

**Yardley Borough Council Meeting
September 17, 2019**

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

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

Council member(s) not in attendance: Mike Ruttle

Also in attendance were Mayor Chris Harding, Chief Joseph Kelly, Solicitor E. Closser, Engineers Leanna Colubriale and Liz Colletti, Code Enforcement Officer Wes Foraker, and Borough Manager Paula Johnson. Council President Marshall called the meeting to order at 7:32 pm and led with the Pledge of Allegiance.

New Business Item #1 moved up to beginning of the meeting.

1. Hiring of Part-Time Police Officer.....Ms. Brady
Ms. Brady makes a motion that Yardley Borough hire Nicholas Pellechia as part-time police officer pending certification from the Pennsylvania Municipal Police Officer’s Education and Training Commission, which is seconded by Mr. Bria. A vote was held and the motion passes. Following the vote a swearing-in ceremony was held.

Minutes (Time Stamp 7:37 pm)

Mr. Bria moves to approve the minutes from the September 3, 2019 meeting, which is seconded by Mr. Berry. A vote was held and the motion passes.

Progress Reports (Time Stamp: 7:38 pm)

Solicitor

Brake retarder ordinance was prepared and is an agenda item.

Borough Manager

1. Senator Santarsiero’s office notified the Borough that they are the recipient of a Greenway Trails Grant in the amount of \$40,000. The grant will go towards the Mary Yardley Bridge project. Thanks to Liz Colletti for her hard work on this grant.
2. PFC Adam Clark will be a contestant on Jeopardy Thursday, September 19th at 7:00
3. Harvest Day – Saturday, September 21, 2019. Trash will be collected early on Saturday before setup for Harvest Day.
4. Road paving project starting Friday, September 20th. Handicap ramps for Breece are the first piece.
5. 10/8/19 at 7pm – Budget town hall. This will be the only town hall on the budget so all are encouraged to attend.

Mayor

9/11 Washington Crossing Cemetery clean-up project was supported by a large group of volunteers. Thank you to all.

Police Chief

9/18/19 - Annual Bag for Hunger from 3pm-4pm at ShopRite. 4th year the Yardley Borough has participated.

Borough Engineer

1. Greenways Trails Grant – Partial funding was granted and it will be used for the Mary Yardley bridge project.
2. EAC grant – Received quotes for the monitoring aspect of the watershed management plan. Quotes were a little higher than what was originally proposed in the grant. They will meet with another consultant tomorrow to try to find a middle ground in order to get the most out of the grant.
3. Main/Afton signal improvements – PennDot okay with the design. Final approval should be received this week and then the project can go out to bid.
4. MS4 – In the process of updating the mapping for the annual report.
5. Delaware Ave speed study – Final estimate coming to Council soon.
6. Liquid Fuels Road Program – Paving work starting this week. Residents will be notified.
7. Yardley Walk dam – Waiting for DEP to get back about an onsite meeting.

Ms. Brady – Question about speed humps on Breece. Specs are back from contractor regarding the different options for speed humps/bumps. Options are asphalt vs rubber. Liquid Fuels won't cover rubber speedbumps, but they are easier to remove if the community ends up not liking them. Asphalt is covered and the estimated cost of the tabletop design is \$5,800. Ms. Brady wants to move forward with asphalt. Chief Kelly has no concerns about their installation. Wes Foraker is in support because speed humps do work. Snowplow crews will be informed.

Mr. Bria makes a motion to authorize the expenditure of \$5,800 to add asphalt speed tables to the 2019 road paving project on Breece Drive, which Ms. Brady seconds.

Mary Ann Jackson, Longshore Avenue – In 1970's the Council voted to draw lines to mimic parking spots on either side of the road which makes a narrower appearing street which might slow people down.

A vote was held and the motion passes.

Council Vice President

1. New business openings this past weekend at The Commonplace Reader and Red House.
2. Steve Santarsiero will host a meeting on the Trenton-Mercer Airport development on 10/10.

Council President

Nothing to report.

Council Committees

Community Outreach-Ms. Thompson

There was a resignation from the planning commission. His term was to end in three months. The committee's preference is to fill the seat immediately but stagger the end date. Many seats are expiring soon and the goal is to stagger the appointments so there aren't too many spaces open at any one time. It's a state statute on how the rollovers are handled. Pete Guidotti suggested to start advertising now and move forward based on the response.

Ms. Thompson makes a motion to accept the resignation of Scott Oplinger from the Planning Commission effectively immediately, which Mr. Berry seconds. A vote was held and the motion passes.

