



### 7:10 Executive Session –

*Due to lack of a physical quorum the meeting was not officially opened although the special presentation of the crowning of the Winterfest Court took place as well as public comment. The Regular Meeting will be rescheduled for November 30<sup>th</sup> at 7:00 p.m.*

The Morrisville Borough Council met on Monday, November 15, 2021 at 7:27 p.m. in Council Chambers at the Morrisville Municipal Building, 35 Union Street, Morrisville, PA for an *Unofficial* Regular Council Meeting.

Mr. Parker stated, please rise for a moment of silence and the Pledge of Allegiance. In our moment of silence I would like us to acknowledge the hardship that Councilman Mike Yager and his family are going through with the loss of his father last night.

Mr. Flager stated, as was stated before we had a very brief executive session on the potential sale of the property at 38 Hillcrest Avenue. In addition, we very briefly discussed lawsuit that the Borough was served with today from Don Rice from Sam Stratton his Attorney to the Borough okay thank you.

Mr. Parker stated, we will be adding a motion to accept the offer for the property at 38 Hillcrest and I'm assuming that will be 8I.

Ted Parker asked for roll call.

**Those in Attendance:**

Borough Council: Ted Parker, President  
Bob Paul, Vice President  
Justin Bowers  
Helen Hlahol  
Scott Robinson (via phone)  
Nancy Sherlock (via phone)

Borough Officials: Judith Danko, Borough Manager  
Randy Flager, Solicitor  
Virginia Cyphers, Assist. Borough Secretary (via phone)  
Micah Heitz, Finance Director (via phone)

Not in Attendance: Dave Rivella, Mayor  
Duane Nicol, Councilperson  
Michael Yager, Councilpeson

**SPECIAL PRESENTATIONS**

Crowning of the Winterfest Court by Donna Wilson, Chairperson of the 2021 Morrisville Winterfest Parade. Jr. Mister Winterfest – Jason Zalanka, Little Miss Winterfest - Melania Noelle Simmers, Jr. Miss Winterfest – Sophie Loeffler and Miss Winterfest - Zoe Williams.

Mr. Flager stated, ladies and gentlemen we looked at the letter we thought it came in August but actually it came in October the 8th from Mr. Nicol who's resigned so he has 45 days he could change his mind theoretically before we accept it. It hasn't been accepted so therefore we have four people and unfortunately because of the circumstances with the death in a family we do not legally have a quorum we would if 45 days had gone by because four out of seven, four is the majority of seven but four is not the majority of eight and therefore the presentation was wonderful on television

but there's no way that um we should be voting on any kind of ordinances because we need seven days to advertise in advance for an ordinance so it'd probably have to be the 29th or 30th of this month at the earliest because you would go after Thanksgiving unless you want to meet on Thanksgiving which I don't think anybody wants to do. So that's my suggestion and Council has two choices, one is they could listen to public comment now or they could just can do the other meeting and do it at that time which makes probably more sense because it'll be much more topical then but Mr. President that's all I have to say about that.

Mr. Parker asked, do we want to wait on public comment or do we want to let the public speak?

Mr. Bowers asked, Mr. Flager if the public speaks is it on the record or not?

Mr. Flager replied, well I hear what you're saying even though we have -- technically we don't have a quorum here and there's no vote required their voices will be on the record because everyone's heard it, it's been recorded and the majority of Council, four of you here present and two of them on the telephone will hear them but you're not taking any action.

Mr. Bowers stated, but since there's no actual meeting there won't be any meeting minutes to put it on the record.

Mr. Flager replied, correct. Well, what do you mean put it on the record?

Mr. Bowers stated, well I know a lot of people come and speak because they want their voices on the record.

Mr. Flager stated, well I mean it's not an official meeting so the answer is probably you should probably wait that would be my suggestion. If they want to be totally -- I know people come out on a cold night and I didn't want to --

Mr. Bowers stated, I get that, my suggestion would be that we unofficially poll the public and see if they want to talk now or if they'd like to come back or allow the ones that can't make it another time or don't think they will to voice their opinion.

Ms. Sherlock asked, are you saying this is not a certifiable meeting where we can actually vote on things?

Mr. Flager replied, I am saying that yes. I'm saying that you cannot vote on anything this evening. You could listen to presentations, you could listen to the public, you could do all that but you cannot vote on anything tonight that is correct.

