

MEETING MINUTES
MORRISVILLE BOROUGH COUNCIL
REGULAR MEETING

MONDAY, APRIL 18, 2016
7:30 p.m.

The Morrisville Borough Council met on Monday, April 18, 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 where I'd like us to remember those we've lost, followed by the pledge of allegiance to the flag.

Mr. Kerner stated, I'd ask now for a roll call.

Mr. Sooby took roll call at this time.

Those in Attendance:

Borough Council: Fred Kerner, President
Ted Parker, Vice President
Victor Cicero
Corryn Kronnagel (arrived at 7:33)
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

Junior Councilperson: Anna C. Zuckerman

SPECIAL PRESENTATIONS

There were no special presentations this evening.

HEARING OF THE PUBLIC

1. *Annie Milinois - 142 W. Hendrickson Avenue*
She mentioned that the Audubon Bird Town awarded Morrisville an award for the Broadest Community Involvement. The Morrisville Dog Park won the Bucks Happening List Best Dog Park in Bucks County. She wants to use their grant money to put two Landmark Town signs at the Dog Park and incorporate the majority of the trees into beds with other plantings to make it easier for mowing maintenance. She thinks we should have a community tree at the Borough Hall and the Town Square.
2. *Ed Tashjian - 227 W. Franklin Street*
He stated that certain council members are criticizing other council members on social media and it is unacceptable. We don't want or need a verbal free for all on social media. President of Council should curb this type of behavior and not be the perpetrator, it is a classless act for someone on council to behave this way.
3. *Mike Yager - 338 Melvin Court North*
He wanted to announce on May 21st 2016 from 9:00 - 1:30 there will be an event called Hands Across The Canal Path with many vendors and raffles.
4. *Jane Burger - 90 W. Maple Avenue*
She supports tonight's motion for a resolution where Cafe Antonio wishes to obtain a liquor license and hopes that council supports it. She talked about the last agenda meeting and the topic of different boards and committees. She suggested that council look at the arts and events committee resolution and the recreation advisory board and see if they need to be changed or if you need to get rid of the resolution. She stated that when council goes into executive session they have to give an explanation.
5. *Bill Setzer - 806 Crown Street - Morrisville EAC*
He wanted to thank the 30 people that came out to the Riverfront clean-up on Saturday. He is hoping that people come to help with the Graystones clean-up the last Saturday of April. He stated he was also here tonight in case council was having any discussions on the two proposals that the beautification committee and the dog park had brought forth. The MEAC likes the idea of having gardens around town and at the Municipal points, those are our recommendations and there's nothing political about them.
6. *Madeleine Jones - Hillcrest Avenue*
She wants everyone to support the Hands Across The Canal Path and the businesses that are supporting it. She is in support of Cafe Antonio's resolution this evening.
7. *Bill Farrell - 347 N. Pennsylvania Avenue*
He stated that people in town come to him, they won't come to council because they don't get common courtesy. He mentioned a previous meeting where there was a big hoopla where one of the council members called the police chief and protocol and chain of command was mentioned. What is the proper protocol for these people, who do I tell them to see. Elections are coming up, I've been hearing rumors around town. I look at this council and I see a couple of clones, they can't think for themselves. He told

council that they are a private citizen first and second they are an elected official. Council works for Morrisville, they elected you.

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

APPROVAL OF MINUTES

There were no minutes to approve this evening.

REPORTS - ADMINISTRATIVE/MANAGEMENT CONTINUED

Borough Manager's Report - Robert C. Sooby - He stated, there is no report at this time.

Solicitor's Report - Sean Kilkenny - He stated that they have been working with the administration on several issues, mostly right to know issues, some general code issues, and just trying to help Mr. Sooby take the reigns and clear up any remaining issues.

Engineer's Report - Kurt Schroeder - There was no engineer's report this evening.