General Government-Ms. Thompson

1. There are two transfers of the bills list, each in the amount of \$37,500. One is for the capital reserve fund and the other is for the capital reserve fund. New totals are \$190,000 in the capital reserve and \$135,000 in the emergency fund.
2. Formal table read of 2020 budget with the budget committee. Town hall will be on 10/8 and open to the public. Questions to consider: How to handle big one-time charges, both emergencies and special projects. Should they be separate line items or should they be pulled from reserve fund. Also, there is a proposed change to the tax levy. No street pavings are planned for next year so it is being proposed to move a portion of the Street Improvement to the Recreation Fund, specifically for the increased costs of park maintenance and additional costs of Reading Avenue Woods. The overall tax levy remains the same.

Community & Economic Development – Mr. Berry

1. Meeting 9/24 – Location is conference room on first floor. The Sewer Authority will hold a working session that same night. On 9/25 Sewer Authority will have a joint meeting with Morrisville.
2. Planning Commission met – Interested in reviewing the types of applications that are received. Hoping to meet with the zoning officer. Thanks to Scott Oplinger for his service to the committee.
3. Reading Ave. Committee – There is interest to apply for a grant from the Green Region PECO Open Space program. It is up to \$10,000 for a matching grant. Application is due the end of October. Committee wants to apply for around \$2,000.
4. Looking to collaborate with other groups, especially the Shade Tree Commissions. Commission will purchase trees for this year, 12 trees at \$50 each. These are to plant mainly in private areas but they would also like to plant some sycamore trees in FitzGerald Field. Leanne Poffenberger representing the Shade Tree Commission discussed planting sycamores along the edges of FitzGerald Field. Sycamores love water and will offer shade in an area where there isn't much. The commission is taking applications for trees from community members and asking for recommendations for trees in FitzGerald Field. She suggests adding four, one in each corner. The area around the lake doesn't currently have enough soil to support adding cherry trees. The commission can

help Reading Ave get trees. Every fall the commission gets trees at very low cost so the community should be thinking about where to add these trees. Mr. Berry motions to approve installation of up to four sycamore trees as per the Shade Tree Commission's plan, which Ms. Thompson seconds. A vote was held and the motion passes.

Public Safety – Ms. Brady

Regarding trucks on North Main, Public Safety is awaiting word from PennDot.

Public Works-Mr. Bria

1. The next meeting is rescheduled for 6:30 on 9/24 in the recreation room.
2. Acceptance of salt bid is on the agenda.

EAC – Mr. Ross

n/a

Bill List (Time stamp: 8:07 pm)

Ms. Thompson moves to approve the bills list dated 9/17/19, which is seconded by Mr. Bria. Motion passes.

Correspondence (Time stamp: 8:07 pm)

Letter of support received for the proposed changes to the floodplain ordinance entered into minutes.

Public Comment (Time stamp: 8:08 pm)

Dawn Perlmutter, 18 College Avenue.

Video streaming from the last meeting was problematic and wasn't recorded correctly. What was the \$1,000 expenditure for live streaming for? Paula Johnson – it was for equipment.

Who is in charge of live streaming? Paula Johnson responds that is her responsibility.

Ms. Perlmutter takes issue with the quality of the public comments section of the minutes from the 8/6 meeting, which she feels do not properly reflect her comments regarding code enforcement corruption and FEMA house-raising fraud among other issues.

Mr. Marshall indicated he will investigate the content of the minutes and recording of public comment.

Certificates of Appropriateness (Time Stamp: 8:12 pm)

19-20 21 Canal Street (roof)

Mr. Bria moves to approve Certificate of Appropriateness 19-20 for a roof at 21 Canal Street subject to the provisions outlined on the application, which Ms. Brady seconds. Motion passes.

19-21 70 S. Main Street (house roof) Reconsideration

Mr. Bria moves to approve Certificate of Appropriateness 19-21, a roof on 79 S. Main Street, subject to the provisions outlined on the application to HARB, which Mr. Berry seconds. Motion passes.

19-22 41 Canal Street (roof, siding, soffits, fascia & rake boards)

Mr. Bria moves to approve Certificate of Appropriateness 19-22 subject to the provisions outlined in the application to HARB, which Mr. Berry seconds. Motion passes.

10-23 32 Canal Street (fence)

Mr. Bria moves to approve Certificate of Appropriateness 19-23 subject to the provisions outlined on the application, which Mr. Berry seconds. Motion passes.

Old Business (Time Stamp: 8:12 pm)

