



The Morrisville Borough Council met on Monday, July 19, 2021 at 7:15 p.m. in Council Chambers at the Morrisville Municipal Building, 35 Union Street, Morrisville, PA for a Regular Council Meeting.

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

Micah Heitz took roll call.

**Those in Attendance:**

Borough Council: Ted Parker, President  
Bob Paul, Vice President  
Justin Bowers  
Helen Hlahol  
Duane Nicol (via Zoom)  
Scott Robinson (via Zoom)  
Nancy Sherlock  
Michael Yager

Borough Officials: Micah Heitz, Interim Borough Manager & Finance Director  
Judith Danko, Borough Manager (via Zoom)  
Scott Holbert, Solicitor  
Virginia Cyphers, Assist. Borough Secretary

Not in Attendance: Dave Rivella, Mayor

**SPECIAL PRESENTATIONS**

There were no special presentations this evening.

Mr. Parker stated, I'm going to announce that we had an executive session at 6:45 just before the meeting to discuss personnel issues for two police officers. As a result of that executive session there will be two motions added to the end of the agenda and I'm going to read them. Motion 9I to approve the grievance settlement agreement between the Borough and the PBA, 9J will be a motion to approve an independent medical examination for an injured police officer.

### HEARING OF THE PUBLIC

1. Don Rice – *343 Crown Street*

He stated, I started working to save Williamson Park soon after Mr. McGrath's presentation in August of 2019. At that time, I was not aware of the Donated Dedicated Properties Act. I only became aware of it in the last several months. I expect the same is true for councilmembers. In a June 2021 publication which is formerly the Pennsylvania Land Trust Association entitled Parks and Perpetuity discusses this act and its relevance to preserving Pennsylvania's park. I will present a few relevant excerpts from the publication. First, the Donated and Dedicated Property Act provides that the donated or dedicated property such as Williamson Park must stay in trust and its original use must continue unless the use is "no longer practicable or possible and has ceased to serve the public interest". Two, in the unlikely event that the court agrees that park use is no longer acceptable, practicable or possible and has ceased to serve the public interest the municipality will still be required to replace the lands leaving the public trust with property of equal size and value for the same purpose. Three, the Pennsylvania constitution places a fiduciary duty on Commonwealth to conserve and maintain Pennsylvania's public natural resources for the people. This obligation applies both to state government and local governments. Public lands are owned by the people not governments. The government's role is to conserve and maintain the lands. I ask now that we are aware of the requirements of the Donated and Dedicated Property

Act to withdraw from consideration of Select Morrisville's development proposal for Williamson Park. The park cannot be developed, please be fair to the citizens of Morrisville, Select Morrisville and Williamson Park and stop the consideration of park development. It is the right thing to do, a park is forever. Thank you.

2. Bill Minder – *423 Crown Street*

He stated, good evening. I hope you all had a nice holiday. It's nice to see your smiling faces again in person. I have two items I'd like to present. I'm here to request that council consider enacting a curfew for fireworks at about 10 p.m. There's no good reason to set off fireworks 11, 12 or even 1:00 in the morning. These people have no consideration for anyone, particularly our vets who lived through hell and are affected by loud noises and have PTSD. What about our children who have autism that are affected by noises such as fireworks. I have a grandson who is affected by fireworks, he holds his ears he cries for his mother and he rolls on his bed. If you think this condition eases with time don't believe it, my grandson is 30 years old and still affected by it. Morrisville is full of seniors who go to bed at 9:00 or 10:00 this really affects their living conditions. You'll be old someday sooner or later, time flies by. Animals running high and shiver and shake during fireworks. It's very upsetting to see how these dogs are affected. That's four good reasons to enact a curfew Vets, children, senior citizens and animals. My second item, when will the sidewalk on Pennsylvania Avenue be repaired? This is a terrible sight for those that come into Morrisville. It's been there so long that the people of Morrisville think it's a monument to someone or somebody. Thank you. Have a good evening.

Ms. Hlahol asked, what sidewalk are you talking about?

Mr. Minder replied, on Pennsylvania Avenue right over the canal, the bridge.

Mr. Parker stated, the bridge.

Ms. Hlahol stated, I'm sorry, what is wrong with it?

Mr. Minder replied, take a ride up and look at it.

Ms. Hlahol stated, I walk by there all the time.

Mr. Parker stated, it's been closed for some time.

Ms. Hlahol replied, oh, the one over by Union Street, I was thinking the bridges, I'm sorry, my mistake.

Mr. Minder stated, right up here on Pennsylvania Avenue across from Burns.

Ms. Hlahol replied, we were just talking about it actually.

Mr. Minder replied, very good. Have a good evening.

Mr. Robinson asked, could I chime in real quick? Mr. Minder, that bridge is slated to be replaced within the next couple of years, the state is doing it, that's why it's closed that whole thing is going to be rebuilt.

Mr. Minder replied, a couple of years, I don't think I'll be here to see that.

Mr. Robinson stated, I got a letter in the mail from the state because I live close enough to it. It was a notification that work was going to start soon. I would love to redo that sidewalk, but the cost to redo that sidewalk right now only to have it torn up in a year or two when they replace the bridge doesn't seem cost effective. The one

across the street on the western side of Pennsylvania Avenue, I walk down that and that's still a serviceable sidewalk.

Mr. Minder asked, yeah, but who tore it up and put all the cones around it, now you –

Mr. Robinson replied, that's because it's not safe to walk on because you could fall into the canal maybe if you walk over there, that's why they shut it down for safety reasons because – they are replacing that whole bridge, but the state is doing it. We can't go to the state right now and say hey we need you to replace this bridge tomorrow they'll laugh at us when they get around to replacing it. It is scheduled to be rebuilt.

Mr. Minder stated, I'm not going to blame you or anybody but whoever condemned the bridge or whatever they did to put those cones up should have some sense to say when we're going to put it back up. You can't take something down and four or five years later put it up. It's been two years like that.

