

**Yardley Borough Council Meeting  
October 16, 2018**

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

David Bria	Sandi Brady	Bryon Marshall
Matthew Ross	Caroline Thompson	Michael Ruttle

Also in attendance were Mayor Chris Harding, Chief Joseph Kelly, Solicitor E. Closser, Engineer Thomas Beach, and Borough Manager Paula Johnson. President Marshall called the meeting to order at 7:32 pm, and led with the Pledge of Allegiance.

**Minutes**

Mr. Bria moves to approve the minutes of the October 2, 2018 meeting, which is seconded by Ms. Thompson. Mr. Ruttle offers a point of clarification. It is unclear if Council interviewed only one candidate for the Borough Manager. Mr. Ross notes that the committee did interview several candidates. Ms. Brady notes that her statement said “interview a candidate for Borough Manager.” Motion carries with Mr. Ruttle abstaining.

Mr. Marshall makes a point of order and moves two objects from New Business to an earlier section of the meeting.

**New Business**

1. Representation at the Zoning Hearing Board.....Mr. Bria  
Mr. Bria discusses that his main area of concern with the issue coming before the ZHB on 10/22 is whether or not the variance being requested is going to trigger an increase in flood insurance rates. Mr. Bria consulted with Susan Mazzitelli who indicated that it could trigger a decrease in the Borough’s rating standard and therefore trigger an increase in flood insurance rates. Mr. Bria is recommending that the Council shouldn’t take an opinion on a specific variance but rather should oppose any variances that could potentially trigger increases in the flood insurance rates.  
Mr. Bria motions to authorize the Solicitor’s office to represent Yardley Borough at the Zoning Hearing Board meeting on October 22, 2018 and advocate on behalf of the Borough to avoid any class reductions and/or flood insurance increases that may result from any variance granted, which Mr. Ruttle seconds.  
Mr. Ruttle notes that he has been invited to attend the ZHB meeting as well and notes that residents in the floodplain must demonstrate a higher standard of hardship then residents in other areas. Mr. Closser asks to clarify what the motion is directing the Solicitor’s office to do because it would be very difficult to determine in the moment what situations would trigger an increase in insurance rates. Ms. Brady asks if there is precedent for the solicitor to appear before ZBH meetings. Yes, there is precedent. Mr. Closser and the Solicitor’s office will observe the proceedings and if necessary comment on specific

situations and status changes and rates but not to take a specific position on any specific variance.

Irene Silvias asks Mr. Bria if he asked Ms. Mazzitelli about the effect of fences that have been put up illegally and given permits retroactively. Mr. Bria did not ask this question. Fences will be discussed later in this meeting. Ms. Silvias would also like to know about a specific fence that is definitely in violation of the new ordinance and was erected without a variance or a permit and why would a permit be granted 10 months after the erection of fence. The Zoning Board attended training in October 2015. At that meeting FEMA specifically said, "What we're saying is do not allow variances in the flood plain." Mr. Bria was not at that meeting and was not aware of that statement. Ms. Silvias notes that the Borough's zoning officer has been telling residents who apply for permits that the zoning board changed the rules in a 2016 meeting so that it is now harder to add on or change homes because the standards have been changed. Mr. Bria states that misinformation is a concern. Ms. Silvias asks to be on record that she has that concern and concern about interference in the zoning board, which exists to be independent and exists to provide mercy and appropriate relief from the existing zoning ordinances where necessary. She also has concerns when the issues she raises in this statement have not been reviewed by Council.

Mr. Marshall asks that Ms. Johnson look into what information is being transmitted from Borough employees to the public.

A vote was held and the motion passes.

2. Canal O'Ween Banner 10/19-11/5/2018.....Ms. Thompson  
Ms. Thompson moves to approve Canal O'Ween banner from 10/19 to 11/5, which Mr. Ross seconds. Motion passes.