Mayor's Report - David Rivella - He stated that April 2nd was the annual canal cleanup in Morrisville and he wanted to thank the Community Volunteers, Boy Scouts Troop 3, Chief McClay, Councilman Parker, Mike Cooper who works for the Public Works, several members of the IBEW. He also thanked Ron Scheese, who had worked for the Borough for many years and had been instrumental in maintaining Morrisville's portion of the canal for many years. Before the cleanup, he presented Ronnie with a Proclamation on behalf of Morrisville for his help. He announced that tomorrow night there is a public meeting here at 7:00 for the Morrisville Community Cam Program. He announced that the National Safety Council observes April as "Distracted Driving Awareness Month. He reminded residents to be aware of motorcycles, children and people walking their pets while they are driving.

Police Chief's Report - Chief George McClay - There was no police chief's report this evening.

Junior Councilperson's Report - Anna C. Zuckerman - She stated that Morrisville has begun the fourth quarter. The Elementary School has been doing their PSSA testing for the past two weeks. The High School has testing coming up as well. She congratulated the students that went to the FBLA States, especially Matthew Jacobs who came in second place. She congratulated the Morrisville Middle School Student Government, they held a car show, the student band, EFM performed at the show. Baseball and Softball is in full swing, please come out and support the teams.

Ms. Kronnagel congratulated Anna Zuckerman YWCA Teen Volunteer of the Year for Morrisville High School.

FINANCE

Mr. Sooby read the bill list.

Motion 8A - Motion to pay the bills.

Motion made by Mr. Parker.

Ms. Kronnagel seconded the motion.

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

Mr. Sanford, I am abstaining on voting for any invoices for vendor Sanford Motors Ltd. due to family member conflict of interest. (Invoice #012184 for the sum of \$528.97 and invoice #012195 for the sum of \$685.34)

Mr. Kilkenny stated, Councilman Sanford as well disclosing the conflict as you did properly, you are supposed to also do that in writing.

Mr. Kerner stated, noting that one abstention, is there any other comments?

Ms. Smith asked about page 1, Amerihealth Casualty Services, there are 5 entries listed, additional premium due from audit. Is it from 2015 or 2016 that is owed?

Mr. Sooby replied, I believe it's 2016 Debbie. I will check into that for you Mrs. Smith.

Mr. Kerner asked, any other question on the bills? All those in favor say aye.

Motion carried by voice vote, 8-0. (Mr. Sanford abstained from invoice #'s 012184 and 012195)

UNFINISHED BUSINESS

There was no unfinished business to discuss this evening.

NEW BUSINESS

Motion 10A - Resolution to approve Cafe Antonio Pizzeria and Restaurant to acquire an economic development restaurant liquor license from the Pennsylvania Liquor Control Board, for premises located at 107 East Trenton Avenue, Morrisville, PA 19067.

Motion made by Mr. Parker.

Mr. Sanford seconded the motion.

Mr. Kerner asked, any discussion on this motion? All those in favor say aye.

Motion carried by voice vote, 8-0.

Motion 10B - Motion to Designate an Official Voting Delegate and Alternate Delegate for the 105th General Assembly of Boroughs, June 6 - 8, 2016. The Designated Voting Delegate is appointed for the purpose of electing the Officers of the Association and voting on proposed resolutions and policies.

Motion to nominate Debbie Smith as primary made by Mr. Sanford.

Mr. Kerner asked, do we have any other nominations? Any other nominations? Any other volunteers? Any other nominations? All those in favor of Debbie Smith as our Delegate say aye. Opposed?

Motion carried by voice vote, 8-0.

Motion to nominated Todd Sanford as alternate made by Mr. Parker.

Mr. Kerner asked, are there any other nominations? Any other nominations? Any other nominations? questions? All those in favor of Todd Sanford as our Alternate Delegate say aye. Opposed?

Motion carried by voice vote, 8-0.