Ms. Sherlock asked, does that mean we are going to listen to the public then adjourn?

Mr. Flager replied, no, what I said is the Council could adjourn the meeting at this moment and then reschedule it or if Council chooses it's up to the Council President and the Council what they want to do. I think you should wait to have an official meeting to do that I think it's proper but that's my feeling but if Council wants to hear the public because so many people came out that's up to them.

Ms. Sherlock stated, I will acquiesce to the majority of the Council members that are there. If the public wishes to speak it's still their house, so it's up to them.

Ms. Hlahol asked, are we going to reschedule a meeting before the December meeting? The last week of the month?

Mr. Parker replied, yeah.

Ms. Hlahol stated, that's the 29<sup>th</sup> of November.

Mr. Parker stated, the 29<sup>th</sup> or 30<sup>th</sup>.

Ms. Hlahol stated, in my opinion, if the public wants to speak I'd let them speak but they should just know that it's not official. I mean unless they don't want to but we'll

probably have another meeting on the 29<sup>th</sup> where everyone is welcome to come back. Tuesday the 30<sup>th</sup>, my bad.

Ms. Danko stated, depending on the advertisement date because we have to make sure that you can advertise it with the timing with the newspaper Thursday or Friday would be their days off so we have to make sure we can get this and we have to really find out when Mr. Yager can be here, I need to find out when the Council members can be here so we can definitely have a quorum. So I need a consensus before we could advertise. We'll be advertising on the Borough website and so forth.

Mr. Parker stated, actually at this point it's a discussion among Council to set another date so. Is everyone okay with the 30<sup>th</sup>? All right so we're okay with rescheduling that meeting to the 30<sup>th</sup>. Is there anyone who wishes to speak tonight even though it's not going to be on the official record?

### **HEARING OF THE PUBLIC**

1. Molly Rafferty – *123 Delaware Avenue*

She stated, I came here tonight to talk about fireworks, planes, trains, lawn mowers and trash trucks, they are all very loud and I think that they should be prohibited because I am entitled to a silent neighborhood. That was a joke, just like your attempt at prohibiting roosters is a joke. Last month I referred to the rooster issue as a Hatfield and McCoy feud later that evening some of you tried to discredit my statement so tonight I brought the proof, right here the official rooster complaints from the last 12 months all complaints are from one woman complaining about her one neighbor isolated. On August 25<sup>th</sup>, 2021 Ward 2 Council members were made aware of a possible animal abuse situation. I'm curious if either of you ever contacted animal control, if not why? Is it because it was a rooster? Also on August 25<sup>th</sup> Code Enforcement said in an email "I do drive by daily and I have not heard roosters in about a week" and on the 30<sup>th</sup> code again wrote "to be honest the cicadas were louder than anything else on the property". Want to hear how Morrisville residents feel about roosters I brought that too. It's a Facebook post from last summer a resident bought new chicks to update their flock one turned out to be a rooster they created a post on Facebook within the community to

ask everyone how they felt if the crowing would bother anyone etc., 109 people liked the post and 64 people commented all in favor of keeping the rooster. Some of the comments, I wish I can hear it, if I was your neighbor I'd love it, keep him he's beautiful, hope you can keep him there are dogs in my neighborhood that bark a lot, I'd rather hear a rooster than the fireworks. How is a Borough going to defend potential lawsuits contrary to obnoxious spending there's no money tree behind Borough Hall? We're in between having an EIT implemented or letting two police officers go yet here we are regulating chickens anything but focusing on the actual issues is that how this works? The majority of Council agreed to hold a policy ordinance meeting in regards to roosters you talked a good line about it but for the record that meeting never took place. Text messages, phone calls, in person rooster complaining, you could do it until your battery died or you were blue in the face if it's not directed to Code Enforcement you're not following proper protocol. I will be here next month to support the bees as I hear you're now trying to prohibit beekeeping in the Borough. Death and taxes are inevitable, regulating roosters is optional. Choose wisely, thank you. I have copies for everyone to look over.

