

MEETING MINUTES  
MORRISVILLE BOROUGH COUNCIL  
REGULAR MEETING

TUESDAY, JANUARY 17, 2017  
7:30 p.m.

The Morrisville Borough Council met on Tuesday, January 17, 2017 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 begin this meeting with a moment of silent prayer followed by the pledge of allegiance to the flag.

Mr. Kerner stated, I will now ask the Borough Manager, Bob Sooby 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  
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: Garlie St. Cyr

**SPECIAL PRESENTATIONS**

Mr. Kerner stated, we will begin then with #4 Special Presentations, starting with 4A, Swearing in of Part Time Officer Michael S. Levitsky.

Officer Michael S. Levitsky was sworn in by Mayor Rivella and accompanied by Police Chief George McClay.

(audience claps)

Mr. Kerner stated, we will now move on the hearing of the public.

### **HEARING OF THE PUBLIC**

1. Robert Butcher - *810 South Pennsylvania Avenue*

He stated, good evening Council, the reason I am here tonight is because of the situation on South Pennsylvania Avenue. These trucks coming down they're very heavy. They can't stop on a dime, they can't even stop like a car, it takes them a quarter to a half a football field to stop. Some of them go the speed limit, probably some of them don't. They're all diesels, their exhausts are 90 degrees facing everybody's -- each side of the houses as they go down. There's so much traffic on there, I can't get out of my car, I have to sit there and wait. There is more traffic there then there is on Route 1 and I can't understand why they aren't using Tyburn Road because they've spent hundreds of thousands of dollars. I took a ride down there, there's nobody on it. Why? Why aren't they using Route 1. South Pennsylvania Avenue, it's all dug up there by the way, PECO is there all the time digging it up. It's because of the weight. The whole street is on a bed of -- riverbed. When they were digging it up, it looks like sand underneath that road. They use their Jake brakes and -- or I should say engine braking, can't say Jake brake, but they are polluting the air. You can smell the diesel fuel when the weather is right or when it's bad. It's just polluting a nice neighborhood and these big trucks should not be coming down South Pennsylvania Avenue. There should be a 15 ton limit on that street. If you're not going to do that, put the State Police down there 24/7. Nobody is patrolling that, the cops -- I don't want to say anything about the cops, but the State Police should be down there if it's a State Highway. Now, this happened last year in Lawrence Township. An 80,000 pound -- I'm not sure who it was allegedly driving an 80,000 pound truck erratically at a high rate of speed on Northbound Brunswick Pike which is Business Route 1 in Lawrence Township at 3:00 P.M. on July 17th when he collided with McCleans Nissan Ultima which is stopped at a red light at the intersection of Lake Drive. Here's a guy that was dead wrong, dead right, he was dead right. The truck hit him, he was at the light, pushed him into the lake, landed on top of him, the guy died. We should not have these trucks coming through the neighborhood. I see there's a lot of kids that are out walking around, there's a lot of new families there. There's people from the other end with their bicycles and skateboards and whatever. That's why I'm here to see if you could either put a 15 ton limit on that road or I don't know what else to tell you. But the way it's going now, there's more traffic on there then there is on Route 1 during the day. There's more truck traffic there then there is on Route 1 and that's all I have to say. Thank you for your time.

Mr. Kerner stated, thank you, we'll see what we can do. I'm not sure we have that much --

Ms. Smith stated, can I make a remark?

Mr. Kerner replied, sure.

Ms. Smith stated, Mr. Butcher, I recently have been to Senator McIlhinney's office about this issue. There are several people that contacted me too about it and he works with PennDot, he also talked to our Chief of Police at another time about this traffic problem. It has to be done legislative, he is aware that there is a big issue with this and he is working on this. He had contacted PennDot to come down here and take a look at that problem with that traffic, cause you really have to sit there and it's amazing to watch how much has gone up and down there and they are not using Tyburn Road, so we are designated as a truck route because of the fact that it's a state road, so it has to be changed legislatively that it's not -- only for local deliveries, so he is working on that, I will contact him again because I saw him over the holidays and he said he was going to be coming down here to see it himself. So, if you want, you can leave your number with me and I will also let him know you came here to speak and we need him down here -- and get them moving on this to do something about that truck traffic, cause it's not only hazardous, but it shouldn't be going through that neighborhood the way it is. I was down there myself last week coming off from where the dog park was and in, I'd say a minute and a half sitting at the light to get on to Pennsylvania Ave., five trucks came by, and four were dump trucks and one was a tractor trailer. I've been at the Plaza where I don't know how some of those tractor trailers are making a turn around that corner, so they're not only coming down off of just the lower end of Pennsylvania Ave., but they're also entering off the top of Pennsylvania Ave.

Mr. Butcher asked, can I add something to this?

Ms. Smith replied, sure.

Mr. Butcher stated, one quick thing. I want to say thank you very much, I had no idea you were looking into it and I'm really happy, but when they put that toll on --

Mr. Kerner stated, do you want to come to the microphone just so that we can hear this for the minutes?

Mr. Butcher stated, when they put that toll on the Scudders Falls Bridge and when they put that recycling trash plant or whatever they are putting in Falls, they're all going to be avoiding the toll because they pay a lot of money to go over that toll, over that bridge, and they are going to be taking back roads and everything to get on 95 through Route 1, so we should put some signs up--

Ms. Smith replied, that's what's going to happen.

Mr. Butcher stated, no hazardous material or something -- solid or waste before they open that plant up.

Ms. Smith stated, when the legislation would get changed, and those roads would be -- signs would go up and designate that it's only local deliveries that get done here then that gives teeth to the law that our Police Officers and our Chief can then have the officer do something about it if they are coming down an area they're not supposed to be. Like I said, he is looking into it. He's as upset about it and why it's getting as bad as it is. So, I will keep you informed about it if you leave your number with me.

