

IVYLAND BOROUGH COUNCIL MEETING

December 8, 2021

CALL TO ORDER: 7:30 p.m.

PRESENT: Council Members: Sal DiPaolo, President,
Bill Linwood, Vice President, Todd Savarese,
Christina Finello, Chuck Bristow, Matthew Piotrowski
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 11/10/21:

Correction:

Page 4, Paragraph 1, should read as follows:

The Borough has fulfilled its requirement of the MS4 permit of **10%** reduction in sediment that is required during this five-year permit period and that was realized through the completion of the Fire Dam Streambank Stabilization project completed in 2020.

Chuck Bristow made a MOTION, seconded by Todd Savarese to approve the minutes of the November 10, 2021 Council meeting as amended.

MOTION was ADOPTED 5-0-1. Bill Linwood abstained from voting.

TREASURER'S REPORT:

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

BILLS LIST:

Janet Pacchioli reported that the prepaid bills totaled \$42,580.51 and the unpaid bills totaled \$5,567.50.

Bill Linwood made a MOTION, seconded by Chuck Bristow to pay the bills.

MOTION was ADOPTED 6-0.

CORRESPONDENCE:

Janet Pacchioli noted that the Council meeting schedule for 2022 will remain the same except for January as 2022 is a reorganization year. The reorganization meeting will be held on Monday, January 3, 2022, at 6 p.m. followed by the regular Council meeting.

Also, a LECK rep indicated that in 2022 trash will be collected on the Wednesday following a holiday, and there will be no rate increase in 2022.

The law firm of Clemons, Richter & Reiss, P.C. Solicitor for the Zoning Hearing Board sent a letter indicating fees will increase to \$175.00 per hour going forward.

State Representative Meghan Schroeder stopped into the Borough Office and indicated she is working on the issue of noise from idling train cars parked along the railroad tracks and she is aware that railroad officials are unresponsive to Borough officials.

Sal DiPaolo asked for an email to be sent to State Representative Meghan Schroeder requesting that she attend a future Council meeting.

PUBLIC COMMENT: None.

CODE ENFORCEMENT/ZONING REPORT:

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

MOTION was ADOPTED 6-0.

REPORT OF PRESIDENT: No report.

ENGINEER:

Chris Peterson, Borough Engineer, commented that he received a call from Winter Plumbing & Heating Company regarding not receiving payment on their invoice in which there was an issue with the mail.

SOLICITOR:

Fire Tax Update Ordinance:

Greg Sturn said that the Fire Tax Ordinance was updated, and when subsequent versions become available, they will automatically become the applicable reference code for Ivyland Borough for fire inspections. It has been advertised and ready for consideration by Council and it would be appropriate to convene a public hearing.

Council opened Public Hearing to consider the Fire Tax Ordinance at 7:40 p.m.

Council asked for any public comment. There was none.

Council closed Public Hearing at 7:41 p.m.

Chuck Bristow made a MOTION, seconded by Bill Linwood to adopt Ordinance No. 2021-2 Fire Tax Ordinance of Ivyland Borough.

MOTION was ADOPTED 6-0.

Tenant/Landlord Information:

Greg Sturn said he provided Council with an update on request for information on tenants and commercial landlords.

Janet Pacchioli said that Berkheimer sent its list to the Borough, and we are updating our list and making a comparison.

Todd Savarese asked for a comprehensive list of all nonresidential uses located in the Borough, and once the Borough does its due diligence, he suggested that a rep of Berkheimer attend a Council meeting.

Issuance of Fence Permit:

Greg Sturn continued that regarding the issuance of a fence permit; alleyways in the grid do not belong to the Borough. After review of the fence permit issued by the former Zoning Officer, there was a disclaimer on the permit making residents aware that they should not misconstrue the issuance of the fence permit as authority to build it in the right-of-way or in the alley. So, if there is a dispute, then it is a matter between the private property owners as anyone whose property fronts on the alleyway has the right to access it, and if a private property owner wants to enforce that, they need to hire an attorney for any legal recourse.

Chuck Bristow referring to Borough Solicitor's report that says, "the permit does not authorize erection of a fence in the alley, and if there is a fence in the alley, then it is in violation of the permit."

Greg Sturn replied that the recourse would have been to appeal the issuance of the permit within 30 days.

Todd Savarese said part of the problem is that there was no inspection as to whether the fence was installed in accordance with the permit. How long ago was this fence installed?

Janet Pacchioli replied over a year ago.

Todd Savarese said it is a private property dispute that Council should not get involved with because to enforce the removal of a fence one year after it was erected would be problematic. And, if we are going to provide good service to the residents of Ivyland Borough, then those who are responsible for enforcing the Borough's Zoning Ordinance and building permits need to be more attentive in making sure that conditions attached to the permit are being met.

Council agreed.

UNFINISHED BUSINESS:

Matthew Piotrowski said regarding hiring a handyman for small projects in the Borough; he spoke with someone who would be interested and provided a rate of \$75 per hour.

Sal DiPaolo made a MOTION, seconded by Chuck Bristow to hire a handyman for small projects in the Borough at a rate of \$75 per hour.

MOTION was ADOPTED 6-0.

Resolution to Adopt Bucks County Hazard Mitigation:

James Cantore, Emergency Management Coordinator, explained that the Bucks County's Hazard Mitigation Plan needs to be adopted by the municipality to qualify for any Federal aid in the event of an emergency or disaster.

Todd Savarese clarified that it is the County's plan being adopted as the official Hazard Mitigation Plan for Ivyland Borough by resolution. Is that correct?

Mr. Cantore replied that is correct.

Bill Linwood made a MOTION, seconded by Todd Savarese to adopt Resolution No. 2021-4 adopting the Bucks County Hazard Mitigation Plan as the official Hazard Mitigation Plan for Ivyland Borough.

MOTION was ADOPTED 6-0.

MAYOR:

Mayor Judice provided the police report for the month of November 2021; there were no physical arrests; 36 traffic citations; three written warnings; and one parking ticket issued; also, one reportable and one nonreportable accident were investigated. As of this report, check from District Court has not yet been received.

COMMITTEE REPORTS:

PARKS AND RECREATION:

Sal DiPaolo reported that the tree planting project did not occur as the window for planting was missed due to the change in season.

FINANCE:

2022 Budget:

Janet Pacchioli said that proposed 2022 Budget for Ivyland Borough has been duly advertised including a posting on the Borough's website, and it is ready for consideration of adoption by Council.

Christina Finello made a MOTION, seconded by Bill Linwood to adopt the 2022 Budget for Ivyland Borough as advertised.

MOTION was ADOPTED 6-0.

Tax Ordinance:

Council opened Public Hearing to consider the Tax Ordinance at 8:44 p.m.

Council asked for any public comment. There was none.

Council closed Public Hearing at 8:46 p.m.

Christina Finello made a MOTION, seconded by Todd Savarese to enact Tax Ordinance No. 2021-3 for Ivyland Borough setting the tax rate at 11.25 mills for real estate taxes and setting fire tax rate at 2.25 mills with no tax increase in 2022.

MOTION was ADOPTED 6-0.

PUBLIC SAFETY: No report.

BOROUGH PROPERTY:

Todd Savarese commented that the luminary bags will be displayed throughout the Borough.

STREETS/WALKS: No report:

PLANNING COMMISSION: None.

FIRE COMPANY:

James Cantore, Assistant Fire Chief of Ivyland Fire Company, reported that in the past 30 days, there were 12 calls, 65 YTD. The Fire Company is working on fostering good relationships with neighboring Fire Companies; there are two new qualified firