

MEETING MINUTES  
MORRISVILLE BOROUGH COUNCIL  
REGULAR MEETING

TUESDAY, JANUARY 19, 2016  
7:30 p.m.

The Morrisville Borough Council met on Tuesday, January 19, 2016 at 7:30 p.m. in Council Chambers at the Morrisville Municipal Borough, 35 Union Street, Morrisville, PA for a Regular Council Meeting.

Mr. Kerner stated, we will start the meeting with a moment of silent prayer followed by the pledge of allegiance.

Mr. Kerner asked, may we have a roll call please?

Mr. Sooby took roll call at this time.

**Those in Attendance:**

Borough Council: Fred Kerner, President  
Ted Parker, Vice President  
Victor Cicero  
Corryn Kronnagel  
Danielle Larison  
Bill Pepitone  
Todd Sanford  
Debbie Smith

Borough Officials: Mayor David Rivella  
Robert C. Sooby, Borough Manager  
Robert A. Seward, Assistant Borough Manager/Code Enforcement  
Sean Kilkenny, Solicitor  
Chief George McClay

Junior Councilperson: Anna C. Zuckerman

Mr. Kerner stated, we will start with special presentations, 4A, Presentation by Kurt Schroeder of Gilmore & Associates Engineering Firm.

## SPECIAL PRESENTATIONS

Mr. Schroeder stated that he wanted to thank everyone and that they are happy for the opportunity to partner with Morrisville. Samantha Brinker is in the audience tonight, she is my right hand at the office. He stated that they are a full service planning and engineering company, they have approximately 150 employees at over 5 separate office locations. He gave some background information and talked about the services that Gilmore & Associates offer.

Mayor Rivella thanked Mr. Schroeder for coming and told him he was aware of some of their good work that they have done in Bristol. He asked Mr. Schroeder if he had sent in a fee schedule. He asked what the fees will be when there is a project and a representative comes to explain it and answer questions. He asked if it was an hourly fee or if it was part of the project.

Mr. Schroeder replied, we work on an hourly fee schedule as most of our competitors do. We did recently provide a fee schedule to you, our rates are very competitive.

Mayor Rivella replied, I'm sure we'll get that fee schedule, I don't think it's been distributed yet.

Ms. Smith stated that she has looked at their company over the past couple of years and she has been impressed with some of their projects. She's glad they are on board with the Borough.

Ms. Smith stated that she would like to add a motion to the agenda under New Business. A motion to authorize the Manager to receive proposals for audit of Borough funds for year 2015. Scope of work to include a management report.

Mr. Kerner stated, we will have special presentation, 4B, an announcement of Certificate of Recognition from the U.S. Department of Justice Federal Bureau of Investigation for Chief George McClay.

Mayor Rivella stated that he was honored to share the good news regarding two members of the Borough's Emergency Services who recently received recognition. Chief McClay has been given a Certificate of Recognition from the FBI. He worked on a case that involved a Church fire in when he was the Lieutenant in charge of the North West Detective Special Investigation Unit. He also wanted to recognize Chief Brian Eckert from the Morrisville Ambulance Squad who recently received an Emergency Medical Technician Award in special recognition of exemplary service to humanity by administering emergency medical assistance from the Department of Veterans of Farmers of the United States.

## HEARING OF THE PUBLIC

1. *Mike Yager - 338 Melvin Court North*

He talked about Ted Parker's previous comment at last weeks agenda meeting that he wanted to see some controls over resident driven beautification projects. He feels that the Borough does not hold to that standard. He stated that right in the back we still have christmas decorations from Winterfest that haven't been put away. Last week

there was a pile of them back here, so some of them got put away. We are asking our residents to be held accountable but we're not holding ourselves accountable internally. Before we go making any rules about how we are going to manage those things we need to look internally and see how we are managing ourselves. If we are going to put those responsibilities on an individual that's donating their time for the beautification of this town, we should probably hold the people accountable that we're paying for the same thing. He asked Mr. Sooby to talk to the folks that appointed him and let them know how important it is for the Borough to work with the residents and how it benefits us financially. There's a long list of people in the Borough that really want to see things change and be a part of that, they aren't resolved, they aren't going away. There are many people in town that will volunteer to help that we aren't utilizing because we are too worried about who's going to get the credit for it rather than do what's right for the town. We need to stop talking about working together and actually do it.

2. Kurt Holthenrichs - *300 Melvin Court North*

He talked about a Who's Who article in the Bucks County Courier Times that he read. He said that every single one had listed what their solicitor and engineers charge. They were told by our Borough Manager to get a Right To Know. That's not working together and being clear without avail. How could you have hired the engineering firm if everyone up there didn't have the rate fee? How does our Mayor ask that question, and he wasn't already given before you hired this engineering firm, their rate schedule. For the Mayor, Council and President to not know that is pretty embarrassing. There are people in the Borough that are spending their own money to make things look nice that want more. Actions out of spite will not get things fixed. Removing signs, or making comments about how a tree is a republican tree. That was for everyone. We don't need ordinances for preventing residents from doing work in the Borough. We need ordinances to enhance residents ability to work within the Borough. Maybe people will be proud to live here.

3. Bill Farrell - *347 N. Pennsylvania Avenue*

He stated that he didn't speak at the re-organization meeting because he wanted to see where the ducks were on the pond which is related to the voting. I know where we're at now, I wasn't surprised. He thinks it was smart to remove the appointments that night because of the new people coming on. He hopes that in the future people will be alerted and given all the information. Unfortunately in the past that seems to have been the problem. Too many things are being done at last minute. At the re-organization meeting, when the first person spoke everyone was looking to see what was going on. When the second person spoke I watched you and some people had their head down. When the last person spoke, the heads were down still. At least be courteous to look someone in the face. I watched a video from 12/31 at 1:00 in the afternoon it started, the ex-president started talking about heros and drama at the meetings. I'm not hero and I don't know why those terms were used. A lot of that was created by the atmosphere when people came to speak and nobody answers questions. I know you don't have to answer the questions. If I get out of order, use the gavel, I'll sit down and be quite. But if somebody up there is out of order which has been going on for a number of years, use the gavel and tell them to be quite. Roberts Rules of Order apply to everyone. I wish that people would put aside their political affiliates and vote for what's good for everybody in Morrisville. Stop voting party lines. Remember in two

years there will be another election, I'll be reminding you that until election day off and on. I hear people say we're moving forward, I'm standing in the same spot I was four years ago, eight years ago, I haven't moved forward. If anyone thinks they are moving forward sometimes, they're in Shangri-La, that's never never land. Mr. Sooby, I wish you luck, I want you to know that I got to know Mr. Bates very well and I will judge you by my standards and if I have a problem with you, I'll come and see you. I won't go on Facebook, I won't send you any emails, because I don't believe in that. I wish you luck. Time will tell. Work together, make Morrisville a better place, because politics in this town are killing everybody.

4. **Debby Colgan - 120 W. Hendrickson Avenue - EAC**  
 She read a memo from the Morrisville Environmental Advisory Council (EAC) to Council that discussed the Morrisville Riverfront Reserve Project and that the EAC had prepared a number of grant applications for the Borough. In 2014 there was a tree planting project and they were told by administration that due to the cost, it was necessary to do bid advertising. Many months later, we were informed that \$514.00 was removed from our earmark money to pay for bid advertising. The grants we receive do not allow administrative fees to be covered by the grant such as legal fees, deed recording fees, postage and bid advertising. The Borough management allocated most of the private donation money for the payment of the advertising fees rather than for additional improvement to the Preserve. The EAC is requesting that Council reimburse the Preserve fund for the advertising fee. It is \$514.00 of private donation money that would be put towards improvements for Borough property. The EAC has saved the project many costs associated with grant preparation and project management. The EAC also wrote and completed the Open Space Plan saving the Borough between \$7,000.00 and \$10,000.00.
  
5. **Ivan Schepelenko - 209 S. Delmorr Avenue**  
 He talked about the growth of the jungle in front of the house between Route 1 and the railroad bridge. He bought a house in 98', he had a nice park and a nice view. There was bridge construction from 2006 to 2009, when the company came in they took a lot of trees down. When the construction was completed, the park disappeared. They took the sign down and let the jungle just grow. Now it's over 8' high, you can't see anything. On the other side of the bridge, we have a dog park, well maintained, manicured, nice lawn all the way down to Delmorr before you turn on to Philadelphia Avenue. Across the street that was bad too several years ago, they cut some trees down, it's well maintained, the grass in cut, it looks pretty. When you go on my street, it's too high. It looks ugly, it should be taken care of. Keep Morrisville beautiful. Sunday, August 30th last year at 10:00 the whole street lit up, there were Police, Ambulance, Fire Company and a Rescue Squad, they were looking for a woman that was in the river, the rescue squad was running around with flashlights trying to get through the jungle, they couldn't get through. Fifty minutes later, the girl saw the lights, she came out of the water, through the woods and towards the police officer, they cuffed her and took her away. I would say it's a public safety issue. I've seen several rescue attempts there for people falling out of boats. Is there anyway we can cut that jungle down and keep it down.

Mayor Rivella asked him to explain where his house is located.

Mr. Schepelenko replied, it's between the toll bridge -- between the bridges, there are four houses there.

Ms. Kronnagel stated, I believe that may be Amtrak property.

Mr. Schepelenko replied, how could it be Amtrak property, its 19067 zip code.

Mr. Seward stated, that is not Borough property, we can not go on property that is not owned by the Borough. The other property that we did adjacent to the Dog Park that is still not Borough property, it's owned by the Army Corp of Engineers, it cost us money to go to Bucks County Conservation and resolve the situation for cleaning up trash and cutting down trees. For us to go on Property that is not the Boroughs, number one we have to get approval from whoever owns the property, we would have to go to Bucks County Conservation to make sure that what we're doing is approved by them before we touch it. DEP is very aggressive on what you're touching, especially near the riverfront.

Mr. Schepelenko stated, but it was taken care of earlier.

Mr. Seward replied, it was taken care of by an unknown individual that did it and told the Bridge Commission, started working on it and then everybody dumped all their stuff there. The individual that donated his time to do that could not get there in order to maintain the property. Once the project was done and it did grow up, for anybody to go back on there, we have to get the proper approvals from all the organizations before we can go back on that property. Unfortunately this is what we have with the regulations.

Ms. Smith asked, has anything been attempted to contact these organizations about it and the problem -- It's a safety issue, so has anyone been contacted?

Mr. Seward replied, it would be either be the Bridge Commission or the railroad that should be addressing these concerns. It was brought to them and they said okay, they will look into it. Amtrak is not going to maintain anything that's not on their right of way which is fenced. That bridge and the property there goes back to the Pennsylvania Railroad which is the 1900's.

Ms. Smith stated, I'm just amazed that nobody can get them to make a move. I mean, when was the last time they were contacted about it?

Mr. Seward asked, what are we going to make a move on?

Ms. Smith replied, well, you sent them a letter or something and they just never addressed it?

Mr. Seward stated, we spoke with the Bridge Commission and we spoke with the Railroad representatives and as far as they're concerned, it's the land that is open space adjacent to the river and that's the way they would like to leave it.

Ms. Smith asked, they don't want to do anything with it?

Mr. Seward replied, correct. We don't have the authority to make them do it, especially because you are that close to the waterway, that should now fall under the jurisdiction of the Army Corp of Engineers because it's tidal water.

Ms. Smith replied, okay, wow.

Mr. Seward stated, it's a very complicated web along the riverfront which I'm sure everybody is aware of. I wish we could. Unfortunately, if we go in there and we start cutting things down and we get a notice of violation, it comes to the Borough regardless of who's property it is, if it's our personnel. We went down that road on the other thing and we were almost fined \$10,000.00 for cleaning up the property of trash and debris. That's why we are very hesitant about going anywhere near the water way.

Ms. Smith asked Mr. Schepelenko if he has attempted to write his own letter of discontent to the organizations and tell them his view.

Mr. Schepelenko replied, I don't know who to contact.

Ms. Smith asked, is he able to get that Bob, where he would send that to -- his own request on that to them and what his issues are with that and maybe he can get an answer from them directly.

Mr. Seward replied, you just go to the Bridge Commission. The Bridge Commission says it's not theirs, Amtrak says it's not theirs, they are saying it's the responsibility of the Army Corp of Engineers because they own so much property from the waters edge up. He can go up to the office, I'm sure they have a form there he can fill out and have somebody look into it.

Ms. Smith replied, yeah, I would attempt that if that was me. I would be up there. I would take some pictures and I would go up there.

Mr. Schepelenko replied, alright. Thank you.

***There being no further comments, public comment portion was closed.***

### **APPROVAL OF MINUTES**

**Motion 6A** - Motion to pass the minutes of the Regular Borough Council Meeting of December 21, 2015.

**Motion** made by Mr. Parker.

Ms. Kronnagel seconded the motion.

Mr. Kerner asked, is there any discussion, changes? I guess we'll do a roll call since not everyone was here at the time.

**Motion** carried by roll call vote, 6-0 and 2 abstentions by Ms. Larison and Mr. Pepitone.

**Motion 6B** - Motion to pass the minutes of the Special Borough Council Meeting of December 31, 2015.

**Motion** made by Mr. Parker.

Ms. Kronnagel seconded the motion.

Mr. Kerner asked, is there any discussion or changes on these minutes? May I have a roll call please?

**Motion** carried by roll call vote, 4-0-4. Mayor Rivella being the tie breaking vote and 4 abstentions by Ms. Larison, Mr. Pepitone, Mr. Sanford and Ms. Smith.

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### **REPORTS - ADMINISTRATIVE/MANAGEMENT CONTINUED**

**Borough Manager's Report - Robert C. Sooby** - He stated, that the Borough just had their insurance renewed and he did want to inform council that they did have a 3% increase. The Borough itself came through fine with the insurance however, due to our liability that was the reason they declared that they would have to increase it by 3%. Apparently we have lawsuits out there that put us in a situation where the insurance would have to be raised.

**Solicitor's Report - Sean Kilkenny** - He stated, thank you very much Mr. Kerner. The only thing, it's been a pleasure to work with Mr. Sooby and work with him and his staff and getting things in order. It's a pleasure to be back here and I look forward to working with the new council.

**Engineer's Report - Kurt Schroeder** - He gave his report earlier this evening.

**Mayor's Report - David Rivella** - He stated thank you Mr. Kerner. I wanted to share with everyone that Morrisville Police Department was a part of a large team effort that included the DEA, Trenton Police Department and various other law enforcement agencies just a few days ago. Even though the arrest occurred in Trenton, I wanted to mention this because I feel it's important that everyone sees the working relationships that our department has built over the past couple of years. I was able to get some information from the PA State Mayor's Association that I believe all council members should have received in their Friday packet. It's part of an ongoing effort to ensure everyone is on the same page as I have done in the past. I've reach out to the Mayor's Association for a little clarity on issues, and received some input regarding understandings of protocols that are in place for elected officials. This has been done by me in hopes of not only avoiding confusion, but to eliminate any hard feelings in the future. I am attempting to help build an environment that is conducive for everyone to work together as we move forward. I hope everyone can find a few minutes of free time to look it over, hopefully it will be helpful. Also, tonight on the agenda you will see a motion for a traffic study on Francis Avenue. I'm not sure why, but it seemed to end up in

finance. This isn't a new issue, in fact I brought this subject about Francis Avenue to council last year at the January meeting. At that time we did have some discussion but it didn't really seem to go anywhere from there. So, on Thursday, I actually contacted the Borough and ask that that be added to the agenda. I'm hopeful that council will support having the TMA do the study to supply us with some recommendations. I believe there is no charge for the service as we are members of the Bucks TMA. I believe they may be able to offer some long term solutions to the congestion on Francis Avenue. I hope you guys consider it and we will see what happens.

**Police Chief's Report - Chief George McClay** - He stated I'd like to welcome new council members, Mr. Sooby, Council President. As we end 2015, we ended on a very good note. I'd like to compare in 2013 where we were in part 1 crimes. Part 1 crimes being rape, murder, robbery, aggravated assault, burglary theft and vehicle theft. In 2013, we had 371. In 2014, we had 286. In 2015, we had 189. We've done very well. We've come a long way. We had 6 robberies this year, which we had 5 arrests. We had 8 aggravated assaults, which most of those were domestic aggravated assault, all 8 were arrested. Our burglaries, I said that was one of my goals this year to work on our burglary problem. Last year we had 48. This year we had 28. In 2014, we only arrested 2, and in 2015, we only arrested 5. You're going to say, that's not real good. It's not, but burglary is one of the hardest crimes to solve. So this year, as we look forward to next year, we are going to use DNA, more we're going to process the crime scenes better than we did last year. With that being said, most of those burglaries were not houses, they were sheds. It's one of those things in a unified crime report whether a shed is considered an occupied structure. I consider it an occupied structure, that gets counted as a burglary. Can I knock that number down by a lot, yeah, but I don't think it's telling the truth. I've talked to other places around us, everybody codes it differently. I think I'm coding it correctly. I've been to classes with the FBI on how to code these and I will not jeopardize our standing in the crime field just to make us look better. With that being said, we've done very well this year. One of my concerns moving forward is that how much farther can I knock this crime rate down. At some point from that you're going to say, you know Chief, two years ago you were knocking these numbers down by 30%, 20%, you're down 50% in crime. I don't know how much farther that can go. Because no matter what, I'm not going to be able to stop the aggravated assaults inside peoples houses. Your always going to have some thefts. So as you see, this is probably going to slow down a a little bit, our efforts aren't and I'm hoping our arrests go higher. The numbers are eventually going to have to even out a little, so don't be surprised that that happens. No matter what, you can't stop all crime. Everybody this month went out to Haverford College for our second active shooter class. You have one of the most trained police departments in the County right now in active shooter. We're good, we know what we're doing, we're ready. My department came in \$200,000.00 under budget this year. I am very happy to say we have a D.A.R.E. Program, he's up and running in all our schools and he is doing a tremendous job. You're police department is back the way that it's supposed to be. It's a professionally run police department with a lot of very good men and women. Does anybody have any questions for the end of year numbers?

Ms. Smith replied, no, just congratulations on your accommodation.

Chief McClay replied, thank you.

Mr. Sanford replied, congratulations on your accommodations.

Chief McClay stated, everyone knows my e-mail. Please go through the Mayor on anything you need and I will handle -- anything you guys have, go through my boss and I will be more than happy to take care of everything. Okay. Thank you.

**Junior Councilperson's Report - Anna C. Zuckerman** - She wanted to state a note of congratulations to Denise Sacco who on Monday's basketball game scored her 1000 point which is a great honor especially for a high school student and her name will go on a banner in our gym and we are all very excited for her. She scored it in the last 30 seconds of the game. Many students are really excited we are working with an outside group and we are starting violin lessons in the school. Many students are really excited about participating in all grades and we're really excited that we are doing something to promote the arts in Morrisville School District. We do a lot with our sports but we are also really trying to make sure that we are promoting the arts programs throughout the district. We are ending the first semester next week marking us half way done through the year and we're all very excited about that and continuing to work forward. Thank you.