Motion 10C - Motion to approve the Designation Of Agent Resolution for the January 2016 Snowstorm (4267) as required in order to apply for financial assistance.

Motion made by Ms. Kronnagel.

Mr. Parker seconded the motion.

Mr. Kerner asked, any discussion on that motion? All those in favor say aye. Opposed?

Motion carried by voice vote, 8-0.

Sean Kilkenny stated, excuse me President Kerner, I know there were two items for possible executive session that may require action later by Borough Council, I believe one related to litigation and a possible settlement of a lawsuit, and the second was a personnel issue related to a personnel training issue.

Mr. Kerner stated, I make a motion that we go to executive session now in case there is anything we need to vote on, we will reopen public comment at that point and continue the meeting.

***Council went into executive session at 8:15 p.m.
Council returned from executive session at 8:26 p.m.***

Mr. Kerner read the two new motions, 10D and 10E.

Sean Kilkenny stated, I would suggest you make a motion to open the agenda to add those two items.

Motion to open the agenda and add two items.

Motion made by Mr. Cicero.

Ms. Kronnagel seconded the motion.

Mr. Kerner asked, do we have any discussion? All those in favor, say aye. Opposed?

Motion carried by voice vote, 8-0

Motion 10D - Motion to approve settlement in the matter of David Hall vs. Morrisville Borough in the amount of \$10,000.00.

Motion made by Mr. Cicero.

Mr. Parker seconded the motion.

Sean Kilkenny gave an explanation about the settlement.

Mr. Kerner asked, is there any discussion on that?

At this time Mr. Kerner opened the floor to public comment.

1. Bill Farrell - 347 N. Pennsylvania Avenue

He asked if this was the amount that was agreed to by the person who's involved with the settlement.

Sean Kilkenny replied, the plaintiffs counsel and our insurance counsel recommended it and he is amenable to it.

Mr. Kerner asked, is there any other discussion? All those in favor, say aye. Opposed?

Motion carried by voice vote, 8-0

Motion 10E - Motion to move \$9,453.51 from the 2004 Capital Improvement Fund and the 98/02 Capital Improvement Fund in to the Payroll Fund.

Motion made by Ms. Kronnagel.

Mr. Parker seconded the motion.

Mr. Kerner asked, would anyone in the public like to comment on that?

Mr. Sooby stated, I was hired and began my position as Borough Manager on Monday, January 4th, 2016. Immediately, I set out to review all of the processes and procedures in place for the overall administration of the Borough. Approximately one month into my new duties I was made aware that the Borough had PA State Quarterly W-3 reports and Federal Quarterly 941 reports that hadn't been filed as required. There were also tax deposits that had not been transmitted in a timely fashion to both the State of Pennsylvania and the Federal tax authorities. Upon discovering this information, I made sure action was taken immediately to work through the records and file all of the quarterly reports due. Filing the reports prompted the State and Federal penalty notices we have received for payment. While not being here at the time, I have come to discover the Borough had gone through a major transition period from 2010 through 2013. In retrospect, it is believed that due to time constraints and budgetary concerns during that period, the preferred training procedures were not able to be implemented and utilized by the staff at that time.

Mr. Kilkenny asked if the money that is subject to this motion would be to pay the majority of the fines and penalties.

Mr. Sooby replied, that is correct.

Mr. Kerner asked, are there any further questions from the audience?

At this time Mr. Kerner opened the floor to public comment.

1. Kurt Holthenrichs - *Melvin Avenue*

He asked, who's responsibility was it then to pay the taxes. Our manager just didn't pay the taxes, is that what you're saying?

Mr. Kerner stated, I believe we had a vacancy there and when that person left, no one else was explicitly told that was their job.

Mr. Holthenrichs stated, no one took responsibility and the Manager just let it go. How much are the fines? How much did we accrue in fines that we are paying?

Mr. Kerner stated, as of now, \$9,453.51.