Mr. Butcher replied, I will at the end of the meeting. Thank you very much.

Ms. Smith replied, sure.

Mr. Kerner stated, thank you Debbie, thank you Robert.

2. Holly Harman - *South Pennsylvania Avenue*

She stated, good evening. I only live a block from Bob, and he's right. There's patches, there's cut open holes, the smell of gas that's coming out of those pipes because they can't cap them so they just let them vent and on a cold day when the gas is laying low it's -- you can't walk down the street, it's really bad. I followed one of those trucks one day, I thought you know what, I'm really going to find out where these are going. They're going to Waste Management. Waste Management is evidently opening a new site at the old Turkey Hill Rod and Gun Club. I sat in the Mealy's parking lot for an hour, it's not clean earth, I saw one clean earth truck go by me in an hour. The rest are all pulling off all that spur off of New Ford Mill Road into Turkey Hill non stop. I mean, they are coming in and out as fast as you can count them so I do agree what he is saying that the traffic is over the top in that area. Another thing I wanted to talk about is the appointments. When were these advertised? Nobody is aware that there were any openings. I haven't seen anything in the classifieds, I don't see anything on the Kiosks, there's nothing on the website, there's nothing on the T.V. scroll about these Planning Commission, Municipal Authority openings.

Mr. Kerner replied, I'm not sure. I thought they were on the website, but they were not as of our last meeting.

Ms. Harman stated, they're not. So how is the public allowed or informed that if they want to put in a letter of intent?

Mr. Kerner replied, I don't know that we have an answer for that.

Ms. Harman stated, well, you are about ready to appoint some people and the general public isn't aware of.

Mr. Kerner replied, I'm sure we could table these if we were so inclined.

Ms. Harman stated, alright, that's my point there too. And also, the budget meeting on the 30th, half of the Verizon customers didn't televise, is there a reason for that? Only Comcast got it.

Mr. Kerner replied, I'm not sure. I don't know that that's us. I think that's a question for Verizon.

Ms. Harman, okay, but again, you know, half the Borough didn't know what was going on so maybe someone needs to look into flipping the right switch. Thank you.

3. Jane Burger - 90 W. Maple Avenue

She stated good evening everyone. I'm very glad that it's raining and not snowing out there this evening. I'm sure you are and our tired public works guys are as well. So we have much to be thankful for. I just want to speak briefly regarding the appointments, I was at the agenda meeting last week, I know that some are coming and I know that when there are incumbents seeking reappointment and they are doing a good job, it seems logical to reappoint those individuals. However, I am mindful, I remember a suggestion that Mayor Rivella made back when he was a member of Council that it really was important to post upcoming vacancies on the various boards whether there is an incumbent or not. And I mention it tonight, only because the MMA appointment is an open appointment this time. The gentleman who had served for several years, did not seek reappointment and as we know, he's sadly just moved out of town. So, I'm asking that you may be considerate as you suggested, Mr. Kerner maybe tabling it until next month, see if there is anyone in the public that's interested and what they're qualifications are and then --

Mr. Kerner asked, is that a vacancy that you could live with?

Ms. Burger replied, yes. Yes, yes we could. And there may not be anyone to come forward, there may be someone with I don't want to say better qualifications, because obviously our Council people are qualified. But I do know that both Mr. Parker and Mrs. Smith had expressed an interest in -- I do remember seeing Mr. Parker at some meetings of the MMA as well as Mrs. Smith, so they have some familiarity with it. But I'm sure that, I'm confident that they would not mind if you would postpone that appointment until next month to see if there is someone else and then of course that month, Council you know next month in February will decide who they want to sit on that board and I would hope that the colleagues would concur with that and going forward, you are aware that they are not posted on the website or on the scroll that you can return to doing that practice. It stopped sometime under the previous administration, so I thank you very much for hearing.

Mr. Kerner replied, thank you Jane.

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

**APPROVAL OF MINUTES**

**Motion 6A** - Motion to approve minutes for the Regular Borough Council Meeting of November 21st, 2016.

**Motion** made by Ms. Kronnagel.

Mr. Pepitone seconded the motion.

Mr. Kerner asked, any questions or comments on these minutes? All those in favor say aye. Opposed?

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

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**Motion 6B** - Motion to approve minutes for the Regular Borough Council Meeting of December 19th, 2016.

**Motion** made by Ms. Kronnagel.

Ms. Smith seconded the motion.

Mr. Kerner asked, any questions or comments on those minutes? All those in favor say aye. Opposed?

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

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**Motion 6C** - Motion to approve minutes for the Special Borough Council Meeting of December 30th, 2016.

Ms. Larison stated, those minutes have not been fixed yet.

Mr. Kerner stated, we can't discuss it until we have a motion.

**Motion** to made by Ms. Kronnagel.

Ms. Smith seconded the motion.

Mr. Kerner stated, now we will discuss those minutes.

Ms. Larison stated, they have not been fixed yet. I am still Mr. Larison in the minutes.

Ms. Kronnagel replied, and the break down of the vote is not laid out, it just says 4, 4.

Mr. Kerner replied, so the changes that we suggested at our agenda meeting have not been --

Mr. Sooby replied, fixed, they were told to do them. I don't know what happened.

Mr. Kerner stated, so, if we have a motion to table this --

**Motion** to table made by Ms. Kronnagel.

Mr. Pepitone seconded the motion.

Mr. Kerner stated, all those in favor of tabling, say aye. Opposed?

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

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Mr. Kerner stated, that concludes the approval of the minutes we will move on to reports starting with the Manager's Report.

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

**Borough Manager's Report - Robert C. Sooby** - He stated, I have been working for the last three weeks. I am going to do an end of year report and hand it out to Council in their deliveries on Friday. I also would like to get out to the residents of Morrisville about the sanitation bills will now be in your taxes. It's very important that we get the word out. We are sending a notice out to the residents, but this is a change that we're going to do and we want it to run as smooth as possible, so we're looking at every avenue to get the word out to the people. That's all for my report.

**Solicitor's Report - Sean Kilkenny** - He stated, thank you very much Mr. President, I've worked with the Borough staff over the last month on various right to know requests as well as the hopeful finalization as the Manager (inaudible) M. R. Reiter, hopefully that moves forward towards the end of this month. Also, too on the agenda under Borough Officials, open discussion with the Borough Solicitor regarding medical marijuana. As you may know, the General Assembly and Governor Wolf allows for medicinal marijuana and various municipalities throughout the Commonwealth are now getting approached about dispensaries, growing facilities. Bucks County was only given one license in this current round, but I thought various other municipalities that I represent are figuring out how to deal with this in zoning. I forwarded a memo to Council with some suggestions and I just wanted to figure out where Council wanted to go so I can work with Mr. Sooby, Mr. Seward and the rest of the staff and hopefully be a little proactive on this issue.

Mr. Kerner asked, is this a Council issue or a zoning issue?

Mr. Kilkenny replied, it's a Council issue. You tell me how you want to write the zoning, that's really what it is.

Mr. Kerner asked, what's our time table on --

Mr. Kilkenny replied, you could do nothing, but what I'm saying is, because people are being approached with that -- you know, the memo I wrote talked about various approaches. Medical marijuana dispensaries are a kin essentially to a pharmacy. It's a highly regulated process, you have to get a prescription to go ahead and come in. There are security measures. This is not for people without funding. It cost a minimum of \$250,000.00 in cash in the County to even apply for a license in the State. It also needs to be near transportation and public transportation links, that's part of the criteria for awarding a license. I'm not saying if Morrisville will get one or even if anyone is interested, but what other Townships have done and Boroughs have addressed their zoning to put it in districts where a pharmacy is provided for and require that any approval be by special exception in front of your Zoning and Hearing Board. That was kind of our recommended course of action. But what we would need to do is, we would need to amend the Morrisville Zoning Ordinance to do that. That would require a public action of you to go ahead and do that, it would require a public hearing, it would require a review by our Planning Commission and by the Bucks County Planning Commission and then you could move forward. Again, you don't need to do anything, but I was just suggesting based on several of my other clients being approached that perhaps Morrisville will consider being proactive on this, that's all.

Mr. Kerner stated, I'm just curious if we would need to schedule a separate meeting to discuss this or if we could just tack it on to a --

Mr. Kilkenny replied, no, you can tack it on to another meeting.

Mr. Kerner stated, we can really try to hammer something out to come back to you with.

Mr. Sanford stated, Sean, I have a question, when's the first round of licenses that will be issued?

Mr. Kilkenny replied, so, the period ends to apply at the end of March. So at that point, the powers that be in the State, Health and Human Services will do an evaluative process and one will be given out in Bucks County.

Mr. Sanford replied, thank you.

Mr. Kilkenny stated, and this is only the first round. This is here to stay, there are going to be more -- in the future there are going to be more licenses given out. This is just the first run, so it's better I think for Morrisville to address this now and think about it a little bit about it before it happens.

Ms. Smith stated, this is all new for everyone, are the different municipalities that you're working with setting up very similar regulations for it?

Mr. Kilkenny replied, yeah, as I said, most people are basically requiring -- our interpretation has been that it's a kin to a pharmacy, that's the closest thing that a medical marijuana dispensary is. So you provide for that in Zoning and you require any approval to be a special exception at your Zoning Hearing Board. Basically, the state law that was passed basically says you can't prohibit it, but you can place some regulations on it, and that's what a special exception does. The highest burden at a Zoning Hearing Board level is a variance, below that is a special exception, which is really defined by some criteria and you move forward and that's kind of what we've been recommending to some of our other clients. Some of my other clients actually have had people already approach them and are



actively applying for a license and are asking that various boards actually make a public motion in support of that. So, that's where it is in kind of other places I represent. I haven't heard that in Morrisville, but I just wanted Council to at least start thinking about it.

Mr. Sanford asked, what's the total number of licenses in the state for the first round?

Mr. Kilkenny replied, I don't know the whole state. I know Bucks County, 1, Delaware County, 1, Philadelphia, 3, Montgomery County, 2 and Chester County, 1.

Mr. Kerner stated, so I guess based on population I guess, no lower than one? Did Potter County not get one?

Mr. Kilkenny replied, I'm kind of much more in tuned to South Eastern Pennsylvania, so I don't really know.

Mr. Kerner stated, so I'm assuming this is taking the place of 12A, we can just --

Mr. Kilkenny replied, yeah, you can -- exactly.

Mr. Kerner stated, that's fine. That way if we did want to make a motion on it we --

Mr. Kilkenny stated, and I did forward a memo to Mr. Sooby. He can distribute it again and kind of give -- put it in writing.

Mr. Kerner stated, okay, I think we need to get, sit together and kind of bang our heads together on this, because no matter where we would designated it, there are neighbors.

Mr. Kilkenny stated, absolutely.

Mr. Kerner stated, there's no where in Morrisville it's not very close to.

Mr. Sooby stated, and we've already been approached for a dispensary in Morrisville.

Ms. Smith asked, so are we waiting to the next agenda meeting to bring this up and discuss these things, is what you're saying before we give instructions to the attorney, or we're making some kind of motion tonight?

