



6:00 Executive Session – Personnel, Possible Litigation

The Morrisville Borough Council met on Tuesday, January 2, 2024 at 7:10 p.m. in Council Chambers at the Morrisville Municipal Building, 35 Union Street, Morrisville, PA for a Reorganization Council Meeting.

Swearing-In of Newly Elected Council Members

Call to Order (The Honorable Gary Wallace, Mayor)

1. Pledge of Allegiance

All those in attendance stood and recited the Pledge of Allegiance.

2. Roll Call

The following Council members and Borough officials were in attendance:

Borough Council: Kathryn Price Engelhard (*appointed President this evening*)
John Vitarelli, Vice President (*via phone*) (*appointed Vice President this evening*)
Helen Hlahol
Melissa Johnson
Marie Kelso (*appointed President Pro Tem this evening*)
Andrew Lubin
Bob Perry
Scott Robinson

Borough Officials: Judith Danko, Borough Manager (*re-appointed Borough Manager this evening*)
Gary Wallace, Mayor
Adam Flager, Solicitor (*re-appointed Solicitor this evening*)
Virginia Cyphers, Assist. Borough Secretary
(*re-appointed Assistant Borough Secretary this evening*)

3. Announcements and Presentations

There were no Announcements or Presentations this evening.

4. Nominations

4A. Nominations for Council President

Nomination of Kathryn Price Engelhard for Council President made by Mr. Perry.

Nomination of Helen Hlahol for Council President made by Mr. Lubin.

Vote to appoint Kathryn Price Engelhard for Council President failed by roll call vote 4-4. (Nay votes being Ms. Hlahol, Mrs. Johnson, Mr. Lubin and Mr. Robinson)



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Vote to appoint Helen Hlahol for Council President failed by roll call vote 4-4. (Nay votes being Ms. Kelso, Mr. Perry, Ms. Price Engelhard and Mr. Vitarelli)

Vote to appoint Kathryn Price Engelhard for Council President passed with tie breaker vote by Mayor Wallace.

4B. Nominations for Council Vice President

Nomination of Helen Hlahol for Council Vice President made by Mr. Robinson.

Nomination of John Vitarelli for Council Vice President made by Mr. Perry.

Vote to appoint Helen Hlahol for Council Vice President failed by roll call vote 4-4. (Nay votes being Ms. Kelso, Mr. Perry, Ms. Price Engelhard and Mr. Vitarelli)

Vote to appoint John Vitarelli for Council Vice President failed by roll call vote 4-4. (Nay votes being Ms. Hlahol, Mrs. Johnson, Mr. Lubin and Mr. Robinson)

Vote to appoint John Vitarelli for Council Vice President passed with tie breaker vote by Mayor Wallace.

4C. Nominations for President Pro Tem

Nomination of Andrew Lubin for President Pro Tem made by Mr. Robinson.

Nomination of Marie Kelso for President Pro Tem made by Mr. Perry.

Vote to appoint Andrew Lubin for President Pro Tem failed by roll call vote 4-4. (Nay votes being Ms. Kelso, Mr. Perry, Ms. Price Engelhard and Mr. Vitarelli)

Vote to appoint Marie Kelso for President Pro Tem failed by roll call vote 4-4. (Nay votes being Ms. Hlahol, Mrs. Johnson, Mr. Lubin and Mr. Robinson)

Vote to appoint Marie Kelso for President Pro Tem passed with tie breaker vote by Mayor Wallace.

Mayor Wallace stated good evening at this time I'd like to hand the meeting over to our new Council President, Madam President it's all yours.

Ms. Price Engelhard stated, thank you very much I feel honored and also a little overwhelmed it's a big task. We have a Council that the taxpayers have voted in and so it's an honor to work with all of you and I hope that's what we'll aim to do is work together for the good of the Borough and we'll need all of your help too so I look forward to working with all of you. I want to welcome those who are new to Council and I hope that you'll take the time to get to know all of us and feel free to ask questions and look for support and mentorship we've got some great members that have been on for a long time and they'll be able to help you answer the questions that you'll have. I'd like to make a motion to add to the agenda the addition of Special Counsel. I want to nominate David Truelove from Hill Wallack to be our Special Council in 2024.

Ms. Hlahol stated I thought you couldn't add anything to an agenda once it was published.

Mr. Flager stated you need to make a motion to amend the agenda explain what you're amending and why it's being proposed now as opposed to the next meeting and they you can do that.

Ms. Price Engelhard stated okay.



Motion to amend the agenda.

Motion made by Ms. Price Engelhard and seconded by Ms. Kelso.

Discussion ensued regarding the motion.

Motion to amend the agenda failed by roll call vote 4-4. (Nay votes being Ms. Hlahol, Mrs. Johnson, Mr. Lubin and Mr. Robinson)

Motion to amend the agenda passed with tie breaker vote by Mayor Wallace.

5. Nominations

5A. Motion to appoint Judith Danko as Borough Manager/Borough Secretary/Open Records Officer.

Motion made by Ms. Hlahol and seconded by Mrs. Johnson.

No discussion ensued regarding the motion.

Motion carried by voice vote 8-0.

5B. Motion to appoint Virginia Cyphers as Assistant Secretary.

Motion made by Mrs. Johnson and seconded by Mr. Lubin.

No discussion ensued regarding the motion.

Motion carried by voice vote 8-0.

5C. Motion to appoint Judith Danko as Treasurer.

Motion made by Ms. Hlahol and seconded by Mr. Lubin.

