

Yardley Borough Council Meeting
August 21, 2018

The meeting was held in Council Chambers with the following members present:

David Bria	Sandi Brady	Bryon Marshall
Matthew Ross	Michael Ruttle	Caroline Thompson

Also in attendance were Mayor Chris Harding, Chief Joseph Kelly, Solicitor E. Closser, and Assistant Borough Manager Paula Johnson. President Marshall called the meeting to order at 7:30 pm, and led with the Pledge of Allegiance.

Presentations

BRRAM (Bucks Residents for Responsible Airport Management)

President Holly Bussey made a presentation about BRRAM, an organization founded in 1999 to address community impact issues with respect to the Trenton-Mercer Airport. They were successful in preventing the first airport expansion.

No environmental impact statement (EIS) has ever been done and the airport continues to expand under the guise of improvements. In 2008 the courts ruled that the next time a low cost airline was to begin service at Trenton an EIS was to be done. In 2011-12 Frontier Airlines began service at Trenton but no EIS was done. Allegiant began service shortly thereafter. BRRAM filed another lawsuit in 2015-16. A ruling was made in 2017 in favor of Allegiant and no EIS was required.

As of today, BRRAM has shifted focus to coordinating legal actions regarding the airport among municipalities and acting more as an advocacy group.

BRRAM continues to be grateful to Yardley Borough for their support in the past and they would like to see the Borough get more involved with the issues surrounding the airport.

Lower Makefield Mercer Airport Task Force

Brendan Monaghan, Joy Ginnernan, and Rob White presented.

The Task Force formed in 2017 as an advisory panel to make recommendations to ensure the airport is in compliance and is acting as a good neighbor in terms of reducing the impact of air traffic. Initial efforts upon formation of the task force to reach out to establish rapport with the Mercer County Executive, Brian Hughes, was refused indicating that the executive has no interest in working together.

The current master plan for the airport forecasts a 20% increase in traffic over 20 years but allows for a 5-fold increase in size of the terminal which means they are planning a much bigger expansion than 20%.

The group is taking a two-pronged approach, political and legal. LMT has backed the group very strongly in both efforts.

The goal of the group is to minimize the impact that the airport has on LMT and the surrounding communities and to maintain the communities' high quality of life.

The group finds they have been stonewalled by NJ Congresswoman, Bonnie Watson Coleman, but PA Representative Brian Fitzpatrick has been a big supporter of the group.

The Task Force has hired a legal consultant, Barbara Lichtman, who is very knowledgeable on this topic.

The Task Force is asking the Borough to join the chorus in asking our elected officials to make the FAA accountable to the regulations that are currently in place because residents don't have a voice at the table on matters related to the airport.

Mr. Bria enquires about what is the end game for the Task Force.

Mr. White indicates that noise abatement can be achieved fairly easily and cost effectively through the Airport Authority but the Authority won't address this issue. PA pays the noise bill and NJ reaps the benefits (tax benefits).

The FAA could change flight paths to reduce noise. They could also stop opposite direction operations which would result in fewer landings over Yardley.

An EIS study will stop at the terminal not on the area around the airport. The Task Force would like to put political pressure on FAA to force Trenton to do a full EIS rather than just an EA (Environmental Assessment).

Mr. Ruttle asks what the impetus is for getting the EIS and who is pushing the EIS? It sounds as if we are at the same place as we were 12 years ago.

As part of the master plan, the airport has said they will do an environmental study but they think they just need to do an EA not an EIS but the FAA has to decide that.

Once a study is done the response time is only 10 days so the community's response has to be swift and complete.

Ms. Thompson asks if the group has sample language for reaching out to legislators. That information will be provided to Council.

Mr. Ruttle asks what the current timeline is.

There was supposed to be a meeting on the master plan in August but that hasn't happened yet. January would be the fourth public meeting and then in April they will move ahead with EIS.

Mr. Ruttle indicates that if Council is going to react someone needs to monitor this closely so that we can respond within the 10 days' timeframe.

Comment from the audience stating that as a resident this is his number one issue, and he implores the Council to keep the residents' opinions in mind. Ms. Thompson added that the BRAC survey results back up that the community is very concerned about this issue.

Minutes

Mr. Bria moves to approve the minutes of the August 7, 2018 meeting, which is seconded by Ms. Thompson.

Mr. Ruttle notes an error in the previous minutes with the name of the code enforcement officer. Wes Foraker is the correct name.

Motion carries. Mr. Marshall abstains.

Progress Reports

Solicitor

Nothing to report.

Borough Assistant Manager

PennDot has accepted the request for reimbursement.

The assistant borough manager will attend two trainings in the near future on the topics of budget and police civil service procedures.

Mayor

It is restaurant week in Yardley Borough this week. Please support local businesses.

Thank you to all who attended the Trenton Thunder game.