Ms. Smith asked, is that the last report because I have a couple of comments if I could have the floor. She wanted to discuss the old vehicles that Mr. Sooby listed for sale. She stated that she had a previous list that was given to her by Mr. Bates. She wanted to know if he had proof of their value, if he got a book value and if he advertised it anywhere.

Mr. Sooby replied, yes, it was advertised and that was given to him by the maintenance department and he could check on what the value is.

Ms. Smith replied that she thought you would have to have that. She was wondering if he got the value because they didn't get anything on that and asked if he would check on what the value of the trucks are.

Ms. Smith stated that she was here when they did the contract for the Chief and maybe she has a misunderstanding of section 18 in that contract. She stated, when all this went on with who contacts who and chain of command, she took that as internal for coming back and forth across from the Borough side where it was interfering definitely with the police side. She didn't take it that if she was home and she saw a situation that she made a call to the Chief or anyone that that was something she had to do as a citizen. She stated, you pay taxes if you see something like that, so you're saying that too -- anything like that has to come through you to get resolved?

Mayor Rivella replied, no. I don't know why you would think that. Just to clarify because there seems to be confusion, and that's why I actually had the Mayor's Association and our Solicitor is here too so feel free to speak to him. As an elected official there's protocol, there's a lot of things in Borough Code, there's directives in place. As an official, you can't run to the Chief, however like you said, as a citizen, absolutely. If anyone, that doesn't matter if you're here on the dais, if you're a resident, business owner, passing through, then of course you call 911. I hope no one tries to play games and manipulate what we've set in place for two years that's been working. But as an elected official you deal with the Council stuff and not the police stuff, just the same way as I don't -- I try not to intertwine that. I see George came back.

Ms. Smith replied, yeah, as I said, I'm just trying to make it clear for myself too. Only for the fact that I had a constituent in my ward bring up something he was having an issue with and I have his address and name, so I go give it to him then to give to you.

Mayor Rivella replied, or don't forget, we always encourage the person to call directly.

Chief McClay stated, here's the situation. Very easily, I'll start with Mr. Pepitone. The person he was speaking with was one of my crossing guards. I see my crossing guards all the time, why aren't they calling me. That's the first problem. And I understand you're their representative, I understand wholeheartedly but everybody has my number, I'd rather skip a person, and come to me so I can get the right information and go out there and fix the problem. It makes it a lot easier, a lot cleaner. I like the situation we have now. I have been very removed from politics and I like it that way. I'm a lot more effective. I don't get involved in all the stuff that goes on here as much as I can and it makes me more effective. I would really love it to stay that way. I'd rather you guys play your politics, talk to the Mayor and he gives me everything. When you guys work together and if it's something like that, go through him, he gets it to me. If it's an emergency, as everybody has a problem in this Borough, they'll call everybody else except calling 8111, our phone number, and calling us. Saturday night at 10:00 I have text messages about a dog and that it's going all through Facebook. My question was, did anybody call the police, no. Call the police, let us handle these situations. We're here, we're 24 hours a day, we've got guys on the street. We want to be out there. I'd rather be out there in front of it then behind it. I return every phone call, I return every email at 10:00 on a Saturday night. The way the system has been set up until now, has worked very well and I'd really like if we could just continue that way and leave me out of the politics and all the things that go on here. So that's my wish, if you could go with that, I would appreciate it.

Ms. Smith replied, okay.

Mr. Pepitone stated, Mr. Council President, I was going to save this for the end before we adjourn, but since the Chief is speaking on the incident, and the Mayor has spoken about the incident, can I speak about this?

Mr. Kerner replied, absolutely.

Mr. Pepitone stated, the only reason I want to bring this up because right now for the people who are watching at home it's a little cryptic and they don't really understand what happened. So if you don't mind Chief I'll just go over the situation. On January 6th, I was approached by a resident who asked if I could look into a dangerous traffic condition at the corner of Francis Avenue and Bridge Street. The condition if ignored could lead to a motor vehicle accident, serious physical injury or even death. I took the information from the resident and emailed it to Chief McClay. A short time after I forwarded the email, to Mayor Rivella after realizing I did not copy him on it and I did apologize in the email. The next morning Chief McClay responded and informed me that he directed an officer to address the situation and I thanked him for it and I thank you again, Chief. Thirteen hours later, Mayor Rivella sent me an email informing me that he was in full charge of the police department and that I should respect the chain of command in the future by contacting him in regards to all matters involving the MPD. Mayor Rivella went on to inform me of Council's roll regarding the police department and how we have no roll in the day to day operations of such, insinuating I had some how infringed upon his authority, which I had not. In this instance, the bottom line is getting the information to whomever can address the situation quickest to prevent accidents or tragedies, and that in this instance was Chief McClay and the MPD. The accurate sharing of information between resident, representative and the proper authorities followed by immediate police response is government working at its finest. Adding a layer of bureaucracy, or as you said Chief, politics, in matters of public safety only endanger lives

for the sake of politics which I find appalling. Additionally, and this is my own opinion, I must correct the Mayor regarding his request that I follow a chain of command. A chain of command is a structure within an organization that employees must adhere to. Since I do not work for the Mayor nor the police department, and I work for the people of Morrisville, I do not recognize the chain of command in an emergency situations such as this. Thank you.

Chief McClay replied, not to debate you, but this is not an emergency situation. An emergency situation goes through police radio and we respond.

Mr. Pepitone replied, in my opinion, it needs to be addressed. I'm not debating with you.

Chief McClay stated, my contract was approved by everybody, and you weren't on the board at that time.

Mr. Pepitone replied, no I was not.

Chief McClay stated, so, you don't really know what's in my contract.

Mr. Pepitone replied, I have your contract right here, Chief.

Chief McClay stated, okay. And the Mayor is going along with what is in my contract. It's nothing personal to anybody, it just makes things a lot cleaner.

Mr. Pepitone replied, right and I do have a copy of your contract, and like Councilwoman Smith said, there is nothing in that contract, there is nothing from the paperwork from the Pennsylvania State Association of Mayor's that states that myself as either a council member or a citizen cannot contact the Chief or a police officer. In that case, if I would have notified a police officer first, would that have been okay?

