



MEETING MINUTES
MORRISVILLE BOROUGH COUNCIL
REGULAR MEETING

MONDAY, JUNE 15, 2020
7:00 P.M.

The Morrisville Borough Council met on Monday, June 15, 2020 at 7:00 p.m. via tele-conference (Zoom) for a Regular Council Meeting.

Mr. Parker stated, please stand for a moment of silence and the Pledge of Allegiance.

Scott Mitchell took roll call.

Those in Attendance:

Borough Council: Ted Parker, President
Bob Paul, Vice President
Justin Bowers
Eileen Dreisbach
Helen Hlahol
Scott Robinson
Nancy Sherlock
Michael Yager

Borough Officials: Scott Mitchell, Borough Manager
Dave Rivella, Mayor
Randy Flager, Solicitor
Scott Holbert, Solicitor
Virginia Cyphers, Assistant Borough Secretary
Micah Heitz, Finance Director

Not in Attendance: Victoria Sullivan, Junior Councilperson

SPECIAL PRESENTATIONS

There were no special presentations this evening.

HEARING OF THE PUBLIC

1. Kathryn Panzitta – *401 Hillcrest Avenue*

She stated, I did notice there is a motion to sell 30 Hillcrest Avenue, my question was, when I rode down the street, I saw 38 as the number on the building, I want to know if that was the Bulldog Building and what the exact parcel is on the bulldog building. She also had some questions about the ordinance for the Chief of Police. She also asked if the Chief is the Emergency Management Coordinator.

There being that no one else wished to speak, public comment portion was closed.

Mr. Mitchell stated, I think that one of the questions raised was about the Internal Affairs Policy. Council just adopted an Internal Affairs Policy late last year. I think it was December, so I know that's fresh in everyone's mind. As for the Police Department Policies, I don't know the date which they were adopted. In fact, there are probably several staggered dates, not all one date. The reference about not making requests directly to Council that actually is verbatim from the Police Chief's employment agreement, that's not something that was conjured up. The Emergency Management Coordinator language is pretty standard and we actually have a Deputy Emergency Management Coordinator, the Fire Chief, so if something were to incapacitate the Police Chief, the Fire Chief would serve in that role. Although, I think everybody knows this, the State actually discourages municipalities from appointing first responders and the heads of first responding agencies as their Emergency Management Coordinators, because they're going to be busy dealing with an emergency, but in small towns, we don't have a very deep bench of personnel, so it often ends up being the Police Chief or the Fire Chief. I think that's all I can add off the top of my head.

MINUTES

Motion 6A - Motion to approve the Borough Council Regular Meeting Minutes of February 18, 2020 to include the two subjects that were discussed with regards to truck traffic and Park Avenue policy regarding signage.

Motion made by Ms. Sherlock.

Seconded by Mr. Bowers.

Discussion took place regarding the motion.

Mr. Parker stated, all in favor? Opposed? Abstentions?

Motion carried by voice vote 8-0.

Motion 6B - Motion to approve the Borough Council Emergency Meeting Minutes of March 31, 2020.

Motion made by Mr. Bowers.

Seconded by Mr. Robinson.

No discussion took place regarding the motion.

Mr. Parker stated, all in favor? Opposed? Abstentions?

Motion carried by voice vote 8-0.

Motion 6C - Motion to approve the Borough Council Emergency Meeting Minutes of April 29, 2020.

Motion made by Mr. Yager.

Seconded by Ms. Sherlock.

No discussion took place regarding the motion.

Mr. Parker stated, all in favor? Opposed? Abstentions?

Motion carried by voice vote 8-0.

ACTION ITEMS

Motion 7B - Motion to approve the bill list and pay the bills.

Motion made by Mr. Paul.

Seconded by Mr. Yager.

Discussion took place regarding the motion.

Mr. Parker stated, roll call please.

Motion carried by roll call vote 8-0.

REPORTS

Mayor's Report – David Rivella – He stated, good evening everyone. I have a few different topics I'd like to discuss tonight or at least report on. One is the COVID-19. I'm sure everyone is aware that currently we are in the yellow phase, it's my understanding that on June 26th, Bucks County may be moving to the green phase of the Governor's plan. Please continue to follow all the proper, necessary precautions. Now, I think it's important to be mindful according to the Governor's chart, he says that this is not a return to the way things were, but a change in behavior to a new normal. I'd like to mention something about our protest and our State of Emergency. Since 2014 when Chief McClay and I were put together for Morrisville he has always shown me his commitment to our community. Thanking our Chief doesn't really seem to me to be quite enough for the dealing of COVID-19 Pandemic, his proactiveness regarding keeping the Borough safe with the nearby protest as well. With efforts to do whatever is possible for the well-being of our residents in our community to get coordinated with the help of State and County, the MIRT Team, they were prepared to protect our Borough. In fact, it was the first time that the SWAT Team actually had been brought into Morrisville. Information tells me that even with very good intentions there has been a lot of misinformation discussed on social media regarding Morrisville and our nearby protest. I even saw an article that appeared to be based on an alert from our own Borough that stated the bridges between Trenton and Morrisville were closed, of course, that wasn't true. This report