Police Chief

Nothing to report.

Borough Engineer

Nothing to report.

Council Vice President

Regarding the Borough Manager search, in-person interviews are underway. The committee hopes to present three finalists to the Council in a month or so.

Council President

Nothing to report.

Council Committees

General Government

Trying to schedule a budget town hall for September. Committee asks for guidance on the scheduling of the meetings, day/night/two days? 2nd Tuesday and Wednesday are generally good. Weeknights preferred over weekend.

Preliminary budget has been sent to Council. It includes repairs to the annex building. The committee is considering reducing the rent there to add for some more storage. The committee will do a walk through soon.

Community Outreach

Nothing to report.

Public Works

Nothing to report.

Community & Economic Development

Nothing to report.

Public Safety

Public safety committee has not met so there is nothing to report.

Planning Committee

Nothing to report.

Bill List

Ms. Thompson notes that she is making a request to move funds to the capital and emergency reserve fund. Those are not included on the current bill list but the motion will be voted on later in the meeting. The bills list, including those items, will be reintroduced at the next meeting.

Ms. Thompson moves to approve the bill list dated August 21, 2018, which is seconded by Mr. Bria. Motion carries.

Correspondence

Nothing to report.

Public Comment

Bobbie Moore, Yardley Business Association. Ms. Moore is planning the Yardley Christmas parade and invites the Borough Council to participate in the parade. She requests to have Councilpersons' responses by October 1. Everyone is invited to participate. The parade is December 1st.

Brian Welch, 22 Reading Avenue. Mr. Welch asks if correspondence was received by Mr. Marshall regarding Reading Avenue. The correspondence was a request for the formation of a committee to take steps forward regarding Reading Avenue. Mr. Marshall reports that the letter was received. Mr. Welch also asks if a letter was received from EAC regarding their endorsement of the protection of Reading Avenue. Mr. Marshall will look at the first letter and will respond.

Rob White, 17 Ludlow Road. Regarding the North Main Street property, Mr. White notes that the contractor is responding very slowly to Mr. Beach and the process is going very slowly. Mr. White asks that if this contractor falls through that Council have a backup plan.

Brian Welch, 22 Reading Avenue. Mr. Welch asks if the plans for the North Main Street property are available for viewing. Ms. Johnson indicates they are available electronically and she will send them to Mr. Welch.

Certificates of Appropriateness

1. 18-19 70 South Main Street (temporary roof & gutter).....Mr. Bria
Mr. Bria moves to approve Certificate of Appropriateness 18-19, which is seconded by Mr. Ross. Motion carries.
2. 18-21 79 South Main Street (2 signs)..... Ms. Bria
Mr. Bria moves to approve Certificate of Appropriateness 18-21, which is seconded by Mr. Ross. Motion carries.

Old Business

1. Foster Project.....Mr. Ross
Mr. Ross moves to deny changes to the landscape buffer plan presented on 8/7. Motion failed when no second was made.
Ms. Brady was advised to abstain because she is a property owner involved in this matter.
Ms. Brady asks to make a comment but Mr. Marshall indicates the issue is closed.

Mr. Bria moves to approve the proposed changes so long as the vegetation buffer is equivalent, which is seconded by Mr. Ruttle. Mr. Ross asks how Council will know the vegetation is equivalent.

Mr. Marshall, in consultation with Mr. Solicitor, indicates that the best next step is to have this matter drafted again and presented at the next meeting. Mr. Bria notes there is a motion open.

Ms. Brady notes that when she purchased the property 7.5 years ago from the Fosters, who are developing the land adjacent to her property, Ms. Brady was assured upon her purchase that there would be a 15-foot buffer but now that previous agreement is being ignored. The plans with the changes significantly affect her property and the community. Ms. Brady indicates that after her review and her consultation with other landscapers that the plan presented at the last meeting didn't provide a landscape buffer since it includes deciduous trees. Ms. Brady requests that the Council vote against this plan and in favor of residents. Mr. Ruttle notes that the plans include only evergreens, a point with which Ms. Brady disagrees. Mr. Ruttle feels the good reputation of the landscaper and engineer should stand and Council should vote in favor of what was last proposed. Additionally, the Council promised the Fosters an answer to this question at this meeting and it is the Council's obligation to give them an answer at this meeting. Ms. Brady responds that the Fosters and the other parties need to provide another set of changes because what they have proposed isn't adequate and comparable to the 15 foot buffer that she was promised.

Mr. Bria asks procedurally how does Council resolve this because the Council isn't qualified on the topic of landscaping and doesn't want to hold up the project.

Mr. Ruttle notes that the Fosters aren't going anywhere and he is confident that end result will be one that everyone is content with. We didn't get a clear recommendation one way or the other and that is our fault.

