

**IVYLAND BOROUGH COUNCIL MEETING  
via Zoom and Facebook Live**

**January 13, 2021**

**CALL TO ORDER:** 7:32 p.m.

**PRESENT:** Council Members: Sal DiPaolo, President,  
Bill Linwood, Vice President, Todd Savarese,  
Chuck Bristow, Elaine Butkus, Christina Finello,  
Matthew Piotrowski

**OTHERS:** Tony Judice, Mayor  
Chris Peterson, Borough Engineer  
Greg Sturn, Borough Solicitor  
Janet Pacchioli, Treasurer/Secretary

**ESTABLISHMENT OF QUORUM**

**THE PLEDGE OF ALLEGIANCE WAS FOLLOWED BY A MOMENT OF SILENCE**

**MINUTES OF 12/09/20:**

Correction: Page 3 under Solicitor's report should read as follows:

Greg Sturn said regarding the Pennsylvania Avenue cul-de-sac stormwater structures; he was able to get a copy of the deed and it references the plan, so he will try to get a copy of it from the Recorder of Deeds Office.

Bill Linwood made a MOTION, seconded by Chuck Bristow to approve the minutes of the December 9, 2020 Council meeting as amended.

MOTION was ADOPTED 7-0.

**TREASURER'S REPORT END OF 2020:**

Janet Pacchioli read the Treasurer's report for yearend 2020 into the record and the report was accepted subject to audit.

**BILLS LIST END OF 2020:**

Janet Pacchioli reported that the bills from yearend 2020 totaled \$25,183.58.

Chuck Bristow made a MOTION, seconded by Bill Linwood to accept yearend 2020 bills totaling \$25,183.58.

MOTION was ADOPTED 7-0.

**BILLS LIST 2021:**

Janet Pacchioli reported that the prepaid bills list totaled \$16,665.66 and the unpaid bills list totaled \$18,482.25.

Bill Linwood made a MOTION, seconded by Christina Finello to pay the bills.

MOTION was ADOPTED 7-0.

**CORRESPONDENCE:**

Janet Pacchioli noted that Bill Norton, Zoning Officer reviewed Zoning Hearing Board application that was recently submitted regarding the McMillan property located on Jacksonville Road.

**APPOINTMENTS FOR MUNICIPAL SERVICES:**

Secretary/Treasurer:

Sal DiPaolo made a MOTION, seconded by Christina Finello to reappoint Janet Pacchioli as Secretary/Treasurer for Ivyland Borough.

MOTION was ADOPTED 7-0.

Solicitor:

Todd Savarese made a MOTION, seconded by Sal DiPaolo to reappoint Greg Sturn with Harris and Harris as Solicitor for Ivyland Borough for the year 2021.

MOTION was ADOPTED 7-0.

Engineer:

Sal DiPaolo made a MOTION, seconded by Bill Linwood to appoint Carroll Engineering as Engineer for Ivyland Borough for the year 2021.

Todd Savarese questioned whether professional services agreement including fee schedule/hourly rate has been submitted by Carroll Engineering.

Chris Peterson replied he will provide 2020 rates and service agreement from Carroll Engineering to Borough Council.

MOTION was ADOPTED 7-0.

Code Enforcement:

Bill Linwood made a MOTION, seconded by Sal DiPaolo to reappoint Keystone Municipal Services for code enforcement services for Ivyland Borough for the year of 2021.

MOTION was ADOPTED 7-0.

Zoning Officer:

Sal DiPaolo made a MOTION, seconded by Bill Linwood to reappoint Bill Norton, Zoning Officer for Ivyland Borough for the year of 2021.

MOTION was ADOPTED 7-0.

**PUBLIC COMMENT – via Facebook Live:**

A resident expressed concern about fallen tree limbs on the broken fence facing Eddowes Drive on the property of former Navy housing.

Sal DiPaolo replied that Council will be moving forward in sending out for bids for demolition of the former Navy homes.

James Cantore, President of the Ivyland Fire Company, noted that the fallen tree limbs on the fence is an eyesore, but not a safety issue at this time.

A resident asked for the status of speed humps.

Sal DiPaolo replied that will be addressed during the engineer's report.

Bill Linwood questioned what can be done about residents not keeping up with the maintenance of their property.

Janet Pacchioli replied she will notify Code Enforcement Officer.

**ZONING OFFICER'S REPORT:**

Bill Linwood made a MOTION, seconded by Sal DiPaolo to accept the Zoning Officer's report.

Todd Savarese asked about the proposed use of the McMillan property.

Janet Pacchioli replied proposal is to change existing nonconforming use to another nonconforming use, which is an office/warehouse for a lawncare business.

Todd Savarese said Zoning Officer's report references the sale of the former Post Office property including questions about the use of it. Has there been a proposal to change the use for that building?

Janet Pacchioli replied she understands that the property was purchased to rehab and sell as a residence, and there is no proposal to change the use to something other than a residence.

MOTION was ADOPTED 7-0.