### **Progress Reports**

#### **Solicitor**

A development agreement or financial security agreement needs to be put in place on the ML7 project on E. College Ave, parking lot expansion. The project has become more substantial and a security agreement is needed. The agreement will be brought to Council for consideration.

#### **Borough Manager**

November's Council meeting will be held Wednesday, November 7th because of Election Day.

#### **Mayor**

Yardley Borough Radio Show won't take place tomorrow because Mayor can't be there.

#### **Police Chief**

Nothing to report.

#### **Borough Engineer**

1. Main and Afton signal improvement is starting to be marked out. Borough doesn't have their actual design yet but PennDot has Borough's plan and engineer is still coordinating with them.

2. Liquid Fuels Program – everything is substantially complete. There is a punch list with the contractor which should be completed in a couple of weeks.
3. 2015 FMA Grant Program – 31 N. Delaware should be elevated soon.
4. Yardley Walk – upper dam. Engineer has a report from developer's consultant. This isn't a regulated dam.

Mr. Mayor asks about Green Light Go – does the Engineer know what kinds of crossing signals will be used. Mr. Beach hasn't finalized these yet. Regarding the milling on Main Street there are two driveway aprons (117 and 111 S. Main Street) that still hold water and can those be corrected. Mr. Beach will pass this on to PennDot. Mr. Ruttle notes that he knows of a blind woman on Cadwallader who needs a safe spot to cross the intersection at Main and Afton. Mr. Marshall knows of this concern as well. Michelle Sharer asks could a timer be put on the signal so it doesn't beep at night but allows the visually impaired to cross safely.

#### Council Vice President

Mr. Ross and Mr. Bria attended the Pennsylvania State Association of Boroughs PSAB near Pittsburgh. It was a very informative conference and offered good classes and good networking opportunities. Mr. Ross attended a session about storm water management that was both extensive and very helpful. He learned of the heavy fines from the EPA for not filing things properly. They also attended some session on how to handle meetings properly, personnel issues, and contract issues. Contacts were made with companies who specialize in website for municipalities. They also learned about new laws. The law on radar is not likely to pass this year but it will be brought up again next year.

#### Council President

Mr. Marshall recommends and accepts Rocco DiNiglio of 180 Harper Avenue onto the Reading Avenue Committee.

#### Council Committees

##### General Government-Ms. Thompson

Meeting materials contain information regarding seeking an assistant for the front office to assist Ms. Johnson. The job would mostly focus on bookkeeping, accounts, borough minute books, ordinances, etc. There is a suggestion that the schedule be flexible so the office can be open some evenings to assist residents. Ms. Brady asks if this is an exempt or non-exempt employee. It will be an hourly rate and non-exempt. She also suggests that closing at 2:00 on Friday is not a good idea since people might take Friday off to get Borough business done. She suggests more defined hours which might be easier for people to understand. Mr. Ruttle states that Council needs to approve the contract. Paula Johnson is running the search and Council will assist as needed. The position will be advertised from as soon as possible until 11/30 with a target date to hire on 12/17 and a planned start date of 1/7/19. Mr. Guidotti, 44 N. Bell, asks if there be overtime paid for extra events, etc. Ms. Thompson answers that there will be overtime available but it will be at the hourly rate, not an overtime rate.

Sandy Bowker, 84 N. Main. Asks a question about the radar legislation not passing. She asks if the Council has reached out to representatives about this. The Council prepared a resolution in support of this matter.

#### Community Outreach-Ms. Thompson

Communication Advisory Board – Irene Silveus and David Applebaum are working on CCTV broadcasts. The project for the communications lines is coming in over budget. Council wants high upload speeds because meetings will be streamed. Comcast came in at \$125/month and Verizon offered \$95/month which is \$20 more than originally approved. The equipment costs are coming in \$1100 under budget so some of that increase cost is offset. David Applebaum notes a reduced cost the first year with the two-year contract. Verizon offers a \$10 discount per month if we provide our own router. David knows of the ability to get a router donated to the project. Therefore the cost will be \$85.00/month for first year, \$90.00/month for the 2<sup>nd</sup> year then the contract will be renegotiated. Irene asks about the \$60,000 contribution from the cable franchise agreement. Ms. Thompson confirms that money can be pulled from there if needed. Ms. Thompson moves to approve the monthly expenditure of \$85.00/month for the first year and \$90.00 for the second year for livestreaming of Council meetings, which Mr. Ross seconds. Motion passes.