is for the residents, but in case they're not aware, in a situation where they would need to shelter in place, the County would state, would have issued what is called a reverse 9-1-1 and that's when the County would reach out to our residents.

Police Chief's Report – Chief George McClay – He stated, just very quickly, the department has been working very hard lately, we're hoping things are starting to calm down a little bit. Yes, I did go over the 60 hour limit for one of the officers, it was something I could not avoid and if anybody would like that in the future when a situation like this does come up, I think there should be some kind of leeway. I really don't want to get into too much tonight, but there is an ordinance tonight discussing a job description for the Chief of Police. I really had no input into this, I really thought I should have, but I would like to see a whole separate ordinance just for the Emergency Management, you're mixing the Police Chief and the Emergency Manager in one, I think that should be taken separately out. I would have liked to have been involved a little bit, but I was not. Thank you, that's all I have for tonight.

Junior Councilperson's Report – Victoria Sullivan – There was no report this evening.

ACTION ITEMS

Motion 9A - Motion to adopt an Ordinance establishing a job description for the position of Chief of Police.

Motion made by Mr. Bowers.

Seconded by Ms. Hlahol.

Discussion took place regarding the motion.

Mr. Parker stated, roll call.

Motion carried by roll call vote 7-1. (nay vote being Ms. Sherlock)

Motion 9B - Motion to authorize the sale of Borough owned property located at 30 Hillcrest Avenue, Parcel ID# 24-009-045, to authorize the issuance of written notice

to the tenant pursuant to the terms of the lease agreement, and to authorize the Administration to enter into an agreement with the Bucks County Redevelopment Authority for the redevelopment of the property.

Motion made by Ms. Sherlock.

Seconded by Mr. Paul.

Discussion took place regarding the motion.

HEARING OF THE PUBLIC

1. Bill Larison – 523 Barclay Avenue (*President of Little Bulldogs*)
He stated, we use the building quite often during the season and off season for our meetings. It's more than just storage for the equipment and stuff like that. Just out of curiosity, what does that land cost the Borough?

Mr. Bowers replied, I'd say right now, it doesn't cost us anything, but if we need to repair the building that's going to cost us money.

Bill Larison stated, right, Scott brought up baseball, which I was totally against the whole baseball thing, so it's two different situations, you having the Borough workers down there and stuff like that, and that doesn't really cost you anything and it has a place for kids to go if they wanted to go. We give things out to the kids every now and again. I know the grass is tall, but with the weather the grass is growing pretty bad, I was there two weeks ago and cut it.

Mr. Robinson stated, Bill, I saw Borough workers there doing work on that building in the back like two weeks ago. The Borough workers were working on the property, so that was a cost to the Borough right there.

Bill Larison stated, that wasn't my choice, and if I'm not mistaken, the way they cut it was probably for the stumps for the trees that were taken

down. I mean that was just my assumption, I was there probably a day or two afterwards.

Mr. Mitchell stated, Councilman, if I can just clarify, we had public works there clearing the fence line at the rear of the property because some trees and growth had to be removed. I think there may have been some storm damage there at one point. That was a one-time thing. We don't regularly maintain the property.

Mr. Robinson stated, okay.

Bill Larison stated, I know somebody brought up the dollar thing, I wasn't a part of that, so you know, that's from years ago with the dollar thing. Trying to find a place where we can meet and stuff like that, I mean we barely get by for fees and stuff like that. We're not as big as Little League, that would crush us, and like Mike and Justin said, I mean high school, their sports are pretty much going, they're not even sure if they're going to have sports, so to them, having the kids running around on the streets, not saying they are bad, but kids are kids, give them something to do. I don't know what else to say. One other thing, you know, I'm hearing this last minute, so I wasn't involved in anything except for this notice.

Mr. Robinson stated, it's not the first time we're hearing things last minute in this Borough.

Bill Larison stated, I'm just saying, communication of things, I just heard about it the other day, and apparently from listening to you guys, there was an executive session, someone could have reached out and said hey look, this might be going on, just give us a little bit of time to maybe look for a place, not last minute. I don't know how long this is going to take. We have over the last couple years we have been improving, we painted it, fixed the outside up, stuff like that. I pretty much said what I had to say. Mike and Justin pretty much said what I was going to say.

