

IVYLAND BOROUGH COUNCIL MEETING

July 14, 2021

CALL TO ORDER: 7:30 p.m.

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

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 6/9/21:

Chuck Bristow made a MOTION, seconded by Todd Savarese to approve the minutes of the June 9, 2021 Council meeting as submitted.

MOTION was ADOPTED 6-0.

TREASURER’S REPORT:

Janet Pacchioli read the Treasurer’s report into the record. The report was accepted subject to audit.

Also, the Borough received its American Relief Act funds totaling approximately \$98,500 from the Federal government that is handled by the State in which two deposits will be made, first payment was confirmed on July 7, 2021.

Also, the outfitting of the new police vehicle has been completed.

BILLS LIST:

Janet Pacchioli reported that the prepaid bills list totaled \$46,715.59 and the unpaid bills totaled 6,765.85.

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

MOTION was ADOPTED 6-0.

CORRESPONDENCE:

Janet Pacchioli noted that the matter of the replacement of the light pole will be handled between Mike Granieri and Armor Electric.

ANDREW SPOGNARDI, TARA WIENSTIEN, JOHN SPOGNARDI – 101 WILSON AVENUE:

Janet Pacchioli said regarding property located at 101 Wilson Avenue, after the purchase of this property, the owners cleaned out the home and removed interior walls as well as removed an addition on the back of the house in which they did not get a permit, so they received a cease-and-desist order. Also, it was questioned whether the addition to the home was built in the 1930's as it would be part of the Historic District. Just recently, the property owners submitted plans on what they would like to do with the property; however, no permits would be issued by the Borough until this matter is resolved. It was suggested to the property owners to attend tonight's Council meeting, but they are not here.

Matthew Piotrowski said he is the architect representing the property owners of 101 Wilson Avenue and noted that the addition to the home was not constructed prior to 1930. The frame of the addition was removed but the foundation and first floor were not because that is when they received a cease-and-desist order. He presented a plan noting the property owners would like to rehab the existing home and construct a two-story addition on the rear of the existing house and a powder room is proposed for the first floor along with a mud room, kitchen, and family room with eating area. The second floor will have a master bedroom, laundry room and storage space, and the addition will match the architecture of the house.

Sal DiPaolo commented that the Borough's fee schedule provides for doubling fees if a homeowner proceeds without getting a permit.

Greg Sturn added that the property owner should have applied for permits for demolition and zoning.

Janet Pacchioli said Bill Norton indicated that according to the Historic District Zoning Ordinance, “removal of any portion of a building requires conditional use approval,” and that fee is \$2,000.

Todd Savarese agreed the structure needs to be rehabbed; however, there should be a mechanism in place, so this does not happen again.

Greg Sturn said Council has the authority to waive fees as well as adjust them.

Todd Savarese said this should have been handled by the Zoning Officer, who should have issued an enforcement notice that triggers an appeal to the Zoning Hearing Board, as well as imposed fines until there was compliance, and in the future, should be attentive administratively to the procedures and comply with those procedures.

Todd Savarese made a MOTION, seconded by Chuck Bristow to authorize the Zoning Officer to issue permits to the property owner of 101 Wilson Avenue to the extent that the permits that have been submitted to Ivyland Borough comply with in all regards to building and zoning ordinances subject to the payment of all appropriate fees.

MOTION was ADOPTED 5-0. Matthew Piotrowski abstained from voting.

Greg Sturn clarified that no conditional use approval is needed by Council. Is that correct?

Sal DiPaolo replied that is correct.

PUBLIC COMMENT – (in person and via Facebook Live)

Geff Rapp, resident, commented that he agrees with Council’s decision regarding the property located at 101 Wilson Avenue.

A resident commented that it would be nice if the grass was maintained in the alleyways and around the “Stop” signs.

ZONING OFFICER’S REPORT:

Todd Savarese made a MOTION, seconded by Bill Linwood to accept the Zoning Officer’s report.

MOTION was ADOPTED 6-0.

CODE ENFORCMENT REPORT:

Bill Linwood said there is a dumpster in the driveway and work is being done at 1225 Pennsylvania Avenue and this report does not indicate whether any permits were issued.

Bill Linwood made a MOTION, seconded by Chuck Bristow to accept the Code Enforcement report.

MOTION was ADOPTED 6-0.

REPORT OF PRESIDENT:

Sal DiPaolo announced that the Ivyland 5K Run event will be held on August 14, 2021.

ENGINEER:

Chris Peterson reported that the Greeley Avenue storm sewer project begun yesterday, and inspection of the work will be done as it progresses. As a result of delay in obtaining materials, the contractor has requested a change order of an additional five weeks to be added to the work schedule as it was originally scheduled to be completed by July 17th and move it to August 21st, and he recommends approval of Change Order No. 1 amending the contract to completion date by August 21, 2021, at no additional cost to the Borough.