No discussion ensued regarding the motion.

Motion carried by voice vote 8-0.

5D. Motion to obtain Bonds on Borough Officials Judith Danko and Virginia Cyphers.

Motion made by Mr. Lubin and seconded by Mr. Perry.

No discussion ensued regarding the motion.

Motion carried by voice vote 8-0.

5E. Motion to appoint Flager & Associates as our Borough Solicitor.

Motion made by Mrs. Johnson and seconded by Mr. Lubin.

No discussion ensued regarding the motion.

Motion carried by voice vote 8-0.

Mr. Flager stated I want to thank everyone for their trust in our firm for the last five, six years. We look forward to working with all the new members as well as the continuing members. Thank you for your trust. Happy New Year to everyone.



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- 5F.** Motion to appoint Gilmore & Associates as our Borough Engineer.
Motion made by Mr. Perry and seconded by Mr. Lubin.
No discussion ensued regarding the motion.
Motion carried by voice vote 8-0.
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- 5G.** Motion to appoint Barry Isett & Associates as our Building Inspector/Zoning Officer/Fire Marshal/Code Enforcement Officer.
Motion made by Mr. Robinson and seconded by Mr. Perry.
No discussion ensued regarding the motion.
Motion carried by voice vote 8-0.
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- 5H.** Motion to approve hiring David Truelove with Hill and Wallack to be our Special Counsel.
Motion made by Mr. Perry and seconded by Ms. Kelso.
Discussion ensued regarding the motion.
Motion carried by roll call vote 4-3 with 1 abstention. (Nay votes being Ms. Hlahol, Mr. Lubin and Mr. Robinson and abstention being Mrs. Johnson)

6. New Business

- **Civil Service Commission:** One 6-year appointment, expiring 1/31/30.
Letter of interest for re-appointment from Barbara Bower.
Nomination of Barbara Bower for Civil Service Commission made by Ms. Hlahol.
Vote to appoint Barbara Bower for Civil Service Commission carried by roll call vote 8-0.

7. Public Comments

There being no public comment, the President proceeded to the business portion of the agenda.

8. Borough Officials

- Ms. Hlahol stated I think it's shameful that the new Council voted to get rid of Siana Law that's just shameful in the middle of a trial you could have waited till June.
- Mr. Robinson stated I have a question for the solicitor, Adam would you be able to give a ballpark I know this is probably an impossible answer but being an attorney the time that it will take a new special counsel to start from scratch, pick up and move along and pick up where Chris Gerber left off. Can you tell us like an hour and moneywise how much we're going to spend doing this?
- Mr. Flager stated, off the top of my head I don't know the size of that file that needs to be reviewed and prepped and I don't know the rate if that is the \$150.00 or not I would be taking a



wild guess. I know that it costs money anytime you have to pay hourly to get up to speed right, but I don't know if that's 10 hours or 50 hours and I don't want to advise if I don't have a good answer on that I'd be doing a lot of speculation.

- Mr. Robinson stated in your professional opinion as an attorney do you think this decision will end up saving money or costing us money?
- Mr. Flager stated it depends do you potentially have to pay more money for someone to come up to speed sure, if that person ends up being successful then and the other person may not have been then maybe you end up saving money in the long run even if you have to pay it short run. There's a lot of variables as far as yes it costs more up front does it cost more big picture, potentially but again what that is and is it definitely cost big picture it depends how do you if you lose an appeal and you need to then appeal that or something else and litigation continues then you're paying more on the back end or you're paying more on the front end so there's a lot when it comes to litigation a lot can happened and there's a lot of variables and you can only advise so much to your clients as far as what costs will be so could it be more yes, that initial coming up to speed cost money. Is it dramatic, I don't know and I can't say that it is because I don't know what the rates are and how much time it would take?
- Mr. Robinson stated because we have a hearing scheduled for I believe it's two weeks from tomorrow night will this attorney have time to get up the speed to do that hearing?
- Ms. Price Engelhard stated you're kind of jumping to conclusions, the two of them might work together and who knows Chris might still be taking it on. I mean we haven't kind of decided between the attorneys and what needs to go forward.
- Mrs. Johnson stated again I just want to say I have no idea which way I would have voted if I had the information however I can't see why it was so important that it be voted on today. I have to say you could call for a special meeting a week from now or what have you give us the time to look at the information and I just hope that this would not be the way we will be voting going forward where we are forced to answer for something without having the information. I don't think that's fair to any of the residents of Morrisville. While you may have the information and it may be right and 100% and I may have gone that way I think I ought to at least know that first. I don't know and I don't think that's right.
- Ms. Hlahol stated can I ask who on this Council received information about Truelove.
- Ms. Price Engelhard stated several of you did. I thought she was going to. I didn't know she was going to be home.
- Ms. Hlahol stated how is it that you shared information with only certain council members and not all council members?



- Ms. Price Engelhard stated because I thought it was going to be sent out, because he came and delivered a packet last week.
- Ms. Hlahol stated but you saw our delivery and you saw it wasn't in there.
- Ms. Price Engelhard stated okay thank you.
- Ms. Hlahol stated no thank you.
- Ms. Price Engelhard stated do we have a motion to adjourn the meeting?

9. Adjournment

Motion to adjourn made by Ms. Hlahol and seconded by Mrs. Johnson.

Motion carried by voice vote 8-0.

Meeting adjourned at 7:53 p.m.

<https://www.morrisvillepagov.com/meeting-videos/>

https://www.youtube.com/watch?v=C4-Qg_5BTy4