Mr. Bria asks CAB why the expenditures were made in June and we're still not streaming. Irene notes that the committee has been very judicious with the spending of Council's money and the hope is that the livestreaming will be up and running by the end of November. David notes that Verizon can get the work done in 3 weeks once the approval is given. The laptop still needs to be ordered. Irene notes that the meetings will be streamed on YouTube and archived indefinitely.

#### Public Safety – Ms. Brady

Regarding Lincoln Avenue parking which was brought up at the last meeting, Wes Foraker has been looking into the parking issues and looking for evidence of a problem before action is taken.

#### Community & Economic Development – Mr. Ruttle

1. We need a full time job description for the full time position that was filled. Ms. Thompson has discussed this with Paula so this has mostly been done. .
2. Attended the Planning Commission meeting and will report on that further as part of old business.

#### Public Works-Mr. Ross

1. Crosswalk study started 10/16 for both ends of the Borough on both North and South Main St.
2. Main St. paving has started for the entire length of Borough. It is scheduled to last two weeks.
3. Some electrical issues in Borough hall and police station which were attended to by the electrician. The electrician will come out to inspect for safety issues.

4. Phase 2 sidewalk grant not approved by PennDot. The Engineer is looking into options to see why it wasn't approved and to resubmit for next year based on changes they need to see to get an approval.
5. North Main sidewalk – one possible change order regarding extending a drainpipe. Borough responsible for 30%, rest is grant money.
6. HOP – one renewal remaining.
7. Public Works is working on a 5-year priorities list.
8. North Main Sidewalk project. There is a possible change order regarding extending the drainage pipe. The resident also submitted a list of requested changes. The possibilities for extending the pipe include a 40-foot extension for \$28,850 or a 50-foot extension for \$29,700. The Borough would be responsible for 30% of the fee and grant money would cover the rest. Mr. Marshall asks if anyone would make a motion for the issue of extending the pipe. No motion was made.

Robert White, 1310 Tidalwalk Drive, Wilmington, NC, formerly of 68 N. Main Street. Mr. White presents that he entered into an agreement with the Borough in 2014 in which he gifted the land for the easement for the drainage pipe in return for the pipe being put in a certain location and assurance that the property would be restored to like kind status after project was done. These items were agreed to by former Borough Engineer Jim Majewski. These two items have not been done per the agreement. The runoff from the pipe runs into the White property. The 40 feet extension that Mr. Beach is discussing puts the pipe into the neighbor's cabana. Borough is not fulfilling its part of the deal and not honoring the agreement. Unless this is resolved Mr. White will litigate to pull the grant of easement back from the Borough and remove the pipe altogether. Mr. Ross has a list of Mr. White's other requests and Mr. White met with Mayor Harding and withdrew some of those requests. Mr. Beach has no knowledge of prior agreement between Mr. White and Mr. Majewski. Mr. White requests to meet with Mr. Ross after this meeting in person or by phone. Mr. Marshall feels that with good, informed discussion progress can be made on this problem.

### **Bill List**

Ms. Thompson moves to approve the 10/16/18 bill list, which Mr. Bria seconds. Mr. Guidotti asks about the ML7 parking construction and asks if configuration is going to change. Mr. Stosser notes that the project is the same but the Borough needs a financial security agreement. It should not need to be before the Planning Commission again. Mr. Guidotti also asks about where residents can find the latest and greatest ordinances. The website has a delay in getting updated ordinances posted of 60-90 days but the website does have a listing of what are the most updated versions of the ordinance. Motion passes.

### **Correspondence**

None.

**Public Comment**

None

**Certificates of Appropriateness**

1. 18-22 – 7 S. Main St. (sign)  
Mr. Ruttle moves to approve Certificate of Appropriateness 18-22 for 7 S. Main St, which is seconded by Mr. Bria. The vote passes 4-1-1 with Mr. Marshall voting no and Mr. Ruttle abstaining. Mr. Marshall asks Borough Manager to draft a letter expressing the Council’s dissatisfaction with how this change of use and new sign situation have been handed by the business owner.
2. 18-29 – 7 Buttonwood Drive (sign)  
Mr. Ruttle moves to approve Certificate of Appropriateness 18-29 for 7 Buttonwood Drive, which is seconded by Mr. Bria. HARB recommends approval with a few modifications which the applicants have agreed to. Motion carries.
3. 18-31 – 14 S. Main Street (sign)  
Mr. Ruttle moves to approve Certificate of Appropriateness 18-31 for 14 S. Main Street, which is seconded by Mr. Bria. Motion carries.

**Old Business**

1. Natural Resources Protection Ordinance Discussion.....Mr. Ruttle  
This item was tabled at last meeting. This item was reviewed by the Planning Commission and approved by last borough council. The ordinance prohibits construction or disturbances within 150 feet of watercourses in the Borough. The prior Council approved this in order to try to reduce the amount of storm water runoff. Mr. Berry raised at a prior meeting the question about which properties will be affected by the change. Mr. Ruttle understands why that seems like a good idea but he feels that kind of analysis leads to exemptions and spot zoning which is inappropriate. Mr. Ruttle moves to approve the Natural Resources Protection Ordinance as it has been included in meeting materials to be advertised for adoption, which is not seconded. Motion fails.
2. Fence Ordinance Discussion.....Mr. Ruttle  
This ordinance came about as a result of the efforts to reduce the number of variances requested/approved which can affect flood insurance rating and rates in the Borough. Consultation with PEMA indicated that the Borough’s rating would be less affected by changing our standards than by granting variances. PEMA did not have a problem with the language as written. The Bucks County Planning Commission approved the language as presented. The Yardley Planning Commission approves the ordinance in general but advise some changes in the language as noted in the meeting materials.  
  
Mr. Ruttle makes a motion to adopt the fence ordinance with Planning Commission’s modifications for advertising, which is seconded by Ms. Thompson.

Mr. Guidotti comments that 8-502A language is very confusing. Planning Commission recommends removal of the language about “any other type of permanent structure.” A lengthy discussion followed on this topic. Mr. Ruttle disagrees that “any other type of permanent structure” be removed at this time. The Zoning Officer can accomplish everything wanted administratively without tinkering with this particular language. Ms. Thompson indicates that she is uncomfortable that Council solicited opinions from committees and Council is disregarding those recommendation on removing this language.

Mr. Bria makes a motion to table, which Ms. Brady seconds. The motion to table takes precedence over the earlier motion. Motion to table passes 5-1 with Mr. Ruttle opposed.

Ms. Thompson would like a full statement from the commissions reviewing this ordinance stating formal approval with specific language.

Dan Mohn, 132 Longshore, notes that CRA documents are very specific about what points different changes are “worth” in terms of flood insurance rating and rates. The community needs more education about all the different components of the CRA.

Mr. Bria notes that this motion to advertise should have been noted on the agenda so people could come more prepared for the discussion.

John Bacalis, 181 Harper Ave, asks that Council please publish an explanation of the terms of what is going to be advertised and the impact so the community so residents can be educated.

**New Business**

1. Acceptance of 2018 Audit Proposal.....Ms. Thompson  
Information on the audit is included in the meeting materials and is part of 2019 budget.  
The price of the audit is \$7,620, which is competitive in the field.

Mr. Bria motions to adjourn at 9:30, which is seconded by Ms. Thomson. Motion passes.

Submitted by,  
Mary Ann McLean