**CODE ENFORCEMENT REPORT:**

Sal DiPaolo made a MOTION, seconded by Elaine Butkus to accept the Code Enforcement report.

MOTION was ADOPTED 7-0.

**REPORT OF PRESIDENT:**

Appointments for Park and Recreation Committee:

Sal DiPaolo made a MOTION, seconded by Elaine Butkus to reappoint Sean Griffin and Scott Layer as members of the Parks and Recreation Committee.

MOTION was ADOPTED 7-0.

Appointment to the Zoning Hearing Board:

Sal DiPaolo made a MOTION, seconded by Christina Finello to adopt Resolution No. 2021-1 appointing Adam Case as member of the Zoning Hearing Board of Ivyland Borough.

Matthew Piotrowski suggested providing a copy of the Borough's Zoning Code to Adam for review.

MOTION was ADOPTED 7-0.

Zoning Hearing Board Solicitor:

Janet Pacchioli noted that the current Zoning Hearing Board Solicitor has retired.

Greg Sturn said under the MPC (Municipality Planning Code), the Zoning Hearing Board is tasked with choosing its Solicitor and he suggested the ZHB speak with Council about it. The hearing needs to be scheduled for the application that was just submitted as well as the advertising, and he could handle that on behalf of the Borough and the ZHB; however, he cannot step in as Solicitor for the ZHB at the hearing. There are time limits to get the hearing scheduled as well as for advertising.

Todd Savarese suggested that Greg Sturn contact the applicant's attorney to explain there is a vacancy and that the ZHB and Council will act in due haste in trying to fill it and request an extension regarding the MPC deadlines.

**ENGINEER:**

Chris Peterson, Borough Engineer of Carroll Engineering, reported the Greeley Avenue stormwater improvement project was posted on PennBid and a pre-bid meeting is scheduled tomorrow at 10 a.m. All interested parties have been advised and bids are scheduled to be opened on January 27, 2021.

Also, at the last meeting, it was noted that crack-sealing on the Borough's road was done back in 2017 and it was discussed having it done again due to failing conditions of a few roads. His firm reached out to the Bux-Mont Asphalt Paving Company to get an estimated cost, and although it is not an official proposal, they provided an estimate of \$15,000.00.

Janet Pacchioli clarified that liquid fuels funds could be used for that project. Is that correct?

Mr. Peterson replied yes. He questioned whether Council would like him to get quotes from two different contractors, so there will be a total of three bids for the project.

Council agreed.

Mr. Peterson continued that Bux-Mont Asphalt Paving Company provided a quote of \$2,900.00 to clean debris from all Borough inlets and haul it.

Todd Savarese made a MOTION, seconded by Chuck Bristow to approve expenditure of \$2,900.00 to Bux-Mont Asphalt Paving Company for the cleaning of debris from all Borough inlets including hauling.

MOTION was ADOPTED 7-0.

Mr. Peterson said Bux-Mont Paving Company also provided a quote of \$7,470.00 to install a speed hump on Chase Avenue between the intersection of Greeley and Pennsylvania Avenues. Speed hump would be like the one on Chase Avenue, which is the full width of the roadway, approximate length of 50 ft. and eight inches high in the middle with a painted line.

Todd Savarese suggested getting the crack sealing done before devoting funds for a speed hump.

Matthew Piotrowski asked about potential liability for the Borough regarding speed humps causing traffic accidents.

Greg Sturn suggested that the Borough Engineer check on whether there is an accepted specification by PennDOT.

Sal DiPaolo asked Greg Sturn to investigate whether there would be any liability for the Borough.

Also, reps of the railroad indicated they would check the condition of the roadway at the railroad crossing at an 'appropriate interval,' and since that is a busy throughfare and the roadway needs to be addressed, he asked Borough Solicitor to send a formal letter to representative of the railroad on behalf of Borough Council stating that the condition of the roadway at Wilson Avenue at the railroad crossing needs to be addressed by the railroad.

**SOLICITOR:**

Greg Sturn said his report included all updated information regarding the situation about Boucher & James, Inc. Recently, the Borough received additional bills from Boucher & James that Council may question the accuracy as the Attorney General's Office reviewed the breakdown of projects during the time between 2015 and 2018 in which Boucher & James overcharged for engineering services. Also, the Attorney General suggested that Council may want to contact other agencies that were also affected.

Todd Savarese said Ivyland Borough received restitution of \$15,576.25 and the Borough is obliged to notify non-Borough parties who were also overcharged, and according to the Attorney General's report, Ivyland Borough was owed \$52,761.80, so the Borough should not pay those bills.

Janet Pacchioli said the three outstanding bills sent to the Borough from Boucher & James are in the amounts of \$3,505.46, \$3,355.30, and \$136.00.

Sal DiPaolo said the overcharging by Boucher & James dates back even further and it would be beneficial for the Borough to contact other effected parties to see what type of recourse there is to examine this in greater detail. The Borough should not pay anything outstanding from Boucher & James, Inc.

Todd Savarese suggested notifying those on the list who were potentially over-billed and determine what if any portion of the restitution they are entitled to.