Mr. Parker stated, thank you sir.

3. Deborah Colgan – *120W. Hendrickson Avenue*

She stated, as we passively wait for Select Morrisville to present the next step we should be having as a community a frank discussion on the ethics and legalities of developing Williamson Park as a commercial space. Creating a legacy for public space is an act that requires absolute faith one that is hoped that future generations will respect and treasure that when accepted lives on without betrayal. What is the value of Williamson Park? We can measure in dollars its land value then we can add in what the heirs and the church lease will need to be repaid. What are the costs to defend a taking of an actively used public parkland? But more important to consider is what is the value of Williamson Park to Morrisville? Should Morrisville promises made 86 years ago mean

something to us now? What are the intangible unmeasurable benefits that the park provides? Isn't there a value in exposing children to a variety of activities? A child playing baseball gets to see tennis. A baseball player gets to watch hoops maybe they can make new friends and expand their worlds. The value of Williamson Park cannot be measured by the number of visitors alone, sometimes it's bustling with many people engaged in activities other times when there are a few visitors it's a quiet green space where you can see magnificent sunrises or quietly picnic. It provides calm in a busy region. The park works for us even when we are not there it absorbs storm water protecting nearby properties, it filters out impurities which helps protect the near extinct land which spawn right there. It contributes positively to climate change solutions. It's a dark spot at night so birds can navigate and rest on their long migrations. Parks increase property values and lower crime rates. Morrisville taxpayers have consistently and overwhelmingly supported open space initiatives. We've also supported farm preservation programs even though we're not farmers we know we understand why they are good to have. They have value to us. Let's all understand the true value of Williamson Park and as we do we'll understand the true cost of this project. Reject this disastrous idea now. Thank you.

4. Joshua Kuntz – *40 Union Street, Apt. 3*

He stated, I figured today I would – I write poetry I'm so sorry to everybody in the world that I'm a person who writes poetry but I happened to write one I was like it's kind of a little bit in theme of spirit relevant to other topics I've discussed, it'll come to nobody's surprise and hopefully if I get through that I have another small topic that I'd like to address. So I'm going to read everybody a poem, it's called My Pops Woods. I was a fast learner, by age five I knew someday my grandpa would likely die before me, I was right. That day would come and I can no longer call him. Now to be fair, we did not have much to bond over, an old mechanic and a tech addict youth apparently don't have many topics to talk on but he did show me around the woods how to skip stones

at the creek and he'd point to lands in passing towns and tell me what once was. I didn't know why he did that last part. In my mind I simply needed to know what is not was, but now I see he was pointing to his memory, his world, his fleeting spirit and time and though humans are meant to come and go he wanted me to know what doesn't that we can always share the land, for it goes nowhere and so neither would he. I knew one day I would have to grieve the death of my grandpa I did not know I would have to grieve the death of his woods as well. So I thought that might be a nice sentiment in tandem with some of the things I've discussed before with the council, the kind of emotional burden that just society's ever pushing forward in "progress" has upon -- it's our ability to relate inter-generationally right that we are creatures of our environment and we learn and relate through these ideas of ancestry and our connection to the land as kind of possibly stereotypical or drip that is of a notion. The other weird topic is I was just kind of curious if anybody's been hearing all that really loud music coming over from Trenton and if we're doing anything about that? Like I can be over here and walk to the canal and through this entire area hear music that's so loud that it's rattling my windows in the house and I just wanted to know if anybody else is experiencing this if I'm hallucinating and should have been looking in to that before bringing it to a council meeting or if anybody has been doing anything about that. Also a small proposition for the fireworks thing I was wondering if we have asked them to post any signs or whenever purchases are made kind of thing for them to designate overtly in some capacity where legal areas are for fireworks to be launched being that they're sometimes launched in other area and this might put pressure on local purchasers to find their way to the appropriate areas because I remember last meeting there is saying that there is actual appropriate land places where people can use fireworks. I just thought that might be a nice way of trying to push that into the minds of people who are purchasing, anyway thank you very much.

Ms. Sherlock stated, Mr. Parker, I received a number of calls about the music I'm not sure what's -- I don't believe it's coming from the old Katmandu.

Mr. Parker stated, actually I don't believe it is either. One Friday I was leaving the area and I was going on 29 and I actually saw a setup by the waterfront in Trenton, it just looked like a pop up DJ event and they had rather large speakers out of the back of their SUV and stuff like that so that would be the location.

Ms. Sherlock asked, are they on the grassy area between 29 and the river itself, right?

Mr. Parker stated, yeah.

Ms. Sherlock asked, well, what can we do? We had this problem with Katmandu years ago we even talked about putting speakers in on a barge in the middle of the river to send the music backwards but I don't know, apparently it's very –

Chief McClay (inaudible)

Mr. Parker stated, this one was just like it was between the Calhoun Street Bridge and the Trenton Makes Bridge, there's a grassy area on the other side of the guard rail that they're able to go down with a vehicle and get access to the grassy area by the river and that's where they were set up so I imagine if you're hearing it that loud over here that's where they're at.

Ms. Hlahol asked, so Chief, what is it that we can do? You've talked to the people at Katmandu, have you talked to the people at Duck Island?

Mr. Parker stated, it's a pop up thing.

Ms. Hlahol stated, oh, it's a pop up thing.

Mr. Parker stated, if they were to call the non-emergency number would the department be able to reach out to the state police since that would be –

Chief McClay (inaudible)

Mr. Parker stated, I think the problem is getting another municipality in a different state to do something for us. We can try to reach out to the Mayor of Trenton,

Ms. Sherlock stated, it's a start.

Mr. Parker stated, it's a start, we can try.

Ms. Hlahol stated, Chief, Mr. Minder asked about fireworks and to stop at 10:00 would that be redundant with our noise ordinance or is that something that we could do?

Chief McClay (inaudible)

Ms. Hlahol stated, state law supersedes us right?