Chief McClay stated, yeah, but here we go. You're worrying about making another layer of bureaucracy involved in this --

Mr. Pepitone replied, no I'm not. I needed a police officer, I called you.

Chief McClay stated, one of my employees came to you.

Mr. Pepitone replied, right, yes.

Chief McClay stated, so this was a situation that was already working in progress and tried to get another angle into it. That problem should have come to me directly from my employee that I'm out there with all the time.

Mr. Pepitone replied, oh, I agree with that. Absolutely.

Chief McClay stated, so those things -- there was a little back game to that.

Mr. Pepitone replied, okay. Well, that's on his end. I have heard about the situation on Francis from other residents on Francis Avenue.

Chief McClay replied, okay not me. That's what I get amazed at about things that occur here and they don't contact the right person.

Mr. Pepitone stated, oh, absolutely.

Chief McClay replied, and that's what I'd really like to put out there to everybody. My phone is on, my email gets answered all the time. Please come to me, I'll fix the problem and tell you if I can't fix it.

Mr. Pepitone state, as we spoke about it, being that I am their representative, they did come to me, it was my duty to notify --

Chief McClay replied, you're right.

Mr. Pepitone stated, in this instance, I thought it would be you.

Chief McClay stated, right, but the way we have set everything up so far in my contract, my contract goes through the Mayor. It keeps me out of a lot of --

Mr. Pepitone asked, even for a situation such as this?

Chief McClay replied, yes, because that is not an emergency. That's been going on like you said, for a long time.

Mr. Pepitone stated, as far as I know, yes.

Chief McClay stated, right. So, if it's an emergency it goes through police radio.

Mr. Pepitone replied, okay.

Chief McClay stated, and my officers handle the situation.

Mr. Pepitone asked, would you rather me told him to call 911?

Chief McClay replied, no. I'd rather you tell your constituents to call me directly.

Mr. Pepitone replied, and I understand that, and we discussed that.

Chief McClay stated and that's what I want.

Mr. Pepitone stated, I understand that and I respect that, but as a representative face to face with a constituent, I personally don't believe that I should say call the Chief, call the Mayor, call this one, call that one. I believe that I was elected to represent them and to be that go between. Maybe other people disagree, but that's how I feel.

Chief McClay replied, no, I don't disagree with you, I request that you just go through my boss and we will filter everything down, it's worked very well up until now and I want it to continue to work this well.

Mr. Pepitone replied, understood.

Chief McClay stated, okay.

Mayor Rivella stated, I would just like to follow up and say that when I responded, I asked to move forward to contact me, I offered a little insight, I certainly wasn't speaking down to anyone, I was actually extending my hand making a little small talk, offered a little camaraderie so we could work together. What I received back was no, I'm not going to do that. That's why I asked the Mayor's Association, that's why Sean will tell you there's protocol. To say you don't work for me, I'm not going to debate that stuff, but the chain of command is a phrase that's -- most reasonable people will understand it applies to not only employment, but it describes a way organizations from the military even religious institutions, Universities, they report -- it's a structure of reporting. If I used the word protocol maybe that would have been less confusing, but it's simple, I'm not trying to give anyone a hard time. There's things in place, you're new, I was saying please as we move forward call me. I think it would work better if you would say to your constituent, I spoke to the Mayor, we put our heads together, we're going to try this rather than say, I'm not going to talk to you, I don't have to. I mean, if you can't bring yourself to reach out to me, I'm okay with that, my feelings aren't hurt.

Mr. Pepitone asked, Mayor Rivella, did I in fact, forward you the email and apologize for that?

Mayor Rivella replied, oh, absolutely. You also said some other things that I thought were absolutely not in the spirit of working together. I'm not going to debate this. This is a single incident, I'm just trying to get everybody together so we can genuinely work together. I even heard from the residents tonight, they want to see people work together, I'm trying to work together with everyone.

Mr. Pepitone asked, being that the Solicitor is here, can I ask the solicitor? In this situation that I explained, can I not go to a police officer, or the Chief or any police official, regarding a situation that I deemed to be important and that had to be addressed quickly? Citizen or councilperson.

Sean Kilkenny replied, the Borough Code says that the Mayor of the Borough is the person that supervises and essentially runs the police department. You as a private citizen or an elected official of course, can reach out individually, but the protocol is that the Police Chief works for the Mayor.

Mr. Cicero asked, and what does that mean? What does that mean?

Mr. Pepitone stated, that's kind of vague.

Mr. Cicero stated, I as a citizen or as a councilperson can not approach the Chief or any other police officer and say look, I have a problem here?

Mayor Rivella replied, no, there's a difference.

Mr. Cicero stated, no, let him answer it.

Mayor Rivella replied, sure.

Mr. Cicero asked, is there any legal restriction -- do you know of any case law, okay? The Borough Code says council creates the ranks and describes the duties of the rank, right? We're going to get into this. You evoked the Solicitor, let's go with it. We make the duties of each rank, don't we, 11.21. In other words, we could make a duty requiring the Chief to answer us.

Mayor Rivella replied, that would go against the protocols.

Mr. Cicero replied, I know it's the protocol. The protocol is not the State Law. Nobody is trying to go around you Dave, but I think for you -- and I spoke with Mr. Peptione about this, for you to tell any councilman, don't contact the Chief or any other you go through me I think you're out of line with that.

Mayor Rivella replied, well, that's not --

Mr. Cicero stated, and I'm going to tell you this up front, I'll call the Chief, I'll talk to the Chief anytime I feel like it.

Mr. Pepitone stated, as will I.

Mr. Cicero stated, now he doesn't have to answer me, I know that.

Mayor Rivella stated, again, as I stated, if you read the letter from the Mayor's Association, I think there's a clear line, if anyone as a resident -- if you wanted to go to the Chief and say I'm surprised Chip Kelly left the Eagles when he did, that's not an issue. It's just, all I did was ask when you have as a capacity, as in his contract and as in all this case law and what have you, as an elected official in that capacity --

Mr. Cicero stated, was does Case Law say about us contacting a police officer or the Chief?

Sean Kilkenny stated, it doesn't say anything specifically about contact.

Mr. Cicero replied, I know it doesn't.

Sean Kilkenny replied, but what the Borough Code says is, he is the supervisor.

Mr. Cicero replied, fine. It also says we make the duties.

Mr. Kerner asked, shall we move on with the agenda?

Mr. Pepitone stated, absolutely.