Mr. Sooby stated, I'd like to make a correction on that. We already paid a sum of \$3,660.00.

Mr. Holthenrichs, wow, you guys hired a good one there, thank you.

2. Mike Yager - *338 Melvin Court North*

He wants everyone to think about who was questioning processes and who wasn't, because we have people were on our dais now who weren't questioning processes and still aren't questioning processes and they're not questioning bills either. I caution everybody in the next election to consider and think very closely about who was up there at that time and was allowing these things to go on, just fly on past and do nothing about it.

3. Jane Burger - *90 W. Maple Avenue*

She stated, Mr. Sooby, welcome to Morrisville. You do have a lot on your shoulders and a lot to straighten out and I'm sure there are many of us that genuinely wish you well well for the benefit of Morrisville because who knows what else we will find. I do understand the transition period. It all goes to hiring and we do know who that gentleman was that was hired in 2010. We do know from 2010 to 2013 there was an excellent, competent, long time office administrator person who did a wonderful job and when she was here, I doubt any report was missed. We used to get a list on council of timeframes and everything that was filed and all those reports, you might get a copy of that and it might be something good when you can take a 5 minute breather to make sure Council gets that again. My question is, what is the time period that these reports were not filed, was it between 2013 and 2015?

Mr. Sooby replied, yes. It was the last quarter of 2013, 2014 and 2015.

Ms. Burger stated, we know who was boarding the show and we certainly know now how familiar you are with these reports. God Bless you. She asked the solicitor for clarification that these type of capital improvement funds could be used for payroll expenditure.

Mr. Kilkenny stated that he conferred with the auditor and the fact of the matter is, these bonds have been paid back by the Borough of Morrisville. Once the loans have been satisfied, Morrisville Borough is free via public motion and transparency to go ahead and use those proceeds to pay back these fines.

4. Bill Farrell - 347 N. Pennsylvania Avenue

He stated, Mr. Sooby, I know you're new here, I hope when we get down the line there's no more skeletons in the closet, because there's going to be hell on wheels if there is. I spent numerous times up here talking about the pool. And I was upset with the litigation for the police department, which cost this town over \$500,000.00. I know you're new, but I would find out where all these closets are and get rid of all the skeletons while you can. I wish you luck. Of course I'm glad you're here rather than the last guy.

Mr. Kerner asked, are there any questions from the dais?

Ms. Smith stated, I just want to thank Mr. Sooby, he's been under a lot of stress for sure. He's had a lot of stuff tossed on him the minute he walked in and I'm sure there's a lot of legwork that had to get processed for a mess that our former Manager left us, so thank you Mr. Sooby.

Mr. Sooby stated, yes, I'd like to also recognize my head secretary, Virginia Cyphers, she put in a lot of time and effort to make sure we cleaned all this up.

Mr. Kerner asked, anything else from the dais?

Mr. Pepitone stated, Mr. Sooby has done an outstanding job, I know how hard he worked on this, we spoke about it. Thank you Bob, I appreciate it.

Mr. Kerner stated, thank you Bob.

Mr. Parker stated, I'd like to say that as well, also It might be time to consider giving Mr. Sooby a contract that he deserves.

Mr. Kerner asked, may I have a roll call please.

Motion carried by roll call vote, 8-0.

ANNOUNCEMENTS

Ms. Kronnagel stated that there is another meeting taking place tomorrow for the Artists of Morrisville, this is something a resident, Peter Eisengrein is starting, it will take place at the Senior Center at 7:00 pm. If you can make it, please come out. She stated that they are building a new Scudder Falls

Bridge, while it does not come into Morrisville, it will likely increase the traffic into town. It is a five year project and should be completed by 2021.

BOROUGH OFFICIALS

There was no Borough Officials discussion this evening.

ADJOURNMENT

Motion to adjourn.

Motion made by Ms. Kronnagel and seconded by Mr. Parker.

Meeting adjourned at 8:43 p.m.