Chief McClay (inaudible)

Mr. Holbert stated, we can always make laws more restrictive, we couldn't make them less restrictive.

Ms. Hlahol stated, I think that's something we should do. I've had a number of residents complain as well especially like some residents said it's 2:00 in the morning and they're like woken up out of bed and they don't know what just happened.

Mr. Yager stated, I will say it's already illegal to do that in town and I would agree that we could do something more restrictive I don't agree that it will really impact anything because the people that are doing this are already doing it when they're not supposed to be doing it so that's where the redundancy would be.

Chief McClay (inaudible)

Ms. Sherlock stated, well if this body decides that we want to be more restrictive I would also like to expand that 150 foot perimeter because that I mean there's almost no place -- unless you go to the two parks there's no place in town where you're going to make the 150.

Mr. Nicol stated, I thought it already existed like that for footage away from homes.

Mr. Parker stated, it does.

Ms. Sherlock stated, it says 150 feet.

Mr. Nicol stated, yet we still have people setting them off in the middle of the streets around the houses and nothing gets done. I don't see where that's going to work either.

Ms. Sherlock stated, we still need people to call the police when they happen and I don't think a lot of that is happening.

Mr. Nicol stated, we absolutely do but on the 4<sup>th</sup> of July when you have 15 people setting them off at one time that's the problem.

Ms. Sherlock stated, you're absolutely right.

Mr. Nicol stated, it happened here again this year I've been here 10 years and it's hasn't gotten any better it's getting worse even though we have laws.

Ms. Sherlock stated, and we don't have 10 officers on to be able to go to all those spots either, I understand that.

Mr. Nicol stated, they do what they can, I get that. The worst thing Pennsylvania did was legalize them, that was the downfall of it all.

*There being no further public comment, President Ted Parker moved to the business portion of the agenda.*

### MINUTES

**Motion 6A** - Motion to approve the Borough Council Regular Meeting Minutes of May 17, 2021.

**Motion** made by Ms. Sherlock.

Motion 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.

*(minutes approved with changing name Miller to Taylor on page 3)*

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### ACTION ITEMS

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

**Motion** made by Ms. Sherlock.

Motion seconded by Mr. Yager.

*Discussion took place regarding the motion.*

Mr. Parker stated, roll call please.

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

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### REPORTS

**Mayor's Report – David Rivella** – There was no report this evening.

**Police Chief's Report – Chief George McClay** –He stated, good evening everyone. I guess we need to speak about the Flyer Den, on July 4<sup>th</sup> at 1:43 a.m. they had an afterhours party which I was not aware of. The gentleman who runs the place told me he promised that he would let me know but he didn't. There were approximately 300 people in the parking lot between there, 7-eleven, up and down Washington Avenue, ended up one person got shot in the leg he was a 31 year old male from Trenton there was a second male shot approximately at the same time who also showed up at a hospital in Trenton by a private auto, he says he was shot in Trenton but the one gentleman that was shot here did not cooperate. With that being said, I did contact the owner of the Flyer Den and he was never returned any of my phone calls. July 9<sup>th</sup> Sip-N -Spin was going to have a stripper night. I was able to find out about that and went over and spoke to the gentleman and got that canceled right away. That would have been another ugly crowd outside considering the Sip-N-Spin probably could only fit about 20 people in there. The rest of the clubs the one on Plaza Boulevard the Lounge he's not had a lot of people there he might be getting the message. The Hookah Lounge seems to be getting the message between the legal action and the parking lot has started putting up poles to start chaining that off at nighttime which for the parking lot is a good thing but what I'm afraid of is the people may float into the neighborhood so it's sort of like a double-edged sword with that situation so we're hoping that he's gotten the message and he's abiding by the law. Like I said, the number should have been better there, besides that crime still stays down 40% year-to-date and that's everything else is okay.

Mr. Bowers asked, Chief, on the Sip-N-Spin, I see the Code Enforcement Officer issued a cease and desist is that correct, for that use?

Chief McClay replied, I don't know if you give a cease and desist I know he sent a letter to Elizabeth the lady who runs the building after I talked to him about that, but he never went inside the building never put a poster or anything on the door, no.

Mr. Bowers stated, okay I think it just said he issued a cease and desist letter so I assume he would have posted the door.

Chief McClay stated, usually they do like we just put a cease and desist, stop work order on the old muffler shop but I went over there I went into the place and talked to the owner.

Mr. Bowers replied, okay, thanks.

Ms. Hlahol asked, so this is the second event where there were 200 people in a parking lot, what is the process for the officers to dismantle that before something like the 1:30 shooting happened?

Chief McClay stated, there's not a whole lot you can do with only two officers. I would have to call my whole department in and start moving people out but with that you're violating a lot of people's rights that they're just standing there and watching, some people there's no doubt there's a lot of drinking a lot of smoking but there's not you know -- maintain the peace.

Ms. Hlahol stated the residents were telling me that they were outside drinking in the parking lots so I mean that to me is not keeping the peace I mean there are laws about that, isn't there backup that could be called and disperse these crowds?

Chief McClay replied, it's going to be a tough thing to do. In this day of age you call in other police departments and start pushing people out of the parking lot you may end up with a full out riot with some hurt police officers and hurt civilians all for a summary violation so it's a tough call a very tough call and that's why we've been trying just to keep the peace and maintain and get there and watch things just keep things down but remember the officers are still answering 9-1-1 calls that whole time. It's a tough thing this is happening all over you watch it over in Jersey now Jersey's watching these flash mobs come up and that's what this is this is a flash mob they come they hang out they hang out in the parking lot. This gentleman that night actually gave out a ticket for an afterhours party. I think it comes back down to your Code Enforcement has to go in there and say this is not what you advertised and gave to our Borough as being what you're operating as. He's operating as a sound studio

and in the front a t-shirt place, now he's running private parties. That's not what he signed onto the dotted line for.

Ms. Hlahol stated, I agree. I don't think our code is doing a good job in doing these things, preventing them, monitoring them.