Mr. Kerner stated, do we want to look at it right now without any idea of where these sections might be, or could you just do --

Mr. Kilkenny replied, yeah, what I would suggest is, basically give my office the opportunity to talk to Mr. Sooby and Mr. Seward, find out exactly where we think it would be provided for in the current zoning and then make you aware of where it will be.

Ms. Smith stated, where those areas would be.

Mr. Kilkenny stated, and then perhaps even at your next agenda meeting have either myself or a representative of my office attend just so we can go over it with you and we understand so we have clear guidance on what you want us to do.

Ms. Smith replied, okay. Alright, thank you.

Mr. Kerner asked, would we like to add that to our agenda, 10D, motion to permit the Borough Manager to speak with the Solicitor.

Ms. Smith replied, yes.

Mr. Cicero asked, why do we need to vote on that?

Mr. Kilkenny replied, you don't have to vote on it.

Mr. Kerner asked, oh, we just tell him.

Mr. Kilkenny replied, just tell me.

Mr. Kerner stated, okay, let's do it. So does that conclude the Solicitor's Report?

Mr. Kilkenny replied, that does.

**Mayor's Report - David Rivella** - He stated, yeah, I just want to once again welcome Mike Levitsky. I know actually some of the residents heard the name and they recognized it. Mike was actually an Officer in the beginning of his career in Morrisville about 30 years ago here. So, welcome back Mike. That's it.

**Police Chief's Report - Chief George McClay** - He stated, part of our Municipal Police Officers training this year was about the medical marijuana and the restrictions that are on it. I suggest that you have the police department involved in this too when that time does come around. But realize, it is not leaf form that is being sold at these places. This is all medicine and like the Solicitor said, this is just a pharmacy and they have to have an ID card when they walk in the place so it's very very restrictive. So it's not just going to be a fly by the night kind of thing and it's not going to be 18 to 21 year olds going in there like as compared to what goes on in Denver right now. It's a whole different thing. This is medical, that is for fun, if you want to put it that way. That's what it's all about. We had a whole -- we had four hours of this on the Municipal Police Officers Training this year. I'll try to make this very quick tonight. It looks like the meeting is running really good. We are finishing our budget year with \$160,000.00 in the black. The end of year numbers are up there for crime stats, we are up 12 percent in part one crimes. We are down 12 percent in part two crimes. After my last presentation last month, on one of the Facebook sites, there was a mention about a rape that we had last year, that was a family situation. You'll see another rape coming up in my stats, that is another family situation. Both have been arrested and the people have been put away for a long time, so they are not predators that are out there. This past year, we had eight robberies, as compared to six robberies the year before. We had five arrests out of those eight. The other three were complainants that were not cooperative for different reasons, I'm sorry, one of them was a legitimate robbery, and it was a very little description. So out of the eight, really one wasn't solved. I'm pretty happy with those

statistics. Aggravated assaults for this year, we had one as in compared to 15. We had eight aggravated assaults. Burglaries, we had 34 this year. Last year we had 28. Burglary arrests, we had nine. Last year we had five. So our arrests went up with the burglaries. Thefts for this year they are up, we had 148 as in compared to 115 last year. Our arrests were 28 as in compared to 23 for last year. Vehicles thefts are down from 18 last year to 10 this year. Overall my arrests are down by over 100, last year we were at 403 and this year we are at 300 and that is because my drug arrest are down. We are 80 fewer then we were last year. Is that good or bad? I send my guys out on overtime that's paid by the District Attorney's Office and they are coming back empty handed. I see the pictures up on the canal path of some bags, that's going to happen, you're going to have that once in a while, but the drugs compared to what they were 3 years ago in the parking lots and Smokin Joe's, it's not there like it was before. So that's one reason why it's down. The other reason why it's down is because my Corporal as you still know is on limited duty and he was my lead drug guy. I'm hoping he comes back this year and we can start going out. Besides that, as the Mayor mentioned, Mike Levitsky is now on the road by himself. I'm very happy to have him, he was a 28 year veteran in Cheltenham, he retired as a detective. He was assigned to the DEA for 9 years. I'm lucky I got him. He's a mature guy that knows the law and will be good for the younger guys that are here to teach him some stuff. Besides that, we had an insurance meeting this week with Mr. Sooby. All lawsuits, internal and external for the Police Department are done. We have nothing in the tube. Which is the first time we can say that in about 5 years, which is a good thing. That should help our insurance rates going into the future. But right now, we have no lawsuits, everything is settled and everything is good. So with that in mind, we are looking forward to a good 2017 and god willing everything goes well. Thank you.

Mr. Kerner replied, thank you Chief.

Ms. Kronnagel replied, thank you Chief.

Mr. Kerner stated, that concludes our reports, we move on to finance.

Ms. Kronnagel replied, wait, wait --

Mr. Kerner stated, oh, no, it's not on --

Mr. Sooby stated, oh man.

Mr. Kerner stated, so sorry Garlie, so sorry.

Ms. Larison stated, it's not on -- it's still not here --

Mr. Kerner stated, I'm not going to throw anybody under the bus, but --

Mayor Rivella stated, just like those minutes.

Mr. Kerner stated, it's not on my agenda.

Mr. Sooby stated, no.

Mr. Kerner stated, 7F, the Junior Councilpersons Report.