Todd Savarese made a MOTION, seconded by Bill Linwood to authorize Council President to sign the Change Order No. 1 from Twining Construction Company to amend its contract for the Greeley Avenue storm sewer project to be completed by August 21, 2021, as recommended by Borough Engineer at no additional cost to the Borough.

MOTION was ADOPTED 6-0.

Chris Peterson continued that Twining Construction Company also submitted a change order request for material cost increase that occurred since they submitted bid until they were able to obtain the materials and the amount requested is \$3,700.00, which is still being evaluated.

Greg Sturn advised Council not to approve change order request for increase in cost of materials.

Chris Peterson continued that Bux-Mont Paving Company has completed all the crack-sealing work in the Village to-date and will complete the remaining portion of the Borough, and subsequently will make inlet repairs.

Also, he forwarded information to Council regarding funding opportunity through PennDOT in which Councilman Savarese suggested submitting application for proposed plan titled, “Jacksonville Railroad Crosswalks” that was contemplated back in 2010 as a conceptual sketch plan by Boucher & James, Inc.

Todd Savarese added that the Borough would pay cost for construction at 100% and then the Borough would be reimbursed 100% except for costs for engineering and design. The crosswalk project would qualify for PennDOT’s Transportation Alternative Set-Aside Program (TASA) that was engineered 10 years ago in which there were two crosswalks proposed; one at Kirk Road and Wilson Avenue and the other at the Ivyland Professional Center on Jacksonville Road, and there are deadlines to be met for this program.

Mayor Judice commented that proposed crosswalk at the Ivyland Professional Center would involve Warminster Township on the other side.

Todd Savarese continued that Borough Engineer prepared a proposal of estimated cost for design to revise the Boucher & James’ plans and Council as well as Borough residents will need to come to a consensus whether there should be one or two crosswalks or none. Original crosswalk design was just lines painted across Jacksonville, and as revised, would include overhead and pedestrian signage and sensor devices. He supports authorizing Carroll Engineering to submit a proposal on behalf of Ivyland Borough as the sponsor to take advantage of the funding opportunity of being reimbursed 100%, as well as replacing sidewalks and install additional sidewalk from Wilson Avenue down to the crosswalk. Besides safety concerns, future parkland will be another reason to have crosswalks.

Christina Finello commented that the Borough Engineer’s email indicates there would be 100% reimbursement for certain aspects of the project; however, there is still a cost to the Borough of \$48,000 for completion of the project.

Chris Peterson replied that would be if the Borough pursues installing both crosswalks, and there would be savings if the scope is dialed back, and the project needs to be defined prior to submitting application for funding.

Christina Finello continued that she is in favor of crosswalks; however, she expressed concern that it is still a substantial cost for the Borough and grants always require a match, and there are many upcoming projects, so she wants to be sure we are using every dollar wisely.

Mayor Judice agreed that the Borough has many upcoming expenditures, so we need to prioritize.

Chris Peterson said the Kirk Road crosswalk across Jacksonville Road would be cheaper in terms of permits and design with a portion of sidewalk down Wilson and subsequent crosswalk taking pedestrians to an existing sidewalk with four ADA ramps associated with it, and cost estimate totals \$23,000 for that option.

Christina Finello said she would like to see the crosswalks and future park to be more of a comprehensive plan and consider obtaining proposals from existing or other engineering firms, and although this may be an opportunity that may not come up again, the Borough only has so much money to put towards projects and she does not want to burden the taxpayers in the form of raising taxes.

Chuck Bristow asked for the Borough Engineer's cost to just submit application for the funding opportunity.

Chris Peterson replied \$5,400.

Todd Savarese made a MOTION, seconded by Matthew Piotrowski to authorize President of Borough Council to accept the proposal by Carroll Engineering in the amount of \$5,400 to submit application to PennDOT's Transportation Alternative Set-Aside Program for the project of installation of a crosswalk at Kirk Road across Jacksonville Road.

Bill Linwood said if the Borough is awarded the grant, how much time do we have to begin the project?

Chris Peterson replied there is a one year from when the funding is received until the deadline expires.

MOTION was ADOPTED 5-1. Christina Finello opposed and noted that, although she is in favor of crosswalks, she is concerned about the amount of money the Borough would have to pay for it.

SOLICITOR:

Greg Sturn said regarding the settlement stipulation for the Ivyland Hotel Zoning Appeal; the total number of units reflected in the document are eight, and per the Historic District Ordinance, the applicant still needs to provide proposed aesthetics for the building façade including materials and obtain Council's approval. Outstanding items also include granting zoning relief from zoning requirements and 16 parking spaces are proposed. Council may wish to authorize approval of the settlement stipulation, although any changes in negotiation should be discussed in Executive Session as it is pending litigation; however, a decision needs to be made in public.