Mr. Bowers stated, code is not there to prevent them.

Mr. Yager stated, yeah I have to disagree I mean if it's a situation where we're saying that it's dangerous for police to be there and push people around to suggest that we should send Code Enforcement in there to push people around doesn't sound right. I'm not saying you said that sir.

Chief McClay stated, but what they have to do is if they are advertising they are a t-shirt factory and if they are bringing in people as a partying place and it is a venue to have people they have to issue non-traffic citations to the owner of the business and or the owner of the building itself, so they're not -- I'm not suggesting that they would go there and clear the crowd out or go during the party that can all be done afterwards.

Mr. Yager stated, I'm addressing the idea that it's preventable by them that's what I'm trying to address here.

Ms. Hlahol stated, well I think that the Chief said and I agree I'm not asking that they go there that night but preventable and when something happens then they have to be a little more proactive.

Chief McClay stated, it could be a little more preventable. We have that Club Lounge going on that story that that guy has given on paper about what he was and what he's promoting and things like that it's complete nonsense, so I think rather than one signature on it, maybe it goes before a whole board to say you know this isn't what you're doing you know it just doesn't make any sense and then we end up getting what we get. So whether that prevents it or not –

Mr. Yager stated, I mean if they're not going to be honest either way it's tough you know what I mean.

Chief McClay stated, you don't give them their U&O and you say sorry go someplace else. That's up to you guys how you want to handle things like that. It's nonsense, you can't have a business that you only have a fire code of 25 people and think that you're going to have a profitable business.

Ms. Sherlock stated, Mr. Parker we have the ordinance about hookah lounges and bars and so forth, are we moving on that this evening?

Mr. Holbert stated, not tonight, no. It's been advertised.

Ms. Sherlock asked, it's been advertised?

Mr. Holbert stated, we're advertising it we sent it to the Planning Commission we have to give them a certain time to review so it'll be in front of you in August.

Ms. Sherlock asked, it's still in the works. Okay.

Mr. Holbert replied, yeah following all the proper laws but the idea of getting it out in front, getting it open, having it in front of Council brings in the pending ordinance doctrine so people can't try and run in ahead of you and this way you can still work through it get everything done but the notice is out there that you're looking to change it.

Ms. Sherlock stated, and to Mike's point people are breaking the law are breaking the law it's almost the same as the fireworks.

Mr. Yager stated, I've said a million times you can't legislate good neighboring you just can't, it doesn't work.

Ms. Sherlock asked, but the fact that the owner of the properties are made aware of this because they can also be fined, is that correct?

Chief McClay replied, yes.

Ms. Sherlock stated, not just the renter okay.

Mr. Bowers asked, Chief on the Flyer Den have you met with Code Enforcement and discussed it at all to see if you can come up with a plan?

Chief McClay replied, almost every day.

Mr. Bowers stated, okay. My second comment on that, if throwing people out is an issue I'm just trying to think if the Borough were to make that permit required parking only for that parking lot and have certain spots open by ordinance during the day or daylight hours until 9:00 or something like that and then tow away zone without a permit is that another way to send a tow truck or send five tow trucks in there to start just towing people out if the crowd is too big?

Chief McClay replied, well the problem is you have Washington Avenue at Bridge Street. You have 7-Eleven parking lot you have all over there.

Mr. Bowers stated, I'm just trying to think that's right in front of the building that's a municipal lot, it's something that we can -- it's our lot that we own and do with what we'd like.

Chief McClay stated, yeah well we talked about that before about parking in there about you know put stickers on them and have a permit parking that's definitely a way to you know get around that yes, but I really don't think that's going to solve your issue I think that you have the other parking lots that are there and July 4<sup>th</sup> the night of the shooting I got here and there were still people over in the 7-Eleven parking lot an hour later still shooting off fireworks and drinking and everything else so it's a tough

situation. The best way to have it is not to have the business whatsoever unfortunately.

Ms. Sherlock asked, can we restrict the hours of operation for businesses in general?

Mr. Holbert replied, for businesses in general sure, I mean remember that some of those things would come in a non-conforming use if they already exist but yes, under zoning you can restrict uses but understand I've looked at this in other cities, larger municipalities that you do run the risk of being over inclusive and you get some businesses need to be open at those hours and it can get very tough and it is something you can do but it's very tough to do.

Ms. Sherlock replied, we would have to exclude bars, we'd have to exclude the 7-Eleven, the late night food –

Chief McClay stated, what ends up happening is you end up making it easier, you end up picking on people and then you end up in court and then you're in trouble. I know where you're going and I can't disagree with you.

Mr. Holbert stated, the Chief is right, it's a very difficult thing to do, it's very difficult all over and these things need to be crafted carefully to focus on specific things and then you run the issue where things that already exist that are the issue doesn't really deal with –

Ms. Sherlock stated, are still going to be here.

Mr. Holbert stated, right it's a matter of working amongst everyone as the Chief has been saying all departments getting involved and doing their part.

Ms. Sherlock stated, I have a question for the Chief that wasn't part of what -- I was going to ask you about disposition of records have you done any of that lately, are you good to go -- are you up to date?

Chief McClay asked, are you talking retention records?

Ms. Sherlock replied, yeah.

Chief McClay replied, I'm good, I have a run downstairs it was filled from head to toe when I got here and every year we go through and we look at whatever we have to get rid of and then we'll come back to you.

Ms. Sherlock replied, to be able to do it legally, right.

Chief McClay stated, yeah and we follow state retention records.

Ms. Sherlock stated, I'll have the same question for Micah when we get there I guess. Just wondering how the Borough's done it. Thank you.

Chief McClay stated, if you ever want to see it I'll show you the room that we have everything and I got the rules right up there what we're allowed what we're not allowed to do because before I got here that was non-existent.

Ms. Sherlock replied, okay, thank you.