Mr. Mitchell stated, Mr. President, someone here in the audience would like to ask a question if you're open to more public comment on the issue.

Mr. Parker replied, we're open for public comments.

Mr. Mitchell stated, I know you already did, but if you could state your name and address for the record again.

1. Kathryn Panzitta – *401 Hillcrest Avenue*

She stated, I don't understand what we're doing here right now, we had public comment and now we're opening it again, so I would like the attorney to explain to us why we had to reopen public comment. I know I took the time out of my day to make sure when I saw an agenda, that I got myself here, if I had the ability to zoom in, I would have zoomed. When I saw this on social media, that's exactly where I saw it, that you were even thinking of this property, so I will rephrase what I said in the first comment which was this 9B as written says 30 Hillcrest Avenue, now is that whole parcel the building that has the number 38 on it and it includes the empty lot so we know what we're talking about, because I was trying to figure out where 30 Hillcrest was.

Mr. Mitchell stated, it's the entire property, the building to the corner, yes.

Kathryn Panzitta stated, as you say, I guess it was Ms. Sherlock maybe that said you're taking this form blight and condemnation. I'd like to know, when did you blight it and condemn it? I find it totally appalling that you are going to, I understand you have your executive sessions and I understand it was classified as real estate, so that's fine you could all be in executive session, but I do find that nobody had the courtesy to contact the people, the tenants that hold the lease, if that's written notice to the tenant to the terms of the lease agreement, when is the final day of, when does their lease expire? I understand it's a dollar a day, I understand

public works has cut the grass, I can tell you as a personal resident of Hillcrest Avenue and looking at what happens in light of parking on that street yes, they're not just there -- I've seen them, I've seen activity in the building as I've gone up and down and I would say that a better use of this would be once we get to the Redevelopment Authority, I'm sure they're going to put a twin or more housing on it and I'd like to see due to the slope and the parking issues, it's already a mess from the base of Hillcrest all the way up to the first block of Stockham and just a note that if nobody even spoke or reached out prior to this but I really want to know, how did it get blighted and condemned?

Mr. Mitchell stated, well, I can clarify that for you, it has not been blighted or condemned. If the solicitor wants to comment as to why public comment on this issue was open for a second time, I'll stop talking so he can do that.

Mr. Flager stated, because of the pandemic and because of the limitations that this has, it's just in the interest and in the spirit of the Sunshine Act, and open meeting law to give people a chance if they had a question, I don't think that's a bad thing, I think that was a good thing that Council did.

Mr. Yager asked, Mr. Solicitor, in general, is there any rule that keeps us from doing that?

Mr. Flager replied, no.

Mr. Yager replied, I didn't think so.

Mr. Parker stated, we were actually asked by a council member if we could and I didn't hear any objection and I actually asked the solicitor if it was okay and he said it was, so I agree with the solicitor, I mean this is new technology, not new technology, but it's new to us and you know, nobody's really sure when they should call in so I have no problem with opening it up again.

Mr. Paul stated, I also think just as a public policy matter, we will bend over backwards to allow the public to comment whenever possible.

Mr. Parker replied, absolutely.

Motion to table made by Mr. Bowers.

Seconded by Ms. Dreisbach.

Mr. Parker asked, roll call vote.

Motion to table carried by roll call vote 7-1. (nay vote being Ms. Hlahol)
Additional discussion took place regarding the motion.

Motion 9C – Motion to approve the final conceptual plan for Patriots Park.

Motion made by Ms. Dreisbach.

Seconded by Mr. Bowers.

Discussion took place regarding the motion.

Mr. Parker asked, roll call.

Motion carried by roll call vote 8-0.

Council took a 5 minute recess.

Motion 9D - Motion to approve a Resolution authorizing the Borough Engineer to submit an application in the amount of \$454,823 for the Automated Red Light Enforcement program grant through PennDOT for Pennsylvania Avenue and Philadelphia Avenue intersection.

Motion made by Ms. Dreisbach.

Seconded by Yager.

No discussion took place regarding the motion.

Mr. Parker asked, roll call.

Motion carried by roll call vote 8-0.

Motion 9E - Motion to approve a Resolution authorizing the Borough Engineer to submit an application in the amount of \$544,737 for the Automated Red Light Enforcement program grant through PennDOT for Pennsylvania Avenue and Trenton Avenue intersection.

Motion made by Ms. Dreisbach.

Seconded by Yager.

No discussion took place regarding the motion.

Mr. Parker asked, roll call.

Motion carried by roll call vote 8-0.

