

Yardley Borough Council Meeting
January 15, 2019

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

David Bria Sandi Brady Ryan Berry Bryon Marshall

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

Minutes

Mr. Berry moves to approve the minutes of the January 2, 2019 meeting with one update. Mr. Berry notes that there were two applicants for the vacancy board position which was voted upon at the last meeting. The motion was seconded by Mr. Bria. Motion passes.

Progress Reports

Solicitor

The state has amended the Sunshine Act. There is a new section under executive sessions which permits discussions of matters of emergency preparedness during executive session. Section 708.7 of the Sunshine Act was read.

Borough Manager

The Christmas tree collection gathered an all-time high of 187 trees in the Borough. Normal number is around 100.

Mr. Berry asks about the status of the Mary Yardley Bridge agreement with the Borough. Mr. Bria reports that this is still pending and he will reach out later this month or early next month to the Friends of the DE Canal to keep the project moving forward.

Mayor

The Mayor's radio show may have new time. Stay tuned for a new time.

Police Chief

Nothing to report.

Borough Engineer

Regarding the Main and Afton traffic signal the PennDot reviewer was finally reached and he wants to see a couple of minor changes. They are coordinating signal box placement with Chief Kelly. The reviewer mentioned an upcoming project on I95 that is going to detour more traffic down Main Street. Mr. Beach will try to get more information on this and the reviewers name will be shared with the Mayor.

Council Vice President

Nothing to report.

Council President

1. Civil Service Commission met for its first full meeting and they set up organization of the commission. There are a couple of candidates for chair.
2. Friends of Reading Ave. committee met and there are some outstanding questions to discuss with the solicitor before their next meeting which is Monday 1/21/19.

Council Committees

Community Outreach-Ms. Thompson

n/a

General Government-Ms. Thompson

n/a

Reading Avenue Committee Liaison Report - Mr. Berry

Outstanding questions on preserving Reading Ave. property will be presented to the solicitor and information provided back to Council.

Public Safety – Ms. Brady

1. Ms. Brady apologizes to Friends of the DE Canal for stating in the last meeting that they would definitively take over the call list. There is a process in place and the committee met with Susan Taylor regarding the handling of the call list and the Borough's role going forward. Within a month we should have more clarity about who will own the call list and some contingency planning. The idea is that this is a collaborative process with the Friends and DCNR.
2. Ms. Johnson and Ms. Brady attended the DE Canal Advisory Committee meeting where flooding issues were discussed. Ms. Brady confirmed that conducting studies and eventually raising the banks is on their list of things to do. Ms. Brady pushed to have the infrastructure issues with the canal moved up the priority list. A meeting is set with State Representative Perry Warren at the end of January to get some more traction on the issue.

Community & Economic Development – Mr. Bria

There is a revision to sign ordinance being discussed in committee and will be brought before Council at the next meeting. The current ordinance is outdated at this point and needs to be revised.

Public Works-Mr. Ross

n/a

Bill List

Ms. Bria moves to approve the 1/15/19 bill list, which Ms. Brady seconds. Motion passes.

Correspondence

Correspondence was received from the Sewer Authority which will be discussed as part of the agenda.

Public Comment

1-Ilene Silvius, 135 Pennsylvania Ave. Ms. Silvius read her letter of resignation from the Communications Advisory Board. She is also a member of the Zoning Hearing Board since 2002. She is resigning from the CAB because the Pennsylvania Municipal Planning Code prohibits members of the zoning hearing boards from being employed by or serving on other governmental bodies.

2-Rich Cole, 95 N. Main. Mr. Cole spoke regarding his removal from the sewer board at the last meeting. Mr. Cole speaks to address half-truths and false-truths that were noted in the record. Mr. Cole takes issue with Ms. Thompson's characterization of his position on the upcoming issues which will come before the sewer authority. Mr. Cole notes that in 8 years no Council member has attended one of their meetings. Mr. Cole notes that there are three options on the table with regards to sewage disposal, not two options as were noted in the minutes. Those options are: 1, to build our own plant; 2, to pipe to Lower Bucks facility (Mr. Cole's preference); and 3, to stay with Morrisville facility. Option 1 is too expensive.

It was stated that the Lower Bucks plant is outdated and will probably need to be decommissioned. Mr. Cole asks where Ms. Thompson got that information since it isn't correct. According to Mr. Cole's information the Lower Bucks plant is regarded as one of the best maintained plants in the state, are debt free, and they are the lowest rate charging authority in this area.

Mr. Cole questioned Mr. Bria's statement about a wish to take the sewer authority in a new direction.

Mr. Bria notes to correct the record that he has been to two meetings, not none, in the past few years.

Mr. Cole's calculations indicate that it will be less expensive for homeowners to move to Lower Bucks facility (\$109.61 per homeowner above current rate for Morrisville versus \$43.29 per homeowner for Lower Bucks.)