Ms. Thompson asks if someone can clarify exactly what the plantings are and furthermore asks to amend the plan to make all plants evergreens as long as they are the same in number, 50 plants, and the 15-foot buffer is maintained.

Mr. Marshall asks to clarify what motion is on the table and the Recording Secretary reread the motion.
Mr. Bria and Mr. Ruttle accept the amendment of the motion as indicated by Ms. Thompson to include only evergreens and in the same in number as the original plan.

Mayor Harding asks if this can wait two more weeks in order to gather more information. The Mayor asks if Ms. Brady would approve the amendment as proposed by Ms. Thompson.

Mr. Ross motion to table the amendment, which Ms. Thompson seconds. A roll-call vote was taken. Ms. Thompson, aye, Ms. Brady, aye, Mr. Bria, nay, Mr. Marshall, aye, Mr. Ruttle, aye, Mr. Ross, aye. Motion to table passes.

2. Authorization to Advertise Property Maintenance Code Ordinance.....Ms. Thompson
A draft ordinance is presented which updates the Borough's Property Maintenance Code. The current code references BOCA code, which is no longer published. The General Government Committee reviewed and offered no changes. Mr. Ruttle indicates that this is a technical updating and not a revision or a substantive change. It is probably not necessary to review further.
Ms. Thompson motions to authorize the advertisement of the Property Maintenance Code Ordinance, which is seconded by Mr. Ruttle. Motion passes.

New Business

1. Harvest Day Ponies.....Mr. Bria
Harvest Day will be held in FitzGerald Field and committee asks for approval for three ponies to give rides for children. Two ponies will walk at a time while one rests (20 minutes each hour.)
Mr. Bria moves to approve three ponies for children's pony rides on Harvest Day, which Mr. Ross seconds. Mr. Mayor asks who will take care of any damage and Mr. Bria responds that the farm providing the ponies are well experienced in taking care of any damage and cleaning up after the event. Motion passes.
2. Authorization for Solicitor and Engineer to ReviewMr. Bria
Mary Yardley Bridge Report and Research Next Steps
In response to the last meeting, Mr. Bria would like to move to authorize expenditure of resources for solicitor and engineer to review the current Mary Yardley Bridge proposal and attend the next Community and Economic Development meeting, which Mr. Ross seconds.
Mr. Ruttle emphasizes the importance of the project and fundraising needs to get started now unless Council wants to foot the whole bill. The Council needs to commit to moving forward with complete due diligence.
Ms. Brady inquires regarding ownership questions. If it is a Borough project and the fundraising doesn't pan out then the Borough will be liable for the rest of the funds. What is the realistic expectation of the cost for the Borough?
Ms. Thompson suggests we need more data and do a study to see how much it really will cost for next year's budget.
Ms. Brady asks why this isn't going through as a public works project. Mr. Ross indicates it is more than just a public works project and we need to spend some money now to get the process started. Mr. Ruttle indicates that the longer we wait the more it is going to cost and the initial report indicates that there is a current two-year lifespan left on the existing bridge.

Mr. Bria discusses why it seems we are handholding this project and pushing it through more quickly. He offers that we are going through this process because finances are tight and because the community is offering help to raise money and lower the cost to the borough overall. Mr. Marshall notes that the current motion is for research, it is not a commitment to funding at this point.

A community member states that the project is unique and complex because there is public, private, and state property to consider.

A vote was held and the motion carries.

3. Mid-Year Capital and Emergency Fund Transfer.....Ms. Thompson
The capital reserve fund is for emergencies not specific to natural disasters. The emergency reserve fund is for matters related to severe weather. Ms. Thompson motions to transfer 100,000 into the emergency reserve fund and 50,000 into the capital reserve fund, which Mr. Ruttle seconds. Motion carries.
4. Authorization for Engineer to Provide Mid-Block Crosswalk Traffic Study.....Mr. Ross
Mr. Ross motions to authorize mid-block crosswalk traffic study by Yardley Commons and in the vicinity of Irving. A study has to be done to submit for a permit application to PennDot. The cost will be approximately \$15,000-\$20,000 per crosswalk. The total cost is not to exceed \$37,500 per location. Mr. Ruttle seconds.
Mr. Welch, 22 Reading Ave asks is there lighting included. Mr. Ross indicates that a flashing light will be installed warning of the upcoming crosswalk. Mr. Welch would prefer it be an on-demand light that the pedestrian pushes when he wishes to cross and which sets of blinking lights. Chief Kelly comments regarding the crosswalk at Irving and Main, when there is a major speed enforcement zone in same spot and where the majority of tickets are written. The Chief asks to be included in the discussion of where the crosswalk is placed. Motion carries.

Mr. Bria motions to adjourn the meeting at 9:00, which is seconded by Ms. Thompson. Motion passes.

Submitted by,
Mary Ann McLean