1. Vote to Advertise Brake Retarder Ordinance No. 480.....Ms. Brady
Ms. Brady moves to advertise Ordinance No. 480, an ordinance of the Borough of Yardley, amending Chapter 15 of the Yardley Borough Code of Ordinances to add Section 210 to prohibit engine brake retarders and install signage on certain streets, including portions of Delaware Avenue and Afton Avenue, which Mr. Berry seconds. Motion passes.
2. Resolution No. 19-10 to Draft Floodplain Ordinance Amendments.....Mr. Berry
Mr. Berry motions to approve Resolution No. 19-10, the full text of which is attached to these minutes, which Ms. Brady seconds.
Mr. Bria - Why is this introduced by way of a formal resolution. This is not the normal process and feedback from FEMA is still pending.
Mr. Berry - To get all the reasons written down.
Mr. Bria - "FEMA's base ordinance requirements" Do we know what that is?
Ms. Brady - It's a public document which Planning Commission received and reviewed during review.
Pete Guidotti, 44 S. Bell – Planning Commission believes all PEMA minimum requirement are met. Changes to the ordinance should not affect the CRS.
Steve Andrews, 133 S. Bell. Flood plain vs floodway? Floodway is closer to the river.
Pete Guidotti – There is no construction of habitable structures in the floodway, non-habitable construction will be allowed.
Mr. Bria – Disappointed that there is no mention of the safety in the community during a water event.
Mr. Berry – Safety is in the original intents.
Ms. Brady – These changes will help people bring their homes into compliance which makes them safer.
Ms. Thompson – FAQ page – Requests that this be made available in tandem with the ordinance so people can see case studies as they are reviewing the ordinance. She also suggests to specify what impervious surface ratio is.

Dan Mohn, 132 Longshore. Spoke in favor of the ordinance. He takes issue with the suggestion that residents in the floodplain don't take safety into consideration.

Mr. Bria – Concern is with the construction of non-habitable structures in the floodplain. Community also needs to be aware that new ordinance may not open construction up as much as it appears since other ordinances are in place that may prevent construction.

Chuck Dolan, 35 N. Delaware - Safety concerns were taken into consideration during revisions of this ordinance. There are contradictory numbers and practices across ordinances.

Dawn Perlmutter, 18. W. College – Spoke in favor of the ordinance. Code enforcement has been handled incorrectly and arbitrarily in past high water events and is still not being handled properly. FEMA funding will be lost if there is fraud.

Wes Foraker, Code Enforcement Officer – Yardley Borough has no say in who gets the FEMA grant and the Borough is audited after every grant. FEMA no longer requires that home be primary residence.

Matthew White, 5 E. College – Will new construction be allowed in the few remaining empty lots in the floodplain?

Pete Giudotti – No new habitable structures in the floodplain. This may be overridden by variance through the zoning board.

Rob Simms, 138 Longshore. Spoke in favor of ordinance.

Tom Wells, 105 Pennsylvania. Spoke in favor of the ordinance and emphasized the impacts of climate change and planning for the long-term changes that are coming.

Jennifer Campbell, 110 Pennsylvania. Spoke supporting the idea that there be a FAQ to help people interpret the ordinance about specifically what can and cannot be done.

Also suggests more community discussion before final ordinance is codified.

Mr. Bria – Tonight is voting on authorizing solicitor to draft first pass of the ordinance. That will go back to committee and then Council votes on it two more times, once to advertise it and once to adopt it. There will be multiple opportunities for the public to speak on the ordinance and to see specific drafts.

Mr. Berry – Planning Commission will see the draft at least one time before vote.

Mark Hackman, 27 N. Delaware. Government overreach vs personal responsibility and freedom.

Ms. Thompson – Rhetoric and partisanship should be set aside for the good of the community. She wants to see FAQ before final ordinance is voted on. Ordinance needs to make it both possible and easy for residents to improve their homes.

Leanne Poffenberger, 160 Lincoln Ave. Please make it easy for us to understand ordinance.

Sarah Weinstein, 512 Countess, formerly of 140 Longshore. FAQ would be been incredibly helpful during the four years they were trying to improve their home. They ended up having to move because they could not make the changes they needed to.

Rick Barrett, 61 E. College. How long are agreements regarding reservoir dumps in place for since they seem to have mitigated the flooding a bit. Engineer will get that date.

A roll call vote was held as follows: Ms. Thompson, yes, Mr. Berry, yes, Ms. Brady, yes, Mr. Bria, yes, Mr. Marshall, yes. The motion passes.

New Business (Time Stamp: 9:18 pm)

2. Acceptance of the 2019-2020 Salt Bid.....Mr. Bria
Mr. Bria motions to accept the salt bid from Morton Salt Inc. for the cost of \$48.50 per ton delivered and \$48 per ton undelivered, which Mr. Berry seconds. The motion passes.

3. Event Date Change Yoga at Buttonwood Park October 26thMs. Thompson
Ms. Thompson motions to approve the event permit for Yoga at Buttonwood Park submitted by the Newtown Athletic Club for 10/26/19, which Mr. Berry seconds. Motion passes.

4. Event Permit Bishop Visitation St. Andrews September 29.....Ms. Thompson
Ms. Thompson moves to approve the event permit for bishop visitation at St. Andrew Episcopal Church on 9/29, which Mr. Berry seconds. Motion passes.

Mayor Harding notes that he has no concern that the live feed from the 8/6 meeting was ever purposely altered and also has no concern that our code enforcement is corrupt.

Mr. Berry moves to adjourn the meeting at 9:23, which Ms. Thompson seconded.

Submitted by,
Mary Ann McLean