2. Daniel McCleary – *53 Delaware Avenue*

He stated, good evening my name is Daniel McCleary I'm an 18 year old who lives here within Morrisville and I have my whole entire life. When I was in third grade my family had to make the very difficult decision to have me leave schooling at Morrisville School District in favor of doing my school online. Our reasoning was that Morrisville did not provide me with competitive education. I easily aced all of my assignments and despite being in the gifted program I was still not challenged. This is a problem that I know is not unique to me I know others close to me in my grade level who have not had competitive educations either all the way through high school. I've heard stories of classrooms sitting back and watching movies all day even. This is a problem that stems from the massive budgeting issues within Morrisville Borough leading cuts of teachers and drastic consolidation of jobs. I come tonight in support of the proposed redevelopments at Williamson Park. Redeveloping a piece of land so unique to our town such as this park is not an easy decision to make as I understand. I'm very sure you are all aware of this but unless something is done our tax rates are going to continue to go up. In

providing a brand new and competitive business center in our town there will not be a need to escalate tax rates more than we already have. As part of the next generation of Morrisville myself, I don't want to bear that burden, none of you should want your children to bear that burden and from seeing posts on varying Facebook groups I know none of you want to either. The only way we can break the cycle is by making these hard decisions. People aren't going to be happy either way this proposal goes but I sincerely believe that it is right to redevelop part of Williamson Park. I wish that I was able to stay in attending Morrisville School District however stemming from a lack of funds in school as caused by budget issues that was not possible if I wanted to gain an education that challenged me and caused me to grow. I hope you all will see the impact that your outcome will have on my generation as well as generations to follow and I hope that you will decide what you believe to be most sensible going forward for the sake of our town. Thank you.

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

He stated, I've been a resident since 1974. I used to come to Borough Council Meetings at which time a number of the people sitting up there some are here used to make inflammatory remarks about me. I'm not a very sensitive people person so I just want you to know that I will return when the COVID thing is over. I will also return next month. I would also like to speak about the project down here. I am an umpire I've been an umpire since 1974. I do baseball, I did baseball for years. Years ago I played in Little League. I'm still an official, I still do softball. The project down here, the gentleman is going to invest money into that project. He's going to build new fields that they're just complaining about taking up too much of the park. The park numerous times has been flooded. Numerous times it has been flooded. It's a flood zone down there, I've seen it, I've been there, I've been there after we've had heavy rains and it's still flooded, the fields are muddy the grass is wet and all of that. All I'm saying is the earned income tax I'm in favor of it. Somebody said there was a brick wall, well there's a big jump ahead of you that's the EIT and you're going to smack that head on, you may get hurt you may not, some people have hard heads. I wish you luck. So if you go to the hospital I hope you get well soon and everybody have a Merry Christmas. Thank you.

4. Jim Schwartz – *580 Rosemar Drive*

He stated, I don't know if this is recorded if people see us on TV, if not I'll be back here on the 29th the 30th and say it again. I'm really proud of this Borough. I had so much support from all four Boroughs who loved me, who cared for me, who donated, who helped to -- I just didn't realize the kind of people that really are in this town and there are some good people in this town. I want to thank the board, most of you all showed up wished me well at the polls that was very cool you all didn't have to do that but you did. Scott and Helen and Paul you just blessed me so much I just can't tell you. I'm going to make this short and sweet but I really want to thank the Council President, I want to thank Ted. In May he and I didn't hit it off very well but in November I called Ted a friend he taught me so much about the Borough, about politics, he answered every question I had he didn't back down not once because he cares about the Borough and I know you won't be here later in the month so I'm going to brag on you man you deserve it you have the hardest job here in the borough and that's trying to orchestrate this whole sometimes monkey fest or whatever you want to call it or a blessing fest or whatever. I've been here for seven months now I've lived here since 63, you were 74, my family's been here since 63, my uncle and aunt been here since 61. I played on every one of those ball fields but you know what, 85 percent of the people that use our fields don't live in our Borough that bothers me when our Borough can't meet its bills that bothers me okay, those are real issues we have to fix them and do it right. We have to support our police and by the way Chief thanks to many of your people who supported me, the entire Fire Department supported me. These people need to see that we respect them. We need to protect our police, we need to protect our fire people, and we need to protect the Borough but Ted I just want to tell you one more time brother you made a huge impact on my life over these last several months and I will never forget you and I thank you and God Bless the Borough, let's do what's right for the Borough forget about everybody else, if you don't live here shut your mouth and let the Borough people run the Borough. Thank you.