Motion 9F - Motion to approve a Resolution authorizing the Borough Engineer to submit an application in the amount of \$199,520 for the Automated Red Light Enforcement program grant through PennDOT for upgrades to existing traffic signals with battery backups, generator plugs and pre-emption.

Motion made by Ms. Dreisbach.

Seconded by Mr. Bowers.

Discussion took place regarding the motion.

Mr. Parker asked, roll call.

Motion carried by roll call vote 8-0.

Motion 9G - Motion to award the contract for installation of ADA curb ramps at certain locations, subject to the availability of grant funding, to NJS Concrete, LLC. For a total contract amount of \$56,425.00 for the Base Bid and Alternate Bid #2 only.

Motion made by Ms. Dreisbach.

Seconded by Mr. Bowers.

Discussion took place regarding the motion.

Mr. Parker asked, roll call.

Motion carried by roll call vote 8-0.

Motion 9H - Motion to award the contract to repave the front parking lot of the Municipal Building to T. Schiefer Contractors, Inc., in the amount of \$16,790.40.

Motion made by Ms. Dreisbach.

Seconded by Mr. Yager.

Discussion took place regarding the motion.

Mr. Parker asked, roll call.

Motion carried by roll call vote 5-3. (nay votes being Mr. Bowers, Mr. Parker and Ms. Sherlock)

Council went into executive session.

UNFINISHED BUSINESS

There was no unfinished business to discuss this evening.

NEW BUSINESS

Motion 11A - Motion to terminate employment of Corporal Michael Pitcher effective immediately.

Motion made by Mr. Paul.

Seconded by Ms. Hlahol.

Discussion took place regarding the motion.

HEARING OF THE PUBLIC

1. Kathryn Panzitta – *401 Hillcrest Avenue*
(*Inaudible*)

Ms. Hlahol stated, I didn't hear what she was talking about, I can't hear her.

Mr. Mitchell stated, she was expressing her view and opposition to the motion, something to the effect of following legal advice because of prior bad situations as an example.

Mr. Parker asked, roll call.

Motion carried by roll call vote 5-3. (nay votes being Mr. Bowers, Ms. Dreisbach and Mr. Yager)

BOROUGH OFFICIALS

Ms. Sherlock stated, I have to leave. I'm sorry, I have to get out of the meeting. Thank you very much everyone.

Mr. Mitchell replied, have a good evening. Mr. Parker did you want to take on her cause?

Mr. Parker stated, yes.

Ms. Sherlock stated, I had more to talk about if you need more information let me know, but I got to go. Thank you so much. Goodnight.

Mr. Parker stated, real quick, the paper street on Prospect and Mercer, we are not able to purchase it, so it reverts back to the adjacent property owners, one who wants it and

one who doesn't, but in the meantime, we have stopped cutting it and Mrs. Sherlock is asking if we would cut it until this is resolved.

Mr. Holbert stated, he asked for a quit claim deed, that is just a deed basically saying there's no insurance regards to the title. The Borough can't really provide a quick claim deed, the Borough never had a legal interest in this property, this was a paper street, it's a right-of-way. Those two adjacent property owners already legally own the center point of what that right-of-way was.

Mr. Parker asked, if everybody's alright with it, could the Manager have Public Works cut it one more time while we give them another letter explaining again, maybe in more detail that we never owned the property and this would be the last time that we cut it?

Mr. Mitchell stated, we will go with that consensus. Mr. Parker, while we're talking about everything plus the kitchen sink, do you want to bring up Little League tonight or do you want to save that for another day?

Mr. Parker stated, I would hold off until we have an opportunity to meet with them unofficially and then we'll bring it up next month if that's all right with everybody.

Mr. Mitchell stated, we'll hold it for another month.

Mr. Paul stated, I've got one other issue that I mentioned this to Ted the other day, I'm sorry, I don't know whether it's old business or unfinished business or new business, but you know, about three weeks ago, we all got in our Borough box the DCED police management, and my question is what are we going to do with it, do we read it and discuss it, do we sit down with the Mayor and the Chief? What's the next step?

Mr. Mitchell replied, I have no idea. I've given them your meeting dates for this meeting and the two meeting subsequent to this. It's going to depend on when the DCED folks are cleared by the state to have public meetings. I offered the option of

joining us for a zoom meeting, but so far anyway they prefer to wait until they can do it face to face and have a Q&A interaction with Council on it.

Mr. Parker stated, maybe next month if we move to the next phase, maybe they can open up.

ADJOURNMENT

Motion to adjourn made by Ms. Hlahol.

Seconded by Ms. Dreisbach.

Meeting adjourned.