

**Yardley Borough Council Meeting
November 7, 2018**

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

David Bria	Sandi Brady	Ryan Berry
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. Vice President Bria called the meeting to order at 7:30 pm, and led with the Pledge of Allegiance.

Minutes

Ms. Thompson moves to approve the minutes of the October 16, 2018 meeting, which is seconded by Ms. Brady. Mr. Ruttle noted three amendments to the minutes: Page 2 refers to ML7 project on East College Avenue, the project is on West College Avenue; Page 6 should say Mr. Closser rather than Mr. Stosser; on Page 8 Mr. Mohn referenced CRA (sic), CRS is correct. Ms. Thompson moves to approve amended version of the minutes as outlined, which Mr. Ross seconds. The motion carries with Mr. Berry abstaining.

Progress Reports

Solicitor

Nothing to report

Borough Manager

41 applications for the position of financial assistant have been received and the first round of interviews have started. The second round of interviews will be conducted with Mr. Ross and Ms. Thompson.

Mayor

Sunday is Veterans Day and there will be an observance and procession in the Borough from the Legion to the Monument.

Police Chief

Chief Kelly reports for the month of October 2018 the Police Department answered 546 calls for service, issued 4 parking tickets, 111 traffic citations, 5 criminal citations, investigated 4 motor vehicle accidents and made 7 arrests, 1 being for DUI.

Borough Engineer

1. Foster Development – Mr. Beach distributed a plan showing changes to landscaping which were made based on revisions to the handicapped parking. The area is not adjacent to any residential dwellings and currently there is nothing there. The proposal is to add new shrubs on the east corner of the building. Planting should be done in the next week or two. Mr. Ruttle moves to approve the modifications to the Foster's

Yardley Lakeview Property One plan for Buttonwood Drive, which Mr. Ross seconds. Mr. Welch, 22 Reading Avenue, asks if the changes effect the site lines. They does not. Mr. Berry asks if this motion is restricted to the specific areas on the documentation presented. It is. A vote was taken and the motion passes.

2. Main and Afton Intersection – The plan is currently in front of PennDot and final design is contingent on ADA ramps. The control box for the signals is currently planned to be in front of the jewelers rather than in front of the bank. Regarding signals for the visually impaired, audible signals need to be installed because there are documented cases of vision-impaired residents. Timers are not allowed but audible signals that can be programmed at different levels for during the day and at night are an option. Mr. Ruttle notes that the southeast corner is the only right angle at that intersection. The Continental Tavern handicapped ramp is difficult to work around. The Chief wants to be part of the discussion about where the control box is going to be installed. The Mayor asks about the crosswalks on the plan, do they differ from where they are now. Yes, they are. Are they different in location. Yes. The crosswalk on the Starbucks corner is close to where it is now but the other crosswalk on Afton is more skewed than it is on the plan. Main Street crossings are close to where they are now. Mayor is worried about site lines and safety for pedestrian traffic. Mr. Beach notes that the visibility should be better once construction is all done. Mr. Berry asks about the timeline and Mr. Beach indicates that he is waiting for final design of the ramps.

3. 31 N. Delaware – The project is moving along well.

Mr. Ruttle indicates that he brought a Yardley Borough Natural Resources Ordinance Impacted Properties Map created by the Borough engineers for Council to view.

Council Vice President

No report

Council President

n/a

Council Committees

General Government-Ms. Thompson

Preliminary budget will be voted on tonight. The final budget town hall is tomorrow night, giving the community the opportunity to participate in the budget process.

Community Outreach-Ms. Thompson

1. Grand Opening for Giana Rose Couture dress boutique at 13 E. Afton this Saturday.
2. Tech supplies have arrived for live stream project and Verizon is coming out to set up new lines.

Public Safety – Ms. Brady

Will be submitting ideas for capital planning.

Community & Economic Development – Mr. Ruttle

Mr. Ruttle attended the last ZHB meeting regarding Weinstein’s variance request. The ZHB’s opinion has not been received by the Borough as of yet. The question of whether or not the Borough will continue to participate as a party in that matter is still up in the air, pending receipt of the ZHB’s opinion. Mr. Ruttle’s impression from the meeting is that the ZHB has decided they don’t like the flood plain ordinance and has no intention of enforcing it.