5. Laura Goe – *78 Central Avenue*

She stated, I'm here to talk about the possible redevelopment of the area known as the Island which is where I live right alongside the bridge. It's where the baseball fields are and it's where there's the possibility of building condos and other things that many people want due to the tax purposes that they have in mind. For my part, I am still deeply, deeply disturbed and worried about the fact that that Island is built on rubbish and trash. You can see in those pictures that the water ran through there and it was an Island for many years my husband who first moved there in the 60s to the Island talks about dumping trash down at the place nearest to the road and that went on for years, years before he got there and years after he got there they were still dumping trash so what we have is we have a bunch of surveyors out there, I watch them every day for a long time surveying the heck out of that place but none of them put a drill in the ground, none of them did any attempt to figure out if there was anything down there that would make it another surf site where we would end up with our condos down on the ground. So that's what I'm concerned about and I will leave it at that you have the maps. For anybody else who wants a map I have a few left and I will be glad to give you one. Thank you.

6. Don Rice – *343 Crown Street*

He stated, this is just an abbreviated comment. First I have a question for your Council and Mr. Flager, there are two Council members that are on the phone correct, that's six council members isn't that a quorum? Because the Sunshine Act allows participation in a meeting by phone it is permitted.

Mr. Flager replied, the Borough Code though you have to have a physical quorum and then others can then be on the phone.

Mr. Rice asked, the Borough Code supersedes the Sunshine Act?

Mr. Flager stated, we would love to have a meeting tonight. The Borough Code specifically says we must have a physical quorum and then once we do then everybody else could be virtual and participating.

Mr. Rice asked, did you ever change that when the Governor had the covered regulations in place and you had to meet by –

Mr. Flager replied, if you recall the legislature overrode the Governor and they took away some of that and we're back to the Borough Code. I would love to be able to have this count as a meeting.

Mr. Rice stated, I agree. The only thing I wanted to add is that you've named me as the litigant on the suit that is correct, but there are 10 other litigants as well, I am just the first one named. That is all.

7. Jane Burger – *90 W. Maple Avenue*

She stated, just a clarification I thought there was a public notice for a public hearing regarding the preliminary budget for 6:00 tonight that was published was that rescinded, did I miss that, because they didn't see the notice? I was here at 6:00 but I'm back at 7:00 just a couple of things on that. It's a difficult task I know the last budget meeting Mr. Yager did have some suggestions that some seem to be in line with to look at, that probably doesn't solve all of the concerns but I want to speak again to the idea of the tax anticipation loan. The only one on Council although by phone this evening Mrs. Sherlock was on Council when we had to do that for decades you needed money to cover your bills until the tax money came in April and municipalities would get a loan for the amount that they thought they needed less any incoming revenues, it was a one-year loan it had to be paid back in December and of course when you borrow money there is some interest to do that. The Borough did that until the point where they sold the Annex Building which is now the courthouse and that \$400,000.00 was put in a tax anticipation fund, TAN fund that we would use that that would cover the expenses and we no longer need to go to the bank to get the loan. Hearing now that obviously sadly it is not sufficient so in addition to the fund any revenues you know for sure coming in, I heard that you're using the capital reserve line to cover those expenses and although your money comes in basically by June I'm hearing that that money which is for vehicles, for computers, things that are in the resolution can't be done because you're going to have to need that money come the following January. So when you look at your budget issues I'm asking you to consider going to the bank to find out what the interest

would be and what the amount you would need to borrow what you take from the capital reserve fund the \$200,000.00 whatever it is and borrow that because that fund is an operating fund and I really am concerned that it's being used as a tax fund and rolling over every year to cover bills and not being used for its cost and one of the things that comes out of that fund is the police vehicle and for 17 years on Council there was only one year we did not buy a new police car and we budgeted for half of it and the following year we made up for it. You need to rotate at least one police car every year because they are used hard so nobody likes to take a loan but it certainly is something that's been done for decades and you may need to look at that to make sure that the capital reserve fund issues for what it's intended. I have an agenda and minutes from 1996 and 1997 to show in December there were motions to pay back those bank loans and I'll share that with you. I kept all my minutes I couldn't find all the financial reports. Thank you.