**Interim Manager's Report – Micah Heitz** – He stated, just two real quick things, I won't be long. One, I did inform Council that we did receive the American Relief Fund Act monies and looking into what we can and cannot spend it on and once we get more information we will be looking into doing a few things around the Borough.

Mr. Bowers asked, how much was that Micah ballpark?

Mr. Heitz stated, just over \$400,000.00 that comes in two installments I think it was 454, half of it this year and half of it next year at the same time.

Ms. Sherlock asked, when did you send that out Micah?

Mr. Heitz replied, last week I believe I sent it out Wednesday or Thursday when we got it.

Ms. Sherlock replied, thank you.

Mr. Heitz stated, the second thing is in this last set of bills we did spend some recreation money to get new basketball nets and once public works get back up to par and have enough people they will be putting them in the park. Thank you.

Ms. Hlahol stated, I just have one question, sorry Ted. I just realized that there are cell towers on top of the Stockham Building and those cell towers generated revenue for the owner of that building so now that we have it at the Redevelopment Authority, who is getting that revenue? Should Morrisville be getting that revenue or is that going to the Redevelopment Authority?

Mr. Parker stated, I don't think they took it.

Mr. Yager stated, yeah that's still in litigation, that hasn't been finalized yet.

Ms. Sherlock stated, meaning the RDA doesn't really own it.

Mr. Parker replied, no they don't own it.

Mr. Yager stated, they're working with the County on putting together a legal advancement we can say but other than that there hasn't been a change in title.

Ms. Hlahol stated, okay, so as part two of that question I don't know if that's the tallest building or not the tallest building but is there any way that we could get those cell phone towers on a Borough property in order to get revenue from that?

Mr. Yager stated, the assumption is that somebody's getting money monthly, I'm not sure that that's the case sometimes they pay those contracts out in advance so the

owner that's been kind of missing in action may have cashed it in already for all I know. We don't have copies of the contract so I don't know.

Mr. Parker stated, if I remember right Mr. Mitchell was talking about for a while about the advancements of 5g and the smaller contenders that are needed and you know how eventually that they'll be on utility poles and stuff like that.

Ms. Hlahol stated, oh okay so we can't benefit okay.

Ms. Sherlock stated, in reference to the tall building the Presbyterian Towers is tallest and it does have many cell phone towers on it.

Mr. Bowers stated, I have one quick comment, I think last month we may have asked for the engineer to come in and give an update on the grant for the levee recertification? Can we have them in next month or provide something to us?

Mr. Parker stated, I was actually going to suggest that because it's been a while.

Mr. Heitz stated, I will speak with Gilmore and have them come in next meeting.

Mr. Parker asked, any other questions?

### **COMMITTEE REPORTS**

Mr. Parker asked, does anyone have anything they want to report? All right, hearing none then I'll go on with mine. On June 30th there was a Parks and Open Space Committee meeting, there was discussion involving musical events in the park and possibly a movie night since this was something that Mr. Mitchell had suggested last year and there was money budgeted for that. There was some discussion of dates and stuff like that and I had already been in contact with the administration about that and we have been going back and forth with Premier Movie Nights which is the company that Mr. Mitchell had been working with and their president actually was very

saddened to hear that Mr. Mitchell had passed away and was willing to honor any date that we picked this year so there will be a movie night on September 18<sup>th</sup> from 8-10:30 in the park by the stage area. There was discussion of music events which is something also that the administration had been talking about something that Mr. Mitchell also had wanted to do and tentatively scheduled right now are two events in August well they're not -- tentatively we're waiting for a final word from the Artists. One had already issued an invoice to the Borough and the other one we're waiting to get from and then it will be the 14<sup>th</sup> will be Lisa Bouchelle who's a local resident from the area and then on the 28<sup>th</sup> will be the First Time Around band which it's drummer is actually a Morrisville Borough resident and September events are still being worked on.

Ms. Hlahol asked, Ted you said somebody issued us an invoice already?

Mr. Parker replied, well it's an invoice just showing how much they're charging and stuff like that.

Ms. Hlahol asked, and what is that?

Mr. Parker replied, \$300 and I believe the First Time Around then which we're waiting on is \$600. Also there was discussion about Labor Day which we're waiting to hear back from the Mayor but in absence of hearing back from the Mayor the administration has begun to reach out to the vendors that were there last year and that work is in progress and something will be pulled off in time for Labor Day.

Ms. Hlahol asked, how much money was budgeted for these events?

Mr. Parker replied, for the music events it was \$8,000 but we won't even come close to that between the movie night and other events there was \$8,000 on top of \$2,400 that was already in that line item but it won't even be half.

Ms. Sherlock stated, I have a question Mr. Parker, is there not money also set aside for Labor Day, would that be included?

Mr. Parker stated, yes everything for Labor Day, there's a separate line item for that as well. Again it's not to spend money you know just to spend it, it's to make sure that we get the best value we can for what we're trying to accomplish in the Borough. That's pretty much it.

Chief McClay stated, Mr. President I know we lost Scott, so he's your representative from Civil Service Committee.

Mr. Parker asked, Scott are you still there?

Chief McClay stated, okay, so just to give you a heads up with the Civil Service Committee we have 18 finalists, we'll hold interviews on August 2<sup>nd</sup> and August 3<sup>rd</sup> for the position of police officers and they will be tested by three chiefs and we're hoping by the end of September to have this process done with.

Mr. Parker stated, thank you for the update. Scott are you with us?

Mr. Robinson replied, yes I'm here I just hit my mute button.

Mr. Parker asked, did you hear the update from the Chief about this?

Mr. Robinson replied, yeah I did.

Mr. Parker asked, is there anything you wanted to add?

Mr. Robinson replied, no that's fine, that's where we're at right now.