Mr. Ruttle conducted a community and economic development meeting and Ms. Mazzitelli attended to discuss issues regarding the community ratings system. Mr. Ruttle is concerned that there has been a failure to speak precisely regarding increase and decrease in ratings and flood insurance costs. Mr. Ruttle asked Ms. Mazzitelli what the implications could be if the ZHB doesn’t enforce the ordinances and could FEMA and PEMA refuse to give us any credit for our restrictive zoning ordinances. Ms. Mazzitelli indicated that yes, that is a possibility. More worrying is that the Borough could be viewed as not being a bona fide partner and collaborator in the CRA and not having this relationship will be a real problem for the borough. Mr. Ruttle is concerned that this issue is being politicized in a way that is unhelpful to everyone. Ms. Thompson asks if Mr. Ruttle can draw up notes from the meeting. Mr. Ruttle suggests that Ms. Mazzitelli come present to Council.

Ms. Thompson read the Yardley Borough Success Story which was entered into the minutes.

Public Works-Mr. Ross

A couple of items are on the agenda tonight and the five year plan will be presented at the next public works meeting.

Bill List

Ms. Thompson moves to approve the 11/7/18 bill list, which Mr. Berry seconds. Motion passes.

Correspondence

None

Public Comment

1. Dawn Perlmutter, 18 W. College. Comments on incidents casting vote in yesterday’s election. She had a problem with one of the machines, it stuck when she was trying to cast her vote. She thought Sue Taylor was judge but she wasn’t there at the time and she couldn’t find a judge so she was worried that her vote wasn’t cast. Today she found out there were irregularities with other voters. She phoned the Board of Elections and they are going to look into this machine and count it again. Ms. Perlmutter asks who is new judge of elections and she wondered why it appeared that Girl Scouts were working in

the polling station. Mr. Bria notes that Council doesn't deal with elections and that calling the board of elections was the correct action. Mr. Ruttle comments that the polling station may have been having trouble dealing with the high volume of voters in this mid-term election.

2. Brian Welch, 22 Reading Avenue. He asks if map provided by Mr. Ruttle can be posted or be made available electronically. Mr. Beach will provide an electronic version to Ms. Johnson for distribution.
3. Mr. Welch and Mr. Berry agree to plan a meeting of the Reading Avenue group to get the committee rolling. Mr. Berry suggests that the three committee members choose one person as a main point of contact.

Certificates of Appropriateness

None

Old Business

1. Escrow Release #7.....Mr. Ruttle
Mr. Ruttle moves to approve release of \$61,080 to Yardley Lakeview Properties One, Inc, which Mr. Berry seconds. Motion passes.
Mr. Ruttle comments that there is a similar process coming with Yardley Walk, whose developer is Lennar. Mr. Ruttle worries that Lennar is going to leave the community once the project is done so it is imperative to make sure all Lennar's obligations are met before their escrow is released. Mr. Beach adds that he has met with the Yardley Walk homeowners association and the handover will probably happen in the spring. Ms. Thomson notes that Council and homeowners associations should always be thorough with all developers.
2. Vote to Advertise Floodplain Ordinance Amendment.....Mr. Bria
This change to the ordinance allows the building of fences in the floodplain. The Planning Commission has reviewed and approves. Susan Mazzitelli believes this change will not affect Borough's CRS. Mr. Ruttle comments that the ordinance in the meeting materials is the first iteration, there is a later version which was attached to the agenda packet for the last meeting in October and that is the correct one. A discussion followed about the definition of structures, language which is not included in the presented materials for this meeting. Mr. Guidotti, 44 S. Bell and chairman of the Planning Commission, distributed a document outlining the exact language that the Planning Commission is proposing, which is attached to these minutes. Planning Commission is looking 10 years out and their goal is to make everything clear for all parties involved. Mr. Beach strongly recommends leaving the language about the raising of structures the same as it currently is because if grant money is being used a structure absolutely cannot be raised more than a one foot. There was a suggestion and general agreement to bring issue back up at the next meeting.