Ms. Smith replied, yeah, I just want to clarify, thank you.

## **FINANCE**

Mr. Sooby read the bill list.

**Motion 8A - Motion to pay the bills.**

**Motion made by Ms. Kronnagel.**

Mr. Parker seconded the motion.

Mr. Kerner asked, is there any discussion on the bills?

Ms. Smith stated, okay. My favorite subject. In checks issued since, which would be things paid in between council meetings -- I see in here several payments to Johnson Control. I got the budget out and I went over every one of them to see what line in the budget it was paid from. One line is out of the water contingency, one's out of another contingency in the water department, another one is maintenance in the water, one was police budget, I think it was maybe in fuel, one was indirect cost from the MMA and that's on -- since I don't have an invoice for them it's GL1512 page1, the first page. Second page GL1512 Johnson Controls in the budget, it's in the line of recreation fund in the gas and oil line, \$5,000.00. Also on that same page, down from that is Johnson Control, gas and line fuel out of the street fund \$4,684.55. First ones I gave you, all five of them came out to \$31,500.00 for a grand total of \$41,184.55, it says here that it's for project, labor and materials, I believe this FINA probably means final. What was that for? Why wasn't that paid out of the loan for this unless it was something that was not in that contract?

Mr. Sooby stated, well again, this is from the year 15 budget. However, from what I was told and passed on to me, this was the final payment from the loan that pays for the project that was the lighting system, the heating system and that was held up due to the fact that they did not finish the project at the time when the final payment was due. So, this was paid in December, I guess from each line item -- again, I wasn't involved with this but from what I was told, this payment had to be due before at the end of the year through the 2015 budget and it was final payment, so this is it. Once this is done we won't have any more payments except for maintenance with JCI.

Ms. Smith stated, yeah, I'm getting that supposedly the final payment and we were told that it ran late. It was supposed to be finished in December of 2014, which it wasn't, it ran into the following year. My thing is, where is it being paid from? Because these line items here was not designated to pay Johnson Control the contractor and without seeing any information, because there is no invoices on this, but there has to be a work order sheet that gives payment that shows what was done. So was it a repair, was it something still waiting to get installed? We have our lights, we have our dedicated line which I think might have to be changed. Heating system, all that so -- that's the thing, is where that's being pulled from. So it's coming out of the budget from mainly the areas you can pull it out of the water department. The money we get from the MMA is usually for your labor, your Borough workers, so I need to have definition on this stuff. I understand it was put in there and approved, pre-approved, and I'm sure if Tom was sitting here he would say well we approved that contract, so it was already approved. Not this and coming out of there. I don't agree, so I just want for the record when this comes up for the vote for this, I am not approving anything on there but JCI for this, so that vendor, 1204, no, not from me and I'd like clarification on what exactly was done to finish up this project. And not against you Mr. Sooby, you weren't in on this, so I'm just saying, I need data for this. That's a big chunk of money.

Mr. Sanford stated, I have to go along with Debbie Smith on this too. Without seeing all the information here, I can't vote on paying that too for Johnson Control, GL1512, Vendor #1204.

Mr. Kerner asked, any other discussion on the bill list? Roll call.

**Motion** carried by roll call vote, 7-1. (nay vote being Ms. Smith)

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**Motion 8A** - Motion to authorize the Borough Manager to request a traffic study to be conducted of Francis Avenue.

**Motion** made by Ms. Kronnagel.

Mr. Pepitone seconded the motion.

Mr. Kerner asked is there any discussion on that. Would you like to enlighten us on what's going on here?

Mayor Rivella stated, either add it to the motion or make it understood that the idea was to reach out to the Bucks TMA because as members, they will come out and do a study. Even though it may not be like an official study, there is a clause that they put into the study, so it's no charge to the Borough to get their insight. You may remember we used Bucks TMA for a study on Grandview Avenue a couple of years ago.

Mr. Cicero asked, does this involve moving traffic or just parking traffic?

Mayor Rivella replied, it's a narrow street, and if you remember, I brought this up a year ago. Let's see what they think, because there's ideas that could be -- not parking on one side, or restrict parking near the curb or make it a one way. I thought, ask the professionals what they think too, and once we get that back, and it probably won't be an overnight thing, it will probably take some time to get it scheduled, and once we have their opinion, then council could move forward with an idea.

Mr. Cicero stated, okay, thank you.

Mr. Kerner stated, so just adding by Bucks TMA to the end of that, is that sufficient? How do my first and second feel about that? The motion would then read: Motion to authorize the Borough Manager to request a traffic study to be conducted of Francis Avenue by the Bucks TMA.

Ms. Kronnagel, agreed.

Mr. Pepitone, agreed.

Mr. Kerner asked, any further discussion? All those in favor say aye. Opposed?

**Motion** carried by voice call vote, 8-0.

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**APPOINTMENTS**

**Motion 9A-1 - Appointment: Municipal Authority: One 5-year appointment to expire on 1/04/21. (One existing position expired on 1/4/2016.)**

**Motion to nominate Jeffrey Johnson made by Ms. Kronnagel.**

Mr. Kerner asked, are there any other nominations?

**Motion to nominate Mike Yager made by Ms. Smith.**

Mr. Kerner asked, are there any other nominations? Any other nominations? Any other nominations? We have two names on the table. When your name is called, announce your preference.

**Motion to nominate Mr. Johnson carried by roll call vote, 5-3. (nay votes being Ms. Smith, Ms. Larison and Mr. Pepitone)**

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**Motion 9A-2 - Appointment: Vacant Property Review Committee: One 3-year appointment to expire on 1/01/19. (One position will be held by the Borough Manager; Robert C. Sooby)**

**Motion to appoint Mr. Sooby made by Ms. Smith.**

Ms. Larison seconded the motion.

Mr. Kerner asked, all those in favor, say aye. Opposed?

**Motion carried by voice vote, 8-0.**

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**Motion 9A-3 - Appointment: Vacant Property Review Committee: One 3-year appointment to expire on 1/01/19. (One position is a reappointment of Robert White, Bucks County Redevelopment Authority.)**

**Motion to appoint Mr. White made by Ms. Smith.**

Mr. Larison seconded the motion.

Mr. Kerner asked, all those in favor, say aye. Opposed?

**Motion carried by roll call vote, 8-0.**

**NEW BUSINESS**

**Motion 10A** - Motion to approve the Winterfest Parade for Saturday, December 3rd, using a route agreed upon by the Winterfest committee and Police Chief McClay.

