 62 Letchworth – The bridge is an important piece of infrastructure, especially in a flood situation. He wants to make sure access to the bridge remains open for River Mawr until the project is done.

Ms. Brady – Asks about the timeline. The announcement of the grant winner is in September so construction could potentially start this fall if we are shovel ready.

Mr. Berry - Engineering fees will be about 2k to prepare the grant.

Consensus was granted for Option 2 with one ADA ramp.

2. Motion to Place into a Reserve Fund the 2019 Mary Yardley Bridge Budget Allocation and 2020 Allocation Budget Commitment.....Mr. Berry

Motion 1: Mr. Berry motions to direct the borough manager/treasurer to transfer (during a reasonable time in 2019) the 2019 budgeted funds for the Mary Yardley Bridge project, which is \$35,000 (minus any expenses pain in relation to that project in 2019), to a reserve account for capital expenditures for the Mary Yardley bridge project, which is seconded by Ms. Brady Motion passes.

Motion 2: Mr. Berry motions that the Council commits to placing a line item of an additional \$35,000 for the Mary Yardley bridge project to be included in the proposed 2020 Yardley Borough budget, which Mr. Bria seconds.

A lengthy discussion followed in which various topics regarding budgeting, funding, and fund raising for the bridge project were discussed.

Ms. Thompson – This motion assumes we don't get the grant. She suggests waiting until middle of the year to make budget decisions since we just closed Q1 and it's a little early in the year to make budgeting decisions.

Ms. Brady – Agrees on waiting. She isn't comfortable approving line items outside of the budget process. In September we'll know if we received the grant or not so that will impact the budget process and we will still have time to add this amount or more into the budget, depending on the outcome of the grant.

Mr. Bria – This is a borough-owned bridge and we're fortunate to have such community support for a project that is owned by the borough. The commitment allows meaningful fundraising to get off the ground.

Ms. Thompson – We do have capital reserves for this money if we don't get the grant.

Mr. Berry – This doesn't put an upper limit on Borough's commitment.

Mr. Marshall – Is willing to take the risk to support the community's efforts.

Susan Harvey – 141 N. Main – Costs were 60% more than originally anticipated.

Commitment from Council is needed to get the community behind the fundraising.

John Celentano – 136 N. Main – In the absence of the grant we need a plan to move quickly.

Joe Hunter – 62 Letchworth – Money should be taken out of capital reserve if we don't get the grant.

Elizabeth Colletti from Remington, Vernick – The costs may be lower pending analysis of the abutments.

Dave Collins – 97 N. Delaware – What would happen if bridge fell down next month? Would it be more advantageous to have the commitment on record or not?

Ms. Thompson – There is approximately \$160,000 currently in reserves.

Mr. Berry makes an amended motion as follows:

I motion, in absence of a grant, that the Council commits to placing a line item of at least an additional \$35,000 for the Mary Yardley Bridge project to be included in the proposed 2020 Yardley Borough budget. If full funds are unavailable from the line item, the funds will be used from the capital reserve fund. The motion is seconded by Mr. Bria.

A roll call vote was held: Ms. Thompson, yes; Mr. Berry, yes; Ms. Brady, no; Mr. Bria, yes; Mr. Marshall, yes; Mr. Ross, yes. The motion passes 5-1.

New Business (Time Stamp: 8:31 pm)

Note: The original agenda is amended to move items 3 and 4 up in the agenda to spots 1 and 2.

1. Application for Appointment to Environmental Advisory Commission....Ms. Thompson
Mr. Mike Bergey introduced himself. He has experience with Newtown EAC and
Yardley EAC.

Ms. Thompson moves to appoint Michael F. Bergey to the Environmental Advisory
Commission with a term expiration of three years, which Mr. Berry seconds. Ms. Brady
asks about the term. We need to maintain the staggered vacancies. A vote was held and
the motion passes.

2. Application for Appointment to Yardley Borough Sewer Authority.....Ms. Thompson
Richard Cole was presented as a candidate for the Sewer Authority. Mr. Cole served on
the Yardley Sewer Authority for 10 years. Mr. Berry asks Mr. Cole about his thoughts
on the Morrisville plant. Mr. Cole responds that he has 41 years of experience with
sewers and piping. He has never built a plant but has a lot of other relevant experience
and he knows the Yardley system very well. Mr. Berry stated that he did his homework
and reached out to the applicant to personally interview him.

Ms. Thompson read a personal statement giving some background on the application and
appointment process.

Mr. Berry moves to appoint Richard Cole to the Sewer Authority with a term ending
January 2024, which Ms. Brady seconds.

A discussion followed regarding the appointment process and that Mr. Cole declined a
request for an interview with Ms. Thompson during the application process.