Sal DiPaolo made a MOTION, seconded by Bill Linwood to authorize settlement stipulation for the Ivyland Hotel Zoning Appeal that reflects total number of eight units and 16 parking spaces.

Todd Savarese read, in part, the settlement stipulation in which the “Zoning Hearing Board’s decision is consistent with the terms and conditions of the stipulation. The property may be developed for the project pursuant to the plans following approval of the stipulation as an order of court and the developer shall obtain all necessary land development, stormwater management, earth-moving, building, architectural and other approvals from Ivyland Borough and pay all applicable fees according to the Borough’s fee schedule and the Borough shall issue same necessary to implement the contents of this stipulation,” and he clarified that the applicant understands the intent that they will need to submit and comply with all the other ordinances of the Borough and that this does not obligate the Borough to issue the permits unless the applicant demonstrates compliance with all ordinances.

Michael Tulio, applicant, 8 Greenway Drive, Doylestown, PA, 18901, replied that he agrees with that.

Sal DiPaolo noted that per the Historic District Ordinance, buildings should be brought up to the 21st Century while retaining the character of the community as well as be viable.

MOTION was ADOPTED 6-0.

UNFINISHED BUSINESS: None.

MAYOR:

Mayor Judice provided the police report for June 2021; there were 53 traffic citations issued; three written warnings and one reportable accident investigated. Check received from District Court was in the amount of \$907.27.

He noted that the Sunshine Act is being amended and the amendments will take effect on August 30, 2021, in which public agendas must be posted 24-hours prior to the meeting and the agenda must include a list of matters to be considered at the meeting. After the agenda is posted, Borough Council may not vote on any matter that has not been listed on the agenda unless majority of Council members agree and then it can be moved forward; also, the Borough is in compliance with all other amendments of the Sunshine Act.

Also, he announced that the Warminster Symphony Concert is scheduled for August 1, 2021 at 7 p.m.

COMMITTEE REPORTS:

PARKS AND RECREATION:

Sal DiPaolo announced that the basketball backstop will be reinstalled, and repairs will be made to the swing, and whether the bonfire will take place this fall is still to be determined.

FINANCE:

Christina Finello said as previously reported, the Borough was successful in receiving half the American Relief Act funds and the other half will be sent to the Borough next year. Also, next month budget preparations will begin for next year's budget.

PUBLIC SAFETY:

Bill Linwood announced the new police vehicle has been outfitted and delivered to the Borough.

STREETS/WALKS: No report.

BOROUGH PROPERTY: No report.

PLANNING COMMISSION: None.

FIRE COMPANY:

James Cantore, Assistant Chief of the Ivyland Fire Company, reported that in the past 30 days, there were five calls; training is ongoing; there are two new members; and there will be EMS coverage for the concert in the park. September 18th is the next Coin Toss event and breakfast will be provided for the 5K Run event; and tentatively Breakfast with Santa will be held on December 5th and then Santa will visit the Borough again on December 12th. Also, both trucks are back in-service.

EMERGENCY MANAGEMENT:

James Cantore, Emergency Management Coordinator, reported that the past few meetings were regarding COVID-19 and vaccination sites. Also, there was a lot of property damage to properties located in Lower Bucks due to recent storm.

NEW BUSINESS:

Chuck Bristow asked if the computers are working in the Borough Office.

Janet Pacchioli replied yes.

Sal DiPaolo questioned whether a letter was sent from Borough Solicitor regarding the noise at the railroad.

Greg Sturn replied yes; however, he will send another letter.

PUBLIC COMMENT – (in person and via Facebook):

Amy Shimborski expressed concern about trucks traveling down Greeley Avenue.

Albert DeGideo commented that the Fire Company had training on electric vehicles, and there is concern that when rapid chargers are placed in residences to charge vehicles, it could become a real danger to firefighters in the future. He requested that Council have the Borough Solicitor consider drafting an ordinance for safety features within the equipment.

Chuck Margiotta asked how long Greeley Avenue will be closed due to the work project.

Mayor Judice replied until August 21st.

A resident requested that the “crosswalk” signs be placed at Wilson and DuBois Avenues for added safety.

A resident noticed increased police presence on Greeley and Chase Avenues and thanked them for it.

EXECUTIVE SESSION:

Council convened an Executive Session that began at 9:25 p.m. until 9:45 p.m.

Council Meeting

July 14, 2021

ADJOURNMENT: 9:45 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary

Minutes approved by Borough Council _____, 2021