**Motion** made by Ms. Kronnagel.

Mr. Cicero seconded the motion.

Mr. Kerner asked, is there any discussion on that? I know it's early, but it gives them time to properly plan. All those in favor say aye. Opposed?

**Motion** carried by voice vote, 8-0.

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**Motion 10B-1** - Appointment: Zoning Hearing Board: One 3-year appointment to expire on 1/6/19. (One existing position expired on 1/6/16.)

Discussion ensued regarding not hearing back from the incumbent yet.

Motion was removed.

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**Motion 10B-2** - Appointment: Landmark Towns Board Of Directors - Morrisville Borough Representatives. (One Local Elected Official Position).

**Motion** to nominate Corryn Kronnagel made by Mr. Parker.

Mr. Kerner asked, are there any other nominations?

**Motion** to nominate Debbie Smith made by Ms. Larison.

Mr. Kerner asked, are there any other nominations? Any other nominations? Are there any other nominations? We have two names on the table, when your name is called, please state your preference.

**Motion** carried by roll call vote, 4-4 with Mayor Rivella breaking the tie. Four votes for Corryn Kronnagel (Mr. Cicero, Ms. Kronnagel, Mr. Kerner, Mr. Parker and Mayor Rivella broke the tie). Four votes for Debbie Smith (Ms. Larison, Mr. Pepitone, Mr. Sanford and Ms. Smith)

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**Motion 10B-3 - Appointment: Landmark Towns Board Of Directors - Morrisville Borough Representatives. (One Local Appointed Official Position).**

**Motion** to nominate Mr. Sooby made by Ms. Smith.

Mr. Parker seconded the motion.

Mr. Kerner asked, are there any other nominations? Any other nominations? Any other nominations? All those in favor of appoint Bob Sooby as our Local Appointed Official position, say aye. Opposed?

**Motion** carried by voice vote, 8-0.

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**Motion 10C-1 - Appointment: Library Board: One 3-year appointment to expire on 3/1/19. (Per Library By-Laws the positions must be appointed by Borough Council at the first monthly regular Borough Council meeting.**

Mr. Kerner stated, for that, we have three serving people that would like to continue in that capacity. That would be Mary Morse, Fred Kerner and Judi Miller. Are there any other nominations? Any discussion? All those in favor of those three appointments?

Ms. Smith asked, did they send in their letters saying they wanted to be on it?

Mr. Kerner replied, I don't believe they did.

Ms. Smith asked, including you?

Mr. Kerner replied, including me.

Ms. Smith replied, okay, just checking.

Mayor Rivella stated, didn't you say you talked to them?

Mr. Kerner stated, I talked to them, but there was no letter.

Mr. Cicero asked, was it just yes or no?

Ms. Smith asked, you're going to do them all three at one time, is that what you're saying?

Mr. Kerner replied, we can split them up if you want.

Ms. Smith replied, no matter -- whatever you want to do.

Mr. Kerner stated, we'll start with me. Fred Kerner for the Library Board for a three year term, expiring on 3/1/19. I will tell you that I am interested in the position.

Ms. Smith replied, oh, thanks Fred.

Mr. Kerner stated, I will also tell you that Judi is interested and Mary. Roll call.

**Motion** carried by voice vote, 8-0.

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**Motion 10C-2 - Appointment:** Library Board: One 3-year appointment to expire on 3/1/19. (Per Library By-Laws the positions must be appointed by Borough Council at the first monthly regular Borough Council meeting.

Mr. Kerner stated, next we have Judi Miller for the same three year appointment to expire on 3/1/19.

**Motion** carried by voice vote, 8-0.

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**Motion 10C-3 - Appointment:** Library Board: One 3-year appointment to expire on 3/1/19. (Per Library By-Laws the positions must be appointed by Borough Council at the first monthly regular Borough Council meeting.

Mr. Kerner stated, and finally Mary Morse for the three year appointment to the Library Board, expiring on 3/1/19.

**Motion** carried by voice vote, 8-0.

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Mr. Kerner stated, we move on to 11, announcements.

Ms. Smith stated, wait, wait, wait, you forgot my motion. I asked to have a motion put up, 10C for the audit.

Ms. Kronnagel asked, was this discussed at the agenda meeting?

Ms. Smith replied, was it?

Ms. Kronnagel, I was asking that question.

Ms. Smith replied, well actually Vic had talked about it too. He said yeah, we need to do an audit because you changed up managers.

Ms. Kronnagel asked, at the agenda meeting you discussed this?

Ms. Smith asked, you want to talk about agenda meeting?

Mr. Kerner stated, well, let's put the motion then --

Ms. Smith replied, hold on a second, hold on, I believe that any of us can put up a motion for an action of the council.

Ms. Kronnagel replied, I was just asking the question.

Ms. Smith stated, yeah okay, I'm just saying no, but --

Ms. Kronnagel stated, was it discussed at the agenda meeting?

Ms. Smith replied, no.

Ms. Kronnagel replied, okay.

Mr. Kerner stated, so we have 10C, a motion to authorize the manager to receive proposals for audit of Borough funds for the year 2015. Scope of work to include a management report.

Mr. Cicero asked, is this a cash and a time audit?

Ms. Smith asked, a cash and a time audit?

Mr. Cicero replied, yeah, there are cash audits and there are time audits. Do you want a combination?

Ms. Smith replied, right, right. You mean like the time study we did before? Well, the managers report is going to show you --

Mr. Cicero stated, you audit the time sheets on a snap shot, they usually use a snap shot, they would do some time sheets and they would do the cash of course.

Ms. Smith stated, well, the Management report is going to show of any deficiencies, so I think if you're going to get an audit done, we probably -- be a good thing to do that, so we could find out where we have that, correct.

Mr. Cicero replied, okay. I just wanted to find out if you wanted to do a Management -- a time audit too. It's always good to do.

Ms. Kronnagel replied, it would be for all employees, Police and Borough?

Mr. Cicero replied, oh yeah, it's all employees. If you're doing a time audit, you do all the employees.

Ms. Smith stated, it's Management report.

Ms. Kronnagel asked, do we know how much that will be?

Mr. Cicero replied, oh, a lot of money.

Mr. Kerner asked, do we want to research this a bit more before we put it to a vote?

Mr. Cicero replied, but you should do at least a financial audit, because you did have a change in administrators, so we should have a money audit.