Regarding creating an authority with Morrisville, Yardley will be the low man on the totem pole and when someone else makes a mistake Yardley will have to pay the fine for it. Currently we only have to pay for repairs that are above and beyond our normal gallonage plan.

Morrisville has not maintained their plant properly and that's why they are in the position they are in now.

Mr. Cole notes that he is looking out for best interests of Borough for now and for the future and he cedes future discussion to the Sewer Authority.

Certificates of Appropriateness

None

Old Business

None

New Business

1. Sewer Authority Discussion.....Mr. Bria
Council received a letter from the Sewer Authority, which is noted in the record.

Mr. Bria, in response to Mr. Cole's comments, notes that in Ms. Thompson's absence he cannot speak to her specific comments but he does know that the Lower Bucks plant is in good condition. He works in the lab there and they do a good job. The concern is if we are going to spend substantial money to connect Yardley to the Lower Bucks plant what is the long-term plan. There could be capacity issues if both Yardley and Lower Makefield pipe there. He is concerned that if we do go that direction will a new plant have to be built to accommodate that capacity. Decommission may have been an unfortunate word choice because the plant is well maintained and effective.

Specifically to address the questions in the letter of what is new direction Council wishes and has the Sewer Authority accomplished the best interests of the Borough, Mr. Bria notes that Yardley has some of the highest sewer rates in the county and we are using less capacity than we are paying for at Morrisville and could a lower rate be negotiated. There's a waiting list for EDUs. If we are paying for more than we use why don't we get priority on the waiting list?

David Collins, 97 N. Delaware Avenue and Sewer Authority chairman - You will always use less than you're paying for because you have to have a reserve. We contract to use 11.68% of capacity at Morrisville and we are the smallest player.

Carolyn Brennan – Sewer Authority Administrator. Discussions have happened regarding capacity issues and the existing agreement and further discussions are planned.

Mr. Bria's concern is that our rates are high and there is a lot of discussion and not a lot of action.

Mr. Cole – We are paying higher rates because we have replaced and are still replacing sewer pipes, which were damaged in floods, with more efficient pipes, which decreased the flow to Morrisville.

Dan Mohn, 132 Longshore – He was on Council when the floods happened. Water Company did the work and shared the cost. The work had to be done because all the pipes in the flood plain were failing. Additionally, LMT has not replaced their pipes. They are going to have to invest to fix their pipes and their rates are going to go up consequently.

Mr. Berry notes that a few Council members' opinions in the letter don't reflect the opinion of the Council as a whole because the Council hasn't discussed the issue as a whole.

Mr. Mohn noted his concern that Council made statements during the last discussion that this Council is already dismissing any option that is not Morrisville. Nobody knows all the details at this time and decisions shouldn't be made without more information. Stating opinions on Morrisville versus other options weakens your bargaining position. He asks to keep an open mind.

Thomas Cadwallader, 85 W Afton – The Sewer Authority is undertaking the best way to handle this situation in the best interest of the residents of Yardley. The flow of information between Council and the Authority should be better. There are a lot of unknowns at this point and we are looking at a 5-10 year timeline at least.

Mr. Berry asks what is Council's role in making these decisions. Mr. Closser states that the decision is solely in the hands of the Sewer Authority.

Mr. Berry asks if there is an annual report required. Mr. Cadwallader notes there is an annual report that goes to DEP but that probably doesn't answer these questions. Mr. Cole notes that the engineer's monthly report and the meeting minutes do have this information.

David Collins, 97 N. Delaware and Chairman of the Sewer Authority. On behalf of the Authority he would like to validate the statements that were reported in the paper and he would like a clarification of the statements. Many of the statements were irresponsible. To clarify, Borough Council has attended 7 meetings in last 5 years. There is no liaison and asks that Council please come to the meetings and don't play this issue out in the paper. He asks that Council provide a list of questions and answers will be provided.

Dan Mohn asks if a new authority was created would that be a decision of Council. Mr. Closser indicates that is a Council decision. Mr. Mohn asks how representation is decided in an authority situation. Mr. Closser notes that there are no hard and fast rules and everything would have to be negotiated.

Mr. Cadwallader notes that you can have a joint authority just to operate the plant and transportation stays as is. There are lots of ways to make this work.

Mr. Marshall agrees that Council should attend meetings on a rotating basis. Meetings are the second Wednesday of the month at 7pm. Also, Council is setting up a new process for appointments and reappointment of incumbents.

Mr. Berry - We should review our appointments process and it can be done better.

Mr. Collins – The Authority could be asked if they have feedback on candidates.

Mr. Mohn – In the past there have been interviews held when there are multiple candidates for a position.

Ms. Lynda Collins, 97 N. Delaware. Thanks Rich Cole for his service.

Mr. Berry motions to adjourn at 8:22, Mr. Bria seconds.

Submitted by,
Mary Ann McLean