**Junior Councilperson - Garlie St. Cyr** - She stated, that's okay. You don't have to feel bad, because mine is pretty short anyway. I guess it's just because after Spring Break we're now just focusing on mid terms and transitioning into the second semester, but we really don't have anything going on that much. We did have a CareerLink meeting today, so it was like a mixture between sophomores, the seniors and two women, one from CareerLink and one from the Bucks County Workforce Youth, I don't know much about it but they came in, they taught us about job gateway which is apparently this government thing that you know post jobs and employers can post jobs while people looking for jobs can apply and contact employers, so that was really cool. We created resumes, that was a part of it. We created resumes, we talked to those ladies about information and asked questions, it was an informative way to know that -- it was informative to see that we have options for you know, if we want a job, if you didn't have a job already as teenagers, or if you want a better job. Tomorrow, the attendees from the UPenn trip that we had a couple of weeks back we're going to the School Board meeting to talk about how the trip went in front of the Superintendent and the School Board. So, that's going to be fun, it's at 2:15 tomorrow. Other than that, it's just sports. There's bowling games this week all throughout this week. The girls basketball team had an away game today, and the boys basketball team had a home game today, so that's it.

Mr. Kerner stated, thank you Garlie.

Ms. Kronnagel stated, thank you.

Mr. Kerner stated, now we move on to finance.

## **FINANCE**

Mr. Sooby read the bill list.

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

**Motion** made by Ms. Kronnagel.

Ms. Smith seconded the motion.

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

Ms. Smith stated, I just want to ask something of Bob, I'm sure this is pretty easy. There's a void for the Fire Department and the EMS for \$7,000.00 each, did we overpay the budget, is that what that was?

Mr. Sooby replied, no. We issued a check then we found out that they still owed us for Workmen's Compensation.

Ms. Smith replied, okay. Alright, thank you.

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

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

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### **UNFINISHED BUSINESS**

There was no unfinished business this evening.

### **NEW BUSINESS**

**Motion** 10A - Motion to approve the Winterfest Parade for Saturday, December 2nd, using the route agreed upon by the Winterfest Committee and Police Chief McClay.

**Motion** made by Ms. Kronnagel.

Ms. Larison seconded the motion.

Mr. Kerner asked, any questions or comments on that? I think it's the earliest we've ever done the Winterfest Parade.

Mayor Rivella replied, it's actually not.

Mr. Kerner replied, no, okay. Any other questions or comments? All those in favor say aye. Opposed?

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

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Mr. Kerner stated, 10B, we have appointments. I am kind of concerned that the Municipal Authority was not advertised. The only two applicants we have are both on Council.

Mr. Sooby replied, well this one is the Planning Commission first.

Mr. Kerner stated, well, I'm just going over the appointments in general and I'm saying I'm okay if we don't vote on that this month. If we advertise it, see if we have anyone else interested in the

Community and bring it back before us in February. If the Council is okay with that, we won't appoint that. Just the Municipal Authority.

Ms. Smith replied, yeah, I have no problem with that.

Mr. Cicero replied, I do.

Ms. Smith asked, you do?

Mr. Cicero replied, yes.

Ms. Smith asked, why?

Mr. Cicero replied, please let me finish, we have a Municipal Authority meeting coming up, one person gets up and says -- who's on the Municipal Authority, I am also on the Municipal Authority. I don't think we can leave that seat vacant. And I'm sorry that you're uncomfortable Fred, but we should vote on this and we should vote on it tonight.

Ms. Smith asked, but it wasn't advertised to the whole public, correct? I mean, it wasn't, and I know for a fact before when there was an open seat it stayed open for several months and there wasn't a problem with it. Why is it different this time? I mean, not to say that someone from the public doesn't apply or it's just a little better transparent when it's an actual vacant seat that it's not an incumbent coming in. I mean --

Mr. Kerner stated, I just don't know that anybody else knew about it other than the people --

Mr. Parker replied, it's been made public over two months ago that the individual who left was leaving, so it's not like he just left this last meeting and that's it, so --

Mr. Cicero stated, and one person doesn't speak for the Municipal Authority.

Mr. Kerner replied, I agree with that.

Mr. Cicero replied, okay.

Mr. Kerner stated, and I'd like to hear your voice on it as well since you're also on that board.

Mr. Cicero stated, well I think we should vote on it tonight and not get scared off.

Ms. Smith replied, scared off --

Mr. Kerner stated, I don't think there's any trepidation.

Mr. Cicero stated, yes I do think so. I'm sorry Fred.

Mr. Kerner replied, okay.

Mr. Cicero stated, but you're running from it.

Mayor Rivella stated, it was discussed at the last agenda meeting.

Mr. Kerner replied, oh right, but I don't know that the public knew. Obviously -- I guess we can see if anybody --

Mr. Kilkenny stated, then what I would suggest Mr. Kerner is that if you have an underlying motion to appoint someone or fill a vacancy, if someone wants to table that, they make a motion to table, there's a second on that then there's a vote on the motion to table and then you decide if you're moving forward or not.

Mr. Kerner stated, that sounds good. We'll start with the Planning Commission. There are two 4-year appointments to expire on 2020. Don Diretto, the Chairman expired on 12/31/16 and Steve Amend expired on 12/31/16. I believe we have letters from both gentleman for reappointment.

Mr. Cicero stated, and one more.

Ms. Smith stated, yeah, I didn't get the one from Steve Amend, but we also didn't get the one from Mike Yager, which I gave out to everybody tonight.

Mr. Cicero stated, I have it.

Mr. Kerner stated, I got it.

Ms. Smith asked, who, Amend?

Mr. Cicero replied, you don't have Yager? I have Yager.

Mr. Kerner stated, I have Yager.

Ms. Smith stated, no, we have Yager, I'm saying Amend, we didn't get his.

Mr. Kerner stated, I didn't see Amend, but I heard that we had it.

Ms. Smith stated, I have nothing for him. So there's three, three candidates, correct?

Mr. Kerner stated, I believe so.

**Motion 10B-1 - Appointment:** Motion to appoint a one 4-year appointment to the Planning Commission to expire on 12/31/20. (FYI: Don Diretto, Chairman expired 12/31/16.)