Ms. Smith replied, but a time study is separate, we went through that with Cornerstone, that's a separate fee. A Management report is just going to tell you what areas are deficient and then if you --

Mr. Cicero replied, all audits have the Management --

Ms. Smith stated, okay and then if you wanted to do something after you found that, then that's something else we could do. But the Management report is just going to show you what areas of your budget are deficient.

Mr. Cicero stated, yeah I know that, I was just asking you if you wanted a time audit too. You said an audit.

Ms. Smith replied, an audit with the Management report to show which parts of our budget --

Mr. Cicero stated, I think we should do a time audit.

Mr. Parker stated, I think we should include time audit in it.

Ms. Smith replied, find out what that difference is then, because there is a difference just like --

Mr. Cicero replied, yes there would be, right, absolutely.

Ms. Smith replied, so we have to find out what that is and maybe at that time decide if we want that. I'm just asking for that Management report.

Mr. Cicero replied, yeah both costs.

Mr. Kerner stated, I have then a motion to authorize the manager to receive proposals for both a time and cash audit of Borough funds for the year 2015. Scope of work to include a Management report.

Ms. Smith replied, correct.

Ms. Kronnagel asked, so this is just to get prices?

Ms. Smith replied, right, proposals, yeah.

Sean Kilkenny stated, President Kerner, I believe because this is a new motion you have to allow for public comment.

Mayor Rivella stated, they made it before.

Sean Kilkenny replied, they made it before that, okay.

Mr. Kerner stated, we don't even have a motion to do this yet.

**Motion** made by Mr. Cicero.

Mr. Pepitone seconded the motion.

Mr. Kerner asked, is there any discussion on that? We'll have a roll call.

**Motion** carried by roll call vote, 8-0.

### ANNOUNCEMENTS

Ms. Kronnagel stated, I just want to talk about the Habitat for Humanity House that is being built in Morrisville Borough. It's at 35 and 37 Harrison Avenue, there will be opportunities for volunteer work to work on both houses and both properties. I think pretty much all of council was able to be there for the ground breaking ceremony which I think was last Tuesday or last Wednesday, it may have been last Thursday. There is information on the Habitat for Humanity Bucks County website. If you want to call their telephone number, it is 215-822-2812 and the extension for volunteer work is extension 302. I just wanted to say this is a wonderful opportunity, it's a great program. It's the first time that they have been in the Borough. It's a great opportunity to give volunteer hours. We are hoping to have a Council day where we can all get together and bang some hammers. If we can all get together and do it, everybody else can too. Thank you.

Mayor Rivella stated, I just wanted to remind everyone that we are beginning a new year, so if you haven't received your Pennsylvania Dog License, it's that time of year again. Thank you.

Mr. Kerner asked, are there any other announcements?

Ms. Smith replied, no, not announcement but if everyone is done with them, if I could just bring up -- are we going to address this with the MEAC? They would like some kind of, I guess answer from us on what happened with that as far as -- I don't know the protocol with that when it comes to the grants. The Dog Park had them, did they pay for that, the advertising, because I don't know how that works. So if it could be explained to me so I understand it. Is that normal for that to be charged to that?

Mr. Kerner replied, I feel like it is but I don't know for sure.

Ms. Smith replied, I mean I don't want to say anything because I really don't know how that process is for that. I mean I understand they are upset, it's a lot of money. Obviously they weren't aware of it.

When they applied for grants before, was that charged before, do we know, I mean that's not the first grant that they've gotten.

Ms. Kronnagel replied, I think this one was different because they had private donation money that they used, I think that's what they're saying is separate from other previous outings. I think that that's their issue. I think.

Ms. Smith replied, and this is the one that maybe didn't --

Ms. Kronnagel replied, I think,

Ms. Smith stated, you think, okay.

Ms. Kronnagel replied, I think. Because they made a point of saying that more than once. So I don't know if this is somehow separated throughout, through their -- how they left.

Ms. Smith stated, yeah, I would just for myself like to know more clarification on it because if it was something that they -- like I said, what was the difference with the other grants, was there no private donations, you know, I really can't give an opinion if I don't know all the facts on it so, that's the only reason I'm saying.

Ms. Kronnagel replied, I think they do their own fundraising for this, I think. I think that's what the difference was. That could be -- I could be mistaken about that, but I think that that is the difference.

Ms. Smith asked, Mr. Sooby, could we look into it for them and find out what that is --

Mr. Sooby replied, yes we can.

Ms. Smith replied, so we can give them an answer to them because it's not really right to not answer their question on that.

Mr. Sooby asked, do you want me to bring the answer back to council or do you want me to notify Mrs. --

Ms. Smith replied, yeah, I would them, but also council should know so we are aware of the process for it, because I really don't know.

Mr. Kerner stated, I kind of think that Announcements and Borough Officials kind of roll into the same thing.

Ms. Smith replied, yeah you don't know where to put that in, you want to answer it after the public comment, you want to wait until the end, so that's they only reason I wait until the end.

Mr. Kerner replied, maybe we will move announcements to the beginning of the meeting and keep Borough Officials at the end. That way, if we have something that we want people to hear --

Ms. Smith replied, well that's just it I guess you have to decide if -- when they have a remark, do you wait until after all the comments and then address it if you want to at the point or like now. I feel like

it's official to wait until this point and we have -- we talk -- so interrupt with the regular business, that's just what I'm saying, that's why I waited. Otherwise I would have addressed it right at that moment.

Mr. Kerner stated, right, but I'm just saying, it make sense to have some announcements up at the front.

Ms. Smith replied, right, so.

Mr. Kerner stated, maybe up with our reports.

Ms. Smith replied, yeah, maybe not even call it announcement, just that if anyone chooses at that point to address it or whatever.

Mr. Kerner stated, maybe it would be Borough Officials so that it be moved up there.

Ms. Smith replied, yeah, yeah, in case someone wants to say something about what was mentioned like in this case.

Mr. Kerner stated, and I guess all that leaves is I guess, an adjournment.

Sean Kilkenny asked, President Kerner, was there a request for an executive session?

Mr. Kerner replied, no.

Mr. Cicero asked, do you need one?

Sean Kilkenny replied, I do not need one. The Mayor had mentioned to me earlier in the day.

### ADJOURNMENT

**Motion** to adjourn.

**Motion** made by Ms. Kronnagel and seconded.

Meeting adjourned at 9:11 pm.