Janet Pacchioli clarified that settlement was the result of a civil suit and now there is a criminal case that could result in additional funds reimbursed to the municipalities. Is that correct?

Greg Sturn replied that is possible as there are criminal complaints against specified individuals.

Sal DiPaolo suggested segregating all funds the Borough received from the settlement and conduct an internal audit and accounting to find out what the Borough's potential liability is and then pursue restitution to those affected parties. He tasked Borough Solicitor with contacting other effected agencies to become part of a larger group in seeking restitution, and he tasked Borough Secretary to review documentation to determine who may need to be reimbursed from settlement funds.

Chuck Bristow noted there may have been incidents since the investigation ended in 2018 where the Borough and other agencies were overcharged, and he suggested Borough Solicitor contact them about it.

Todd Savarese made a MOTION, seconded by Sal DiPaolo to **not** pay any further invoices submitted by Boucher & James Inc. based on the information that Ivyland Borough was overcharged by Boucher & James, Inc. by \$52,761.80 and only received \$15,761.80 in restitution.

MOTION was ADOPTED 7-0.

Greg Sturn said he will provide an update on legal matters regarding the Ivyland Hotel as well as Mr. Cremeans in Executive Session following tonight's meeting.

**UNFINISHED BUSINESS:**

Chuck Bristow asked for the status on proposed crosswalks project.

Todd Savarese replied it is a worthy project that would need to be done in conjunction with the former Navy housing project; however, the crack sealing needs to be done first.

Sal DiPaolo suggested that Council may consider tasking the Borough Engineer to review the bidding process for demolition of the former Navy homes during the February Council meeting.

Christina Finello said there was previous discussion about grants for the project and we need a plan going forward with the assistance of the Borough's new engineering firm.

Sal DiPaolo suggested that he and Christina Finello work on putting together a timeline for grants as well as for the entire project and present it at the next Council meeting.

Bill Linwood asked for the status of updating the Borough's website.

Sal DiPaolo replied it will be completed in short order.

**MAYOR:**

Mayor Judice provided the police report for the month of December 2020; there were 49 traffic citations and four written warnings. Check received from District Court for the month of December 2020 was in the amount of \$763.80.

Also, the new bulb for the spotlight at Veterans Park will be replaced.

There was a sewer line break at the end of Lincoln Avenue and Warminster Municipal Authority was onsite within the hour for cleanup. Fire Company personnel assisted with setting up barricades blocking off the area until the cleanup was completed, and he thanked them for it.

**COMMITTEE REPORTS:**

**PARKS AND RECREATION:**

Sal DiPaolo said Parks and Recreation Committee will be working on a plan for the property of the former Navy homes.

Also, the basketball net will not be put back up until it is safe for children to congregate around.

**FINANCE:**

Christina Finello questioned whether Finance committee meeting dates will remain the same this year.

Janet Pacchioli replied yes, the dates will remain the same for all committee meetings, and she will send the schedule to Council.

**PUBLIC SAFETY:**

Bill Linwood reported that Chapman will be delivering the new police car to the outfitter, and once the Borough gets the vehicle from the outfitter, the trade and paperwork will be completed.

**BOROUGH PROPERTY:**

Sal DiPaolo requested that Elaine Butkus coordinate a time with Janet Pacchioli and Mayor Judice to see whether the third floor of the Borough Office building can be used for useful space.

**STREETS/WALKS:**

Todd Savarese said he will be meeting with Mayor Judice at the property of the former Navy homes to address the resident's concern about fallen tree limbs.

Also, he clarified that due to recent snowstorm, the cost for snowplowing has not gone over budget. Is that correct?

Janet Pacchioli replied that is correct.

**PLANNING COMMISSION:** None.

**FIRE COMPANY:**

James Cantore, President of Ivyland Fire Company, reported that in the past 30 days there were five calls for service and one call so far this year. Four members have been added to the Fire Company and they will be scheduled to meet with the Public Safety Committee. The Fire Company website is being updated, and all apparatus are in-service.

**EMERGENCY MANAGEMENT:**

James Cantore reported Dr. Damsker of Bucks County Health Department indicated that he was encouraged by the number of COVID-19 cases and testing sites are being set up at the three Bucks County Community Colleges for emergency service workers and then will be open to the public.

Christina Finello added that the COVID-19 testing sites at the community colleges will open on Monday, January 20<sup>th</sup> until the end of January for the public.

**NEW BUSINESS:**

Janet Pacchioli said on behalf of Borough Council meals have been sent to Officer Wycheck during his recovery for the month of January.

**PUBLIC COMMENT via Facebook:**

Chuck Margiotta commented that it has been a pleasure serving as member of the Zoning Hearing Board.

Also, residents thanked Santa and the Fire Company for their annual visit.

**EXECUTIVE SESSION:**

Council convened an Executive Session to discuss a litigation matter beginning at 9:35 p.m. until 10:10 p.m.

Council Meeting

January 13, 2021

**ADJOURNMENT:** 10:10 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary

Minutes approved by Borough Council \_\_\_\_\_, 2021.