3. Adoption of 2019 Preliminary Budget.....Ms. Thompson
 The General Government Committee is proposing removing two taxes for 2019 budget, the occupation tax and the per capita tax.
 Ms. Thompson moves to adopt the 2019 preliminary budget, which Mr. Ross seconds.
 Ms. Brady notes that the Public Safety Committee would like to outline two high priority capital purchases for 2019, Tasers which are \$500/unit for 4 units and body camera replacements for \$2855. Ms. Thompson notes that the preliminary budget includes \$5,500 for capital purchases which would cover these items.
 Ms. Ruttle has concerns about abandoning per capita and occupation taxes. Once taxes are removed it is hard to get that money back. If donations for Mary Yardley Bridge don't come through the Borough will be responsible for making up that shortfall. Ms. Thompson notes that the tax collector and residents think these are nuisance taxes. The increases in property tax revenue from Yardley Walk will remain and are significant. General Government is trying to get away from budgeting line items for capital projects each year and using reserve accounts for planned spending instead. Questions about sidewalks, inter-fund transfer, tuition reimbursement, Mary Yardley Bridge, and wages were raised, which Ms. Thompson and the committee will look into. The motion was restated after discussion. Ms. Thompson makes a motion to adopt the 2019 preliminary budget which would trigger the Solicitor to draft a repeal of Chapter 24 of the Borough Code, which Mr. Ross seconds. Motion passes.

4. Vote to Advertise Public Inspection of Preliminary Budget.....Ms. Thompson
 Ms. Thompson makes a motion to advertise the public inspection of the preliminary budget, which Mr. Ross seconds. Motion passes.

5. ML7 Agreements.....Mr. Ross
 This item is deferred.

New Business

1. Vote to Advertise 2019 Tax Levy Ordinance.....Ms. Thompson
 Ms. Thompson moves to advertise the 2019 Tax Levy Ordinance, which Mr. Ross seconds. Motion passes.

2. Adoption of Resolution No 18-11 Use of Municibid.....Ms. Brady
 Ms. Brady moves adopt Resolution 18-11, Use of Municibid to collect bids for outgoing Borough police vehicle, which Mr. Berry seconds. Motion passes.

3. Adoption of Resolution No 18-12 Safe Council Meeting.....Ms. Brady
 Ms. Brady moves to approve adoption of Resolution No 18-12, which is seconded by Mr. Berry. The resolution was read aloud by Ms. Brady and is included in the meeting materials.
 A discussion followed in which Mr. Ross stated that he is in favor of the end result of the resolution but questions the language and the possibility of unintended consequences and legal issues and liability for the Borough in the future. Mr. Closser notes that the resolution is limited to the very specific situations of Council meetings, Executive

Committee meetings and committee meetings. Additionally, Mr. Closser notes that the Council President may have the power to act on this without a resolution. Mr. Ross asks if the resolution could be specific to requesting officer protection without the language about bullying that could be open to interpretation and unintended consequences. Ms. Thompson asks if this language could be added to the existing code of conduct and guidelines for Council and can Chief Kelly provide an estimate for any costs that may be incurred. Chief Kelly answers that there would be no additional cost to Borough when he is the officer providing the service as he routinely attends Council meetings and Executive Session meetings and an hourly rate can be projected if needed.

Mr. Ruttle remarks that, "This sounds like a solution in search of a problem. Chief Kelly is here anyway." Additionally, "What happened a month ago was a serious breach of Council's code of etiquette." "Executive session is like fight club. The first rule of fight club is you don't talk about fight club. Executive session is supposed to be confidential and this grotesque caricature of what transpired at executive session was provided by Ms. Brady and is a serious breach of her duty as a councilperson." "I don't believe that this is being offered in sincerity. I believe it is being offered as a way to try to distract from the fact that the process of searching for a Borough manager turned out to be, again, a grotesque caricature of how the process is supposed to occur. We were not provided with a choice. We were provided with a North Korean election. Dear leader, yes or dear leader, no. The only choice we had was Paula Johnson." Mr. Brady, 23 W. Afton and Ms. Brady's husband, stated, "My wife is Korean. You should be out of here on your ass." Mr. Bria admonished Mr. Ruttle not to characterize this situation in such an inflammatory way.

Ms. Thompson makes a motion to censure Mike Ruttle, which Mr. Ross seconds. Motion carries.