**Motion to** nominate Don Diretto made by Ms. Kronnagel.

Mr. Kerner stated, we have a nomination for Don Diretto. Do we do this roll call, or do I ask for any other nominations?

Ms. Smith replied, well, you've got two seats, you doing one at a time or are you doing them together?

Mr. Kerner stated, I think we do them one at a time, don't we.

Mr. Kilkenny stated, I would suggest you do them one at a time.

Ms. Kronnagel stated, yeah.

Ms. Smith stated, okay.

Mr. Sooby stated, so Corryn made the motion --

Mr. Kerner stated, for Don Diretto, and now we do a roll call on that name. Passes 8-0.

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

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Mr. Kerner asked, do I have any other nominations?

**Motion** 10B-2 - Appointment: Motion to appoint a one 4-year appointment to the Planning Commission to expire on 12/31/20. (FYI: Steve Amend, expired 12/31/16.)

**Motion** to nominate Steve Amend made by Ms. Kronnagel.

Mr. Kerner stated, I have a nomination for Steve Amend, may I have a roll call please. Vote was 4-4.

Mr. Kerner stated, I would assume that's a non appointment.

Mr. Kilkenny replied, no the Mayor can break a tie.

Mayor Rivella stated, okay, yes.

**Motion** to appoint Steve Amend by roll call vote, was 4-4, the Mayor broke the tie in favor of Steve Amend. (nay votes being Ms. Larison, Mr. Pepitone, Mr. Sanford and Ms. Smith)

Mr. Kerner stated, the Mayor has voted in the affirmative for Steve Amend. So, Don Diretto and Steve Amend have been reappointed to the Planning Commission.

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Mr. Kerner stated, next we have the Morrisville Municipal Authority.

**Motion** 10B-3 - Appointment: Motion to appoint a one 5-year appointment to the Municipal Authority to expire on 1/2/21.

Ms. Smith stated, I'd like to nominate myself, Debbie Smith.



Ms. Larison asked, are we tabling it, or are we --

Mr. Kerner replied, if you would like to table it, you make a motion to table it.

Ms. Kronnagel stated, you have a nomination.

Mr. Cicero stated, we have a nomination.

Ms. Kronnagel stated, you have a nomination, we have to move forward with that.

Mr. Kerner stated, oh, once we have a nomination. Do we have another nomination?

Ms. Smith asked, I could withdraw, is that what you want?

Mr. Parker stated, I would like to nominate myself.

Mr. Cicero asked, what do we do, just say the name?

Mr. Parker replied, yeah.

Ms. Larison stated, here we go.

Mr. Kerner asked, are there any other nominations? Are there any other nominations? Are there any other nominations? Can I have a roll call. When you are called, state your candidate of preference.

Ms. Kronnagel stated, Ted Parker.

Ms. Larison stated, shocking.

Ms. Kronnagel replied, rude.

Mr. Kerner stated, there's nothing shocking here.

Ms. Larison stated, Debbie Smith.

Mr. Parker stated, shocking.

Mr. Parker stated, Ted Parker.

Mr. Sanford stated, shocking.

Mr. Pepitone stated, Debbie Smith.

Mr. Sanford stated, I think I'll go for Debbie Smith.

Mr. Cicero stated, really.

Mr. Sanford replied, yeah.

Ms. Smith stated, Debbie Smith.

Mr. Cicero stated, Ted Parker.

Ms. Larison stated, shocking.

Mr. Kerner stated, Ted Parker.

Mr. Kerner stated, Mayor, here's another one for you.

Mayor Rivella stated, Mr. Parker.

Ms. Larison stated, wow, that's a shock.

Mr. Kerner replied, there's nothing shocking.

Ms. Larison stated, yeah it is. Yeah it is.

Mr. Kerner replied, you would have done the exact same thing Danielle.

**Motion** to appoint Ted Parker by roll call vote, ws 4-4 the Mayor broke the tie in favor of Ted Parker. (votes for Ted Parker being Mr. Cicero, Mr. Kerner Ms. Kronnagel and Mr. Parker)

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Mr. Kerner stated, next we have the Zoning Hearing Board, we have one 3-year term to expire on 1/5/2020. Wayne O'Neal's expired on 1/5/17. He is seeking reappointment.

**Motion** 10B-4 - Appointment: Motion to appoint a one 3-year term to the Zoning Hearing Board to expire on 1/5/20. (FYI: Wayne O'Neal expired 1/5/17.)

**Motion** to nominate Wayne O'Neal made by Ms. Kronnagel.

Mr. Kilkeny stated, I have a quick question, per the Pennsylvania Municipalities Planning Code, you are to appoint Zoning Hearing Board members by a resolution, so I would suggest that the motion would be to appoint Mr. Wayne O'Neal to a term -- for a one 3-year term to expire on 1/5/20 to be appointed by resolution as drafted by the Borough Solicitor.

Mr. Parker asked, would we do that after the nominations?

Mr. Kilkeny replied, well, I'm just saying the proper form.

Mr. Kerner stated, so I have now a motion to appoint Wayne O'Neal to a 3-year appointment to Morrisville Borough's Zoning Hearing Board expiring on 1/5/20. May I have a motion?

Mr. Kilkenny stated, and that's to be done by resolution, correct?

Mr. Cicero replied, yes.

Mr. Kerner stated, motion to adopt a resolution.

Mr. Kilkenny stated, resolution, yes. That's what you want to do.

Mr. Kerner stated, to appoint Wayne O'Neal.

Mr. Kilkenny replied, yes.

Ms. Kronnagel asked, do you want to ask for any other nominations first?

Mr. Kerner replied, sure. Are there any other nominations for the Zoning Hearing Board, 3-year appointment to expire on 1/5/20? Any other nominations? Any other nominations?