8. Joshua Kuntz – *40 Union Street*

He stated, the finance meetings were a riot man I feel sorry for everybody I'm thankful for what everybody's going through in those meetings that's a tough situation for sure, certainly entertaining if only from a very far away when I'm not actually thinking about how tough they are. Though something did kind of come to my mind about the EIT the finance thing I don't know if this is an option but since we already did a vote I was in favor of that personally of being implemented because obviously there was money going outside the Borough that I thought could be really useful. It seemed like there was a lot of people who didn't really understand what the actual transaction was supposed to be about and maybe that there was some better information now that more things have been discussed but as an option I don't even know if this is something that we can do, is it possible that we can make an exception where if people are like kind of like adopt half of it where if somebody is already being charged the amount that they are taxed from outside the community if the people who already are if that gets implemented internally and then just allow it for like some people to opt out if they're that passionate about it, there's no like compromise we can

do it has to be like the whole thing, that sucks. All right, well I would like to at least vote voice I think that we should do a recount on that and try and get more people in another presentation because the if there's a silver bullet for the situation that definitely seems like one that could do some damage, positive damage, healing damages, healing silver bullet for the community. Second, I hope that it doesn't come off whenever I talk to you guys and I'm trying to ingratiate myself with you I think that that's kind of poor taste and that I am actually just trying to encourage the community and the wholeness of everybody so that's why I usually say things about philosophy and ethics and how that this is a long lineage of our civilization this is not to kind of get me brownie points or anything but just kind of establish that we're on the same team which is authentically what we need to be looking at even when we disagree with people. Third, if anybody is interested in educating themselves on a different perspective on how infrastructure impacts things and the longer term impacts of these kinds of developments I suggest a YouTube channel called, not just bikes, from an individual who has lived throughout the world and specializes in kind of a hobby of educating themselves on how long-term things and investments impact communities such as how in America in particular we're basically a pyramid scheme when it comes to development which is we expand and then we expand more to pay for the thing that we already expanded for and so as we continue that cycle that vicious cycle of needing to expand and expand and expand it actually impoverishes other things and destroys other infrastructure so even though it might seem like a temporary solution now, it's actually really not good later on and as a person who this is I'm not old nor am I young but I've seen this happen before, I've lived long enough to see this occur and it might be worthwhile for people who might not have lived this already to educate themselves on things longer than their own lifespan. Thank you very much.

9. Noel Sperry – *531 Prospect Avenue*

He stated, I'm here on behalf of the Morrisville Business Association tonight. I just want to let everybody know that on November 27th from 9am to 1pm if it's drizzles we will be doing the cleanup and decoration of the Robert Morris Plaza for Christmas or the holiday season. Everyone is welcome to come out and help out. I encourage Council to please be there, it's a great way to say thank you to your businesses that are here in town, same thing for everybody in town you're more than welcome to come out and help out, the more the merrier because many hands make light work of a very heavy project. All I ever ask is bring some festive headwear, I'll have my Santa hat as I normally do but bring out whatever you feel like and bring out your work gloves and everything else will be provided. We actually have a lot of decorations to put up this year so please come out and help out. Thank you.

10. Tom Workman – *104 Green Street*

He stated, I want to say I understand where other people are coming from on the Williamson Park situation. I'm a father, my son here today he goes to Grandview Elementary School here in Morrisville. One of the reasons I bought my home in Morrisville was that beautiful park, it's a great place. We visit there all the time, we don't play baseball. I have no investment in the baseball fields at all. I have investments in a green space that me and my son can walk through, that we can ride our tricycles and our scooters and our bikes through. It is a beautiful spot. My wife and I both ride our bikes through town and walk the towpath. It's a gorgeous spot and it would be awful to lose one of the few green spaces we still have in our town. I'm not an elegant speaker, I'm awkward, I don't have notes. All I want to say is that seizing that land and selling it to a development when it was specifically given as a trust to preserve a green space is the exact opposite of why we have laws to stop that. That's it, I love the town. I love the people in this town. I want it to prosper but I don't see a way in which taking away a park to give a tax break to a developer and all of that, it just it breaks my heart. That's it, thank you.

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

Mr. Parker stated, we're going to adjourn and we're tentatively set for the 30<sup>th</sup> of this month for our next meeting. Thank you everyone, it'll be advertised.

**ADJOURNMENT**

Meeting adjourned at 8:21 p.m.

<https://www.morrisvillepagov.com/meeting-videos/>  
<https://www.youtube.com/watch?v=y5dGFBqtdnA&t=474s>