Ms. Perlmutter, an audience member, asks Mr. Ruttle to stay while she makes comment. Ms. Perlmutter comments that the motion is extreme and inappropriate. "Because you are having a specific issue with another Council member, you want to enact an ordinance, as I understand it, you're proposing every time you feel unsafe that an officer from Yardley Borough is taken off patrol and come and be your bodyguard. We don't need safe spaces. This is a public forum where people need to be able to be safe to speak. If you are that damaged from what goes on here maybe you should reconsider being on Council. What happened now, his comment about North Korea, I don't think was a personal comment. It was a general comment because North Korea is a dictatorship. I have had problems with Mr. Ruttle, as you all know, but there have been such personal attacks online which are so out of line and he's right, you're in a private session of government and you're not supposed to go run and talk to your husband. You're not supposed to discuss what goes on in private on Facebook. If you can't handle the heat you shouldn't be in the kitchen. You can't keep crying and trying to enact laws that have extreme unintended consequences. The unintended consequences are that now everyone is going to be afraid to criticize you for fear that an officer -- they're going to be marked as the next target." "You're really making a mockery of this. This is like the snowflake mentality. You cannot shut down public speech and, believe me, there will be lawsuits because you can't use the police department to sanction private residents. Look what happened last year. I think I agree with Ms. Thompson. We already have rules of

etiquette. I think this thing is personal and that you need to take it down a couple of notches.”

Ms. Brady responds, “I don’t think it is appropriate for anyone to have to sit in meetings and to be treated the way I am. It’s not right and I guess it is a risk that somebody might abuse this but I think the way you characterize this as I want to use the police as my personal bodyguard is not the case. Bad things don’t happen until bad things happen and I don’t know what he is capable of.”

Ms. Perlmutter comments that the officer will be paid at taxpayer expense. Mr. Brady, comments that he will pay the cost.

Mr. Ruttle departs at 9:14.

Mr. Berry notes, “This is a resolution and that nothing substantive at the executive session was shared and this is in line with the rules of etiquette. This should be a safe environment for all to be able to speak without feeling like something is going to happen because previous meetings felt like something might happen and this is a precaution.”

Mr. Brady commented from the audience that, “This isn’t just about the hiring manager process. This has been an ongoing problem predating that. For him to characterize this as an isolated incident is a total misrepresentation of what has gone on.” “I don’t have any vindictive bone towards Mr. Ruttle. He told me the other day when I came out and talked to him after the executive session, which I stood further away because I didn’t want to be confrontational, that he thoroughly enjoyed the way he treated my wife. That’s sick. That doesn’t make sense.”

Ms. Thompson, “Agrees with Mr. Ruttle on many policy issues but she knows that everyone finds it uncomfortable when he speaks and what can be done for the next two years that he is on Council. The resolution is limited in its ability to protect anyone because it only covers Council meetings and he lives in the neighborhood. This situation has stalled most of our forward motion this year. I don’t know how we can get to the point where the language is more crisp but I don’t see us continuing on without doing something.”

Mr. Bria called for a vote and the resolution passed unanimously, with the exception of Mr. Ruttle, who had departed the meeting.

4. Electronic Bill Pay.....Ms. Thompson
Ms. Thompson moves to authorize borough manager or the financial assistant, when the role is filled, to handle routine bills through electronic bill pay to avoid late fees, save on postage, and increase office efficiency, which Mr. Ross seconds. Motion passes.
5. Authorize Borough Manager to Obtain Proposals for
Position of Solicitor for the Civil Service Commission.....Ms. Brady
Ms. Brady moves to authorize Borough Manager to obtain proposals for a solicitor for the Civil Service Commission, which Mr. Berry seconds. Ms. Thompson asks how often the committee meets, to which Ms. Brady answers as needed. Motion passes.
6. Change Order No 1 – 31 North Delaware Avenue Elevation.....Mr. Ross
Mr. Ross moves to approve the change order No. 1 for 31 Delaware Avenue, which Ms. Thompson seconds. Motion passes.

7. Payment Request 31 North Delaware Avenue Elevation.....Mr. Ross
Mr. Ross moves to approve payment certificate No. 1 for 31 Delaware Avenue for \$109,353.89, which Mr. Berry seconds. Motion passes.

Mr. Bria motions to adjourn to executive session at 9:26, which is seconded by Ms. Berry.

From Executive Session of November 7, 2018

Mr. Ross moves to conditionally approve Change Order #2 to the North Main Street Sidewalk Project as long as the resident signs the settlement agreement and the Exhibit A drawing is amended to show where the pipe ends up and the fencing that is currently there, which Mr. Berry seconds. Motion carries.

Mr. Bria moves to adjourn to executive session at 9:47, which is seconded by Mr. Berry.

Submitted by,
Mary Ann McLean