Mr. Kerner stated, so we do have a motion to adopt a resolution to appoint Wayne O'Neal to a 3-year appointment to Morrisville Borough's Zoning Hearing Board expiring on 1/5/20.

Ms. Smith stated, excuse me, can I say something real quick, I'm just realizing. You know in his letter he only asked for one year. In his letter he stated he wants one year. Just thinking about it, he does.

Mr. Kerner stated, we're appointing him for three. If he wants to resign after a year, he may.

Ms. Smith replied, yeah, cause he asked for one year in his letter.

Mr. Kerner stated, we're appointing a three year.

Ms. Smith stated, well -- I'm just saying.

Mr. Kerner asked, can I have a roll call on that?

Mr. Kerner stated, the resolution passes 8-0.

**Motion** to appoint Wayne O'Neal carried by voice vote, 8-0.

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Mr. Kerner stated, we will move on to the Economic Development Corporation, are there any specifications on that? We're looking for three 3-year appointments to expire on 1/19/20. The terms of Ted Fletcher, Joan Doretto-Weik and Judith Frigerio will expire on 1/19/17.

**Motion** 10B-5 - Appointment: Motion to appoint a one 3-year term to the Economic Development Corporation to expire on 1/19/20. (FYI: Ted Fletcher's term will expire on 1/19/17.)

**Motion** to nominate Joan Diretto-Weik made by Ms. Smith.

Mr. Cicero asked, we're going for three appointments? We're going to do one at a time?

Mr. Kerner replied, I believe so.

Mr. Cicero asked, do we have four candidates?

Ms. Kronnagel replied, for the EDC, no we just have three.

Mr. Cicero stated, we just have three.

Mr. Kerner stated, I think we only have three.

Ms. Kronnagel stated, we only have three.

Mr. Cicero asked, and we're going to make appointments for three?

Mr. Kilkenney replied, yes, you can do them all at once, if there's just three.

Mr. Kerner asked, are there any other nominations?

**Motion** to nominate Judith Frigerio made by Ms. Kronnagel.

**Motion** to nominate Ted Fletcher made by Mr. Cicero.

Mr. Kerner asked, are there any --

Mr. Sooby stated, hold on, hold on, hold on.

Ms. Smith asked, how come this time we're doing them all at one time?

Mr. Kilkenney stated, we're doing them all at once.

Mr. Kerner stated, and we have no further nominations.

Ms. Smith stated, yeah, the ones we did one at a time, and now we're doing all three.

Mr. Kerner asked, are there any other nominations? Are there any other nominations? Are there any other nominations? The vote is for the three named members, Joan Diretto-Weik, Judith Frigerio and Ted Fletcher? All those in favor say aye. Opposed. Appointments succeeded 8-0.

**Motion** carried to appoint Joan Diretto-Weik, Judith Frigerio and Ted Fletcher by voice vote, 8-0.

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

Ms. Kronnagel stated, no, 10C.

Mr. Cicero stated, no, the puppy mill.

Mr. Kerner stated, oh, okay, 10C, sorry.

**Motion** 10C - Motion to instruct the Solicitor to draw up an Ordinance pertaining to the sale of Puppies from a puppy mill.

Mr. Kerner asked, is that the motion that we want?

Ms. Kronnagel replied, yes.

**Motion** made by Ms. Kronnagel.

Mr. Pepitone seconded the motion.

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

Mayor Rivella stated, yeah, if I may Mr. Chairman, actually I think regulating puppy mills is a great idea. If you remember, recently I had stated that I really thought that the Borough had done something previously, and looking through my files, I -- we all know Janet did it -- found a letter from the House of Representatives from Representative Galloway dated 2008, so it was the beginning of some of the puppy mill regulations, it's to George Mount, thanking him for the resolution that the Council did adopting the subject of cruelty to animals. It goes on to say he co-sponsored many of the bills and support and actually is the prime sponsor of 2553. If you recall, the Council has in the past done several resolutions in support of these bills. It had passed, so Mr. Galloway did get these passed back in 2010, the Governor signed it into law and I believe last year there's some more, some updates, so I just wanted to refresh everybody.

Mr. Kerner stated, so there's a State Bill that we sponsored, but we don't have anything on the books here in Morrisville.

Mayor Rivella stated, right. I don't believe there's an Ordinance, but the Council certainly did support the previous updates to the -- they called it the dog law actually, which I think was from back in 1985 if I recall. It's been updated a few times over the years. I just wanted to give a little history.

Mr. Kerner asked, is there teeth to what we do if we do something today?

Mr. Kilkeny replied, well, you're authorizing me to look into this, I have not researched it thoroughly, I will look into it and if appropriate, I will have an Ordinance for Council to review by your workshop meeting.

Mayor Rivella stated, it's a good idea.

Mr. Kerner asked any other questions or comments? Garlie, go ahead.

(inaudible)

Ms. Kronnagel stated, we don't have one yet, but it's just for the future.

Mayor Rivella stated, actually it's not to sell puppies, it's to regulate so there's no cruelty. So, basically certain dogs, they bob the tails and they trim ears, things like that. These type of laws prohibit people that aren't veterinarians to do it. So it's actually a very nice thing. It actually helps reduce cruelty to animals. Even like tethering a dog, there's a ratio of how long the rope would be. It's so many times the length of the dog it's that type of thing.

Ms. Smith stated, it doesn't matter.

Mr. Kerner stated, all those in favor say aye. Opposed.