### ACTION ITEMS

**Motion 9A** - Motion to approve the 2021-2022 Gasoline & Diesel Annual Bid/Contract through the Bucks County Consortium. Unleaded Regular Gasoline: PAPCO Inc. @ \$0.1813 per gallon (delivery charge) market fluctuation pricing; On-Road Ultra Low Sulfur Diesel Fuel: PAPCO, Inc. @ \$0.2307 per gallon (delivery

charge) market fluctuation pricing; Off-Road Diesel Fuel #2 Dye Diesel Colonial Industries @ \$0.2774 per gallon (delivery charge) market fluctuation pricing.

**Motion** made by Ms. Sherlock.

Motion seconded by Mr. Yager.

*Discussion took place regarding the motion.*

Mr. Parker stated, roll call please.

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

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**Motion 9B** - Motion to move the Regular Morrisville Borough Council Meetings from the Third Monday of each month to the Third Tuesday of each month.

**Motion** made by Ms. Hlahol.

Motion seconded by Ms. Sherlock.

*Discussion took place regarding the motion.*

Mr. Parker stated, roll call please.

**Motion** failed by roll call vote 2-6. (nay votes being Mr. Bowers, Ms. Hlahol, Mr. Nicol, Mr. Paul, Mr. Robinson and Mr. Yager)

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**Motion 9C** - Motion to advertise the Zoning Ordinance Amendment concerning the Regulation of Smoke Shops and Tobacco Stores.

**Motion** made by Ms. Hlahol.

Motion seconded by Ms. Sherlock.

*Discussion took place regarding the motion.*

Mr. Parker stated, roll call please.

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

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**Motion 9D** - Motion to approve executing the resolution required for re-submitting the application in the amount of \$454,823 for the Automated Red Light Enforcement program grant through PennDOT for Pennsylvania Avenue and Philadelphia Avenue intersection. (Upfront cost to re-apply \$2,500-\$3,000)

**Motion** made by Mr. Bowers.

Motion seconded by Ms. Hlahol.

*Discussion took place regarding the motion.*

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

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

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**Motion 9E** - Motion to approve executing the resolution required for re-submitting the application in the amount of \$200,000 for the Automated Red Light Enforcement program grant through PennDOT for upgrades to existing traffic signals with battery backups, generator plugs and pre-emption. (Upfront cost to re-apply \$2,500-\$3,000)

**Motion** made by Mr. Bowers.

Motion seconded by Mr. Yager.

*Discussion took place regarding the motion.*

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

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

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**Motion 9F** - Motion to Appoint Judith Danko as the Open Records Officer and Borough Secretary effective her first day of employment.

**Motion** made by Ms. Hlahol.

Motion seconded by Mr. Bowers.

*No discussion took place regarding the motion.*

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

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

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**Motion 9G** – Municipal Authority Appointment: (1 appointment to fill the open position with an unexpired term of 42 months; term expires 1/4/2025.)

**Motion to nominate Roy Snare** made by Ms. Sherlock.

Mr. Parker asked, are there any other nominations? Hearing no other nominations we're going to close that.

*No discussion took place regarding the motion.*

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

**Motion** carried by voice vote 6-2. (nay votes being Mr. Bowers and Mr. Yager)

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**Motion 9H** - Motion to censure Councilman Mike Yager for violating the secrecy of executive session.

**Motion** made by Ms. Hlahol.

Motion seconded by Ms. Sherlock.

*Discussion took place regarding the motion.*

Mr. Parker stated, roll call please.

**Motion** carried by roll call vote 5-2 and 1 abstention. (nay votes being Mr. Bowers and Mr. Nichol, abstention vote being Mr. Yager)

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**Motion 9I** - Motion to approve the grievance settlement agreement between the Borough and the PBA.

**Motion** made by Mr. Bowers.

Motion seconded by Ms. Sherlock.

*Discussion took place regarding the motion.*

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

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

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**Motion 9J** - Motion to approve an independent medical examination for an injured police officer.

**Motion** made by Ms. Sherlock.

Motion seconded by Mr. Paul.

*Discussion took place regarding the motion.*

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

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

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#### **OTHER BUSINESS**

There was no other business to discuss this evening.

#### **BOROUGH OFFICIALS**

Mr. Sherlock stated, a couple of things. I will try to be brief. I already mentioned about the possibility of fines for Republic. Artist of Morrisville have had talks recently about doing some murals in town, it's not a new idea it's just something I think that they're going to try to move forward with more vigorously than they have in the past so I'm really just kind of making that announcement but obviously if it's on Borough property somewhere we would have to approve. I also ran into Mr. Jones from the high school because he was the gentleman -- he was one of the teachers I was working with with regards to how the backdrop for the stage was going to take place but then the pandemic happened and it never happened so he said he's hoping that next year they'll be able to fit it into the curriculum. Also I had mentioned the

directive 225 regarding impoundment we've had that in our possession now for a few months and I have asked the questions and they've been answered and I'd like to see if we could just put that on the agenda for next month, if we could get moving on that. This is for the solicitor, is there anything that can be done about private properties that have truly obscene signs or things of that nature on their yard?

Mr. Holbert replied, the simple answer is no. It's going to be 99,999 times out of 100,000 protected by the first amendment to find that you know less than one percent chance of the time that it's not, it's very difficult. I mean outside of direct threats, signs on your own property probably are covered and even then direct threats theoretically can be covered as well depending on how specific they are.

Ms. Sherlock asked, does it work anywhere near a school system?

Mr. Holbert replied, no, where it is, location, anything like that doesn't change things no.

Ms. Sherlock stated, I've been approached about it. I just thought I'd ask.

Mr. Holbert replied, no, it's a fair question and it's the right thing to do.

Ms. Sherlock stated, again it's only a couple of weeks away, the household hazardous waste collection. Again, I think we announced this every month but it's August 14<sup>th</sup> and it's at the Bucks County Tech High School so I think you can find more information on our Borough website regarding that. Also there were two announcements that we received from the PSAB and one is about the Sunshine Act the requirements have changed a bit now we actually almost cover all the requirements that they mentioned, it's Act 65 but one that is in there that I don't believe we do is actually put a copy of the agenda posted outside on our kiosk now if we have it on the on our website I think it would be you know that should cover it but it lists it as something separate from the website so I don't know if that's something we have to do or not. The second one is it's called it's House Bill 1621 and I think we might have to move on this unless you even know I don't know . It's regarding an

expansion of the 5G technology and it establishes standards for deploying small cell infrastructures while preserving local authority over the rights of way and they said if you don't get there quick enough if we don't do something sooner than later it could end up being harmful for us. Is that something you're familiar with?

Mr. Holbert replied, yeah I'll start with your first one about the agenda. We have copies of the agenda here that's what it's addressing with the kiosk.

Ms. Sherlock stated, okay because it does mention that it mentions having it in public at the meeting but it also mentioned all four but that's all right if you think we're covered we're covered.

Mr. Holbert stated, as for the cell tower issue that's an issue everywhere yeah they're looking to change the law that's been going on for I want to say at least three years off the top of my head that I can think about it's probably been longer but there have been changes proposed and the idea is they tell you if you don't do something now you're not going to be able to do it later we can take a look at it but I'm going to tell you the way these laws are being written and the way they're changing it whether you do something now it's not going to make a difference they're going to do what they -- when the laws change they're going to do what they can to supersede items so outside of -- the way these laws have been going and the issues that people have been having I think Doylestown Borough is the best example I can give from Bucks County recently and what they've done is it's to -- when people approach you when Verizon, AT&T what's the other big one, they have a different company it's Crown Castle, when they come to you to look to install things the idea would be to work with them what we've seen from the way these laws are turning and how municipalities have interacted, if you work with them you can get what you want out of it if you resist they find a way around it is the best way.

Ms. Sherlock stated, okay, so let's not waste any money on any new ordinance or protection.

Mr. Holbert replied, yeah, generally these things the way they're writing these laws and trying to change the laws is to supersede all local zoning ordinances and other land development use, regular general code ordinances.

Ms. Sherlock stated, okay so this was talked about at the last meeting, can we -- and I think it should be very simple to me I think it would only be a paragraph. Can we amend our animal ordinance to exclude roosters? I don't know how the rest of the Council feels but I know that I think probably maybe a number of us have had calls about it and then also chickens were mentioned I mean I don't really have a problem with chickens but if you have 12 chickens that might be a bit of a problem. Can we restrict the number of chickens? I definitely think we should be restricting roosters.

Mr. Holbert stated, yes it's something -- you know there's other animals that are restricted just like you can restrict other things you can restrict you know ownership of specific types of animals. Yeah that's something that can be looked at something that could be done.

Ms. Sherlock asked, but is that something this Council is -- I don't know if we have to have a vote on it but just to have him look our animal ordinance over, I don't remember now I had it last month I think 867 or something like that.

Mr. Paul stated, I mean I agree you know as Ted was saying we get lots of complaints from our neighbors and I think it's something that we all are interested in and maybe Scott can take a crack at it and circulate something that we can then -- roosters seem to be one of the big problems and also excessive numbers of chickens and depending upon how much debris that they use. So it's more than just roosters but anything that really just becomes you know a nuisance for neighbors that in some way that we can quantify or characterize.

Ms. Hlahol stated, well one of the things in our ordinance currently is that the coops have to be 25 feet I think from a property line and some of these homes are very small and I don't believe that code has really enforced that part of our ordinance because you're talking --

Mr. Paul stated, some of the coops are like right on the property.

Ms. Hlahol replied, yes and that shouldn't be because you're talking about 50 feet just side to side and most homes are just 50 feet wide I might be wrong in that.

Mr. Bowers stated, maybe we need to revisit that too because If you're not going to allow roosters and chickens aren't loud and they're not bothering the neighbors, I mean probably 20 years ago when they wrote this it wasn't popular to have backyard chickens and have your own eggs and that's kind of come full spin again so we may want to revisit those as well but I would also suggest rather than sending it to the attorney first that it gets sent to the policy and ordinance committee to review. Those meetings you know once they put a meeting out there it's for the public and all of council could show up if they want to give input because it's an advertised meeting.

Ms. Sherlock stated, but we already have one on the books it should just be a matter of putting roosters in with the undesirables.

Ms. Hlahol stated, well it's also enforcing the current ordinance which isn't being enforced which is where the coops are in people's yards.

Ms. Sherlock stated, but to that point, if we keep it at 25 feet we're basically saying 70 percent of Morrisville cannot have chickens because there's just no—

Ms. Hlahol replied, so that'll be it.

Ms. Sherlock stated, I don't know if I want to go that direction.

Ms. Hlahol stated, there's an ordinance currently that isn't being followed.

Ms. Sherlock stated, right, I agree about the ordinance committee because that was my last thing that I was going to mention about having I'd like to have an ordinance

meeting if we could and there was a couple ordinances I wanted to address but we can address it but I think we've just both hit the nail on the head right here about roosters.

Mr. Bowers stated, well I'm fine if you want to engage the attorney just to throw in roosters but then you also threw in the other thing about the number of chickens I think that needs a discussion and to figure out you know is the number based on square footage of the pen area or is it square footage of the yard you know seems like a discussion for people to have and especially to bring people who have chickens in and then maybe even their neighbors so they can either say yes I'm for it or no they make a mess, don't allow more than two, I hate them, whatever.

Mr. Paul stated, at the policy committee meeting yeah.

Mr. Bowers stated, because I can tell you there's going to be a number of people that will come in when they hear about chickens because they have chickens they love chickens.

Ms. Sherlock stated, I don't think we should get rid of chickens. I'm all for chicken coops too, I just don't know about the numbers. I mentioned the numbers but I'm not opposed to it. I'm not married to 6 versus 12 or whatever. I am married to getting rid of roosters.

Mr. Parker stated, okay there was something that I forgot to bring up earlier, Dave Nay's neighbors had gotten together and pulled money together to put up a sign at the bridge that he had helped rebuild that he had organized and helped rebuild. Scott seems to think we need a motion we should have a motion to address putting a plaque there. Is anybody opposed to opening it up to public comment real fast?

Ms. Sherlock stated, I think we should because I have a couple comments.

Mr. Yager stated, I'm not opposed to it but are you sure it's DCNR property?

Ms. Sherlock stated, exactly.

Mr. Bowers stated, but it's our bridge.

Mr. Parker stated, it's our bridge.

Mr. Yager stated, fair enough.

Ms. Hlahol stated, where is it going, on the bridge?

Mr. Parker stated, if it has to be on the bridge or right next to it, I don't know.

Ms. Hlahol asked, I mean what is it that they're putting up?

Mr. Parker replied, a plaque honoring him and for his -- I haven't seen actually seen the physical plaque. Have you seen the physical plaque?

Ms. Sherlock replied, no.

Ms. Hlahol stated, yeah I'm just wondering where on the bridge it would go.

Ms. Sherlock asked, should we like open it up and then discuss?

Mr. Parker stated, well I just want to know I think at this point the best thing -- I mean I know they wanted to get it up but we may just have to wait until August.

Ms. Sherlock stated, I know that one of the persons that was working on this is Josh and he had another conversation with the Park Ranger because originally we had a conversation with the Park Ranger and with Susan Taylor from the Friends of the Delaware and it was determined that they don't allow anything on the property, like it can't be on --

Mr. Parker stated, it would have to be on the bridge.

Ms. Sherlock stated, right so they could be on the bridge and we do own the bridge that's true, but to put it on the bridge there was this – the Park Ranger was going to go get some sort of variance or exception to be able to put it where we want to put it and that's where it is right now so I don't really know.

Mr. Parker stated, so we wait until August.

Ms. Sherlock stated, it has not been purchased yet.

Mr. Parker stated, okay I thought it was purchased, sorry I thought it had already -- I don't know. So then we'll wait for August then.

Ms. Hlahol stated, I don't have a problem with it.

Mr. Parker stated, if they can obtain a variance --

Ms. Hlahol stated, when I walk, I walk over that bridge I can take a look to see where's -- I don't know how big it is but to see a possibility of where it could work.

Mr. Parker stated, I know the actual footprint of the bridge goes into the canal pathway, you know side of the pathway a little bit.

Ms. Hlahol stated, maybe in the center -- well if they haven't purchased it maybe they could like make one of those like bench plaques and we could put it in the center of the bridge.

Mr. Parker stated, I don't know what they're doing but they're working on.

Ms. Sherlock stated, yeah I don't know what their idea was. We were told originally not to put on the bridge to put it on a pole near the bridge.

Mr. Parker stated, right so we'll leave that for August. When they have more information they can come back to us.

Ms. Sherlock asked, so we can have an ordinance meeting soon?

Mr. Parker replied, yes we'll have to call an ordinance meeting I think there were some other things that Chief wanted us to look at too, some other changes. There were some other things other than 205 policy directive that you wanted us to consider okay.

Chief McClay (inaudible)

Mr. Parker stated, well if you want to you want to work on some more and we'll get them to the policy committee and then get them up for a vote. Okay, anyone else?

Mr. Bowers stated, I have two things real quick. Number one on Saturday, Friends of the Morrisville Dog Park will be hosting the Dog Pool Party at the dog park from 1-4. We have a giant inflatable sprinkler that's shaped like a fire hydrant I think it's four or five feet high and we have a number of small baby pools filled with water for the dogs and a treat truck instead of the traditional food truck it's a food truck for dogs no human food. Another thing, I just hate to circle back to the fireworks issue, I have sent the attorney Scott a couple of weeks ago somebody had mentioned Doylestown Township has an ordinance I had kind of sent it to him not to ask him to write it but just to read through it and see if it actually had any teeth. I hadn't heard back from him I don't know if he's reviewed it but I just want to bring it up at this point I can either forward it to all Council to review or we can ask Scott to just take a look at it and give us an opinion as to whether it's something you think would at least give us more teeth to sink in.

Mr. Holbert stated, we reviewed it I'm sorry I didn't get back to it. When we were on the meeting last time I thought it came up with Randy it's my fault I'm sorry. I would send it around to everyone in Council to review. To say it would have teeth really couldn't come from us that would be something more for the Chief to really talk about the enforcement I mean enforcing these firework restrictions the ones that exist and any ones you can have, it's a real problem as he can tell you because the second they

get there people disperse or they're not shooting them off so unless you have a video of someone it's really tough to enforce especially when you get to the Borough ordinances where it's summary violations because you know people complain they aren't really watching they're hearing it up in the sky it might be a neighbor two doors down so they don't know who's actually setting it off so it does become an enforcement thing but it is something you can look at and look to do if you are able to properly enforce it could you know have an effect, we're seeing the enforcement actions just to bring it back full circle that the enforcement actions we've been taking against the Hookah Lounge he seems to be behaving more now so if you are able to get it to be enforced and you are able to put teeth to it, it could bear dividends yes it's just one of those things that's extremely difficult to enforce.

Mr. Bowers stated, maybe I should clarify by having teeth I understand the enforcement issue I also was worried about the legal aspect when we do that?

Mr. Holbert replied, yeah.

Mr. Bowers stated, because some municipalities just put something out just to have something out there that's you know if somebody challenges it it's not going to hold up but it looks good on their part to put it out there.

Mr. Holbert stated, yeah the law specifically written the state law that local regulations can still be written and can still be put in place. It's something we can look at and take a view of what was done there and what would you what would you like to include as well.

Mr. Bowers stated, okay, I will forward it to everybody then.

Ms. Sherlock asked, Justin, what time is the pool party?

Mr. Bowers replied, one to four.

Mr. Parker stated, if no one has anything else we're going to adjournment. Can I have a motion to adjourn?

**ADJOURNMENT**

**Motion** to adjourn, made by Ms. Hlahol.

Motion seconded by Mr. Bowers.

Meeting adjourned at 9:00 p.m.