Mr. Marshall – Suggests moving this appointment to the next meeting so that Mr. Cole
can be interviewed by the Council. Mr. Cole agrees.

Mr. Berry – Will not withdraw motion, motion stands.

Carl Perella, 102 Pennsylvania, Joe Hunter, 62 Letchworth, and Dave Collins, Chairman
of Sewer Authority, all spoke in favor of Mr. Cole.

Mr. Bria – Motion to postpone the vote until the next meeting so Council can interview
the applicant, which Ms. Thompson seconds. A roll call vote was held as follows:

Thompson, Yes; Berry, No; Brady, No; Bria, Yes; Marshall, No; Ross, Yes. The vote
was sent to Mayor Harding to break the tie and the Mayor voted No. Motion to postpone
fails.

A roll call vote on the motion to appoint Rich Cole was held as follows: Thompson, No;
Berry, Yes; Brady, Yes; Bria, No; Marshall, Yes; Ross, Yes. The motion passes.

3. Hiring of Part-Time Police Officer.....Ms. Brady
Ms. Brady motions the Yardley Borough extend a conditional offer to hire Jared B. Weiner
as part-time police officer, pending certification from the Pennsylvania Municipal Police
Officers' Education & Training Commission (MPOETC), which Mr. Berry seconds. Motion
passes.

4. Special Events Public Safety Process.....Ms. Brady
Details of the motion are included in the meeting materials.

Ms. Brady moves to adopt the public safety process for special events as outlined in the
meeting materials, which is seconded by Mr. Berry.

Mr. Berry – Notes that Mayor is a nonvoting member of public safety committee.

Ms. Thompson – Asks for a clarification of “borough-sponsored events.” Ms. Brady notes these would be the 5k, Egg Hunt, etc.

Pete Guidotti – 44 S. Bell. Asks if there is a distinction between profit and non-profit events. Ms. Brady indicates no distinction is made but a waiver can be applied for and waivers are granted on a case by case basis.

A vote was held and the motion passes.

5. Motion to reschedule future meetings to avoid conflict with elections.....Mr. Bria

Mr. Bria moves that all future public meetings that fall on the primary or election day are rescheduled for the following day at the same time, which is seconded by Mr. Ross.

Mr. Berry – asks if this is binding for future councils? Future Councils can set meetings as they see fit.

The motion was amended as follows:

Mr. Bria moves that, beginning with November 2019 primary election, all future public meetings that fall on the primary or general election day be rescheduled, which Mr. Ross seconds. Motion passes.

Mr. Berry motions to adjourn at 9:12, which is seconded by Mr. Bria.

Submitted by,
Mary Ann McLean

Minutes Analysis for Meeting of April 16, 2019

Upon review of these minutes three items stand out as cause for very serious concern.

First: on March 6, 2018 Council passed a motion directing the Solicitor to begin collection and/or lien the property at 18 West College Ave. to recover the costs incurred by the taxpayers to abate the nuisance trees. Since then 14 months have passed without any progress being made. It is not possible for this failure to have occurred in the absence of malfeasance. It is entirely fair to characterize this malfeasance as corruption. A detailed explanation of how nothing has happened is required. Those who are the malefactors should be called to account.

Second: Mr. Berry has asked the Planning Commission "to make recommendations regarding the State's decision to legalize medical marijuana." Our Planning Commission is not a think tank. Its scope is limited by the legislation to matters of zoning and land development. That a single Councilman has tasked our Planning Commission with a job that is completely outside of its scope established by law is entirely improper. Yardley Borough cannot take any meaningful action regarding the legalization of medical marijuana. Now that the State Government has legalized it, the matter is decided. This initiative is a needless distraction and a complete waste of time.

Third: Yardley Borough had the opportunity to be heard on a very meaningful, and significant issue that could have substantial impact on the quality of life of anyone living in the Delaware Valley. On April 30, 2019, Falls Township deliberated on the Subdivision and land Development proposed by El Con. This proposed land development could result in a minimum of 70,000 cubic yards of fill being trucked to the site located at the old U.S. Steel site. This would require a minimum of 5,000 truckloads. In the event of a 100- year flood, this would create an island on which a liquid hazardous waste disposal plant would be located. The dangers to the environment and the quality of life are manifestly obvious. The minutes reflect that Mr. Ross was to attend this meeting and represent Yardley Borough. Sadly, Yardley Borough took no public position at that meeting. This failure is quite disappointing given our long experience dealing with floods. However, this Council appears to be content with passive observation rather than active engagement with serious and difficult issues.

The citizens of this Borough should be very disappointed with the sorry performance of Borough Council on all three of these matters.

Mike Ruttle