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

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### ANNOUNCEMENTS

Ms. Kronnagel stated, Council President, I just have a couple of things. At Morrisville High School there will be a Career Day on I believe it's Friday, February 10th. If there's anybody that can lend their time and talents to reach a teenager, let them know what their career path was and what their career currently is and how they can get into that field, you can contact the school directly or you can contact me. I also just wanted to for the public's knowledge and edification, there seems to be some sort of misunderstanding about the budget, so I just wanted to make a quick statement about that. Just in terms of a timeline, every elected official received a copy of what could be termed as a skeleton budget, roughly around the second week of November, it was before our November agenda meeting. We then had the agenda meeting, we had three or four budget meetings where every single councilperson gave their two cents and at the end of that final budget meeting, the preliminary budget was passed unanimously. That budget was worked on by every single member of Council. It was then six weeks that passed from the time that the preliminary budget was unanimously passed to our budget meeting -- the very last meeting in December last month. As the Mayor said, there was no Council member that made any suggestions to the unanimously passed preliminary budget and it's a good thing that it did pass because our Borough and our Police Department would have been gridlocked and unfunded without a budget for seemingly no reason because again, there were no changes or recommendations made to that unanimously passed preliminary budget, so it's just important to look at things and if you have any questions, contact the Borough or contact the Councilperson if you ever have any questions about why they voted the way they did. You can certainly contact me. All of our contact information is always on the website and that's about it. Thank you.

Mr. Kerner stated, thank you Corryn.

Ms. Smith asked, okay, can I say something? You really didn't think I was going to sit here and take that did you? Okay, here's my spin on it. You got the preliminary budget, you went to those meetings. First, actually, before the preliminary budget, I chair the Finance Committee, the Finance Committee meets twice a year. The first meeting that I showed up here at the Borough Hall and everyone has those schedules given in the beginning of the year. The two people on that Budget Committee with me didn't even show. I sat in that parking lot and nobody showed up. Didn't get a phone call. Didn't get an email. Nobody showed up because it wasn't that important to them, I guess they were busy, forgot, whatever. The next meeting came up it was September, I sent a message out, Mr. Parker contacted me back that day he said that he couldn't make it from work, he wasn't going to be able to make it. Mr. Cicero didn't show. When I mentioned it to him later he said, oh we don't have to worry about that, it's all the same stuff we're going to talk about during the budget. Okay, so we did. So no budget meetings were held.

Mr. Cicero stated, you mean no Finance Committee meeting.

Ms. Kronnagel stated, no Finance Committee meeting.

Ms. Smith stated, Finance Committee, I'm sorry. When the Budget meetings took place and we got that budget, we didn't get it on the weekend, we got it the day before our actual agenda meeting, so it wasn't like we had time to look at that. It was like 5:00 in the afternoon we got it. But first meeting we went into, we're sitting down and we're looking at this thing so you've got three days of budgets and it's like okay we all ready to do this. I don't know what meeting you people were at, but there was a lot being said about what was wrong with that budget. I could stand on my head and spit wooden nickels, it wouldn't have made a damn bit of difference. Four people on this Council thought it was okay, they thought it was okay to vote what the Manager was doing last year. We're paying a price for that. If the Manager this year wasn't going to take any suggestions that we said about pulling some of that stuff back because he couldn't or he wouldn't, I can't draw up a new budget for you. We can only make suggestions, and four of us sitting up on this Council made those suggestions, so don't sit and say that it was passed unanimously, it was passed as a preliminary and that -- and I remember Mr. Pepitone actually asking that night, because this is his first round with this. Is this the preliminary budget, it is not the final, and it was stated to him it was a preliminary, so that gives time to make changes if you need to, which did not happen. And anybody that says we did not talk to the Borough Manager, all of us have been in there at different times to speak to him, but this is what the majority of this Council wanted it to be. I was not happy with that, that's why I came in off my vacation and placed that vote. And I really don't I can't believe I'm going to say this, Miss Corryn, you didn't need to be calling Todd to ask him not to play politics that night and vote your way. Stop the politics up here. It's done.

Ms. Kronnagel stated, that's rich.

Ms. Smith stated, It was a bad budget, that's all there is to it. And there's things that could have been cut back.

Mr. Kerner stated, do we have any other announcements tonight?

Mr. Parker stated, I'd like to say something else, there was numerous suggestions for more budget meetings.

Ms. Kronnagel stated, Finance Committee.

Mr. Parker stated, nobody spoke up and said anything. Nobody offered anything. All we were trying to do was move money around through line items. That is not, not changing a budget. That is moving money from one fund to another inside the budget. There was no budget suggestions, no revenue suggestions, nothing.

Ms. Smith stated, no, there was.

Mr. Parker stated, so you can Miss Smith --.

Ms. Smith stated, there was.

Mr. Parker stated, say what you want to say, there was not, you offered nothing.

Ms. Smith stated, there was.

Mr. Parker stated, nothing.

Ms. Kronnagel stated, no.

Ms. Smith stated, I've sat quiet why you guys been up on the internet just bloaviating about this for about a month now. I don't want to hear it. It was a bad budget. It could have been better. That was my vote.

Mr. Parker stated, It could have been if you had offered some opinions.

Ms. Kronnagel stated, it's your job, Ms. Smith to make it better.

Mr. Kerner stated, guys, guys, guys, guys, these aren't announcements.

Mr. Parker replied, she started it.

Mr. Kerner stated, let's move on to Borough Officials and continue if we'd like. I don't know that we need to. I think we've said our peaces. Nothing else?

Mr. Cicero stated, well, no never mind.

Mr. Kerner stated, If you want to make the motion to adjourn.

Mr. Cicero stated, I'll make a motion to adjourn.

Mr. Kerner stated, thank you Vic.



Ms. Smith stated, so be it.

Ms. Kronnagel seconded the motion.

Mr. Kerner stated, thank you Corryn.

Mr. Cicero asked, did you learn a lesson Fred?

### ADJOURNMENT

**Motion** to adjourn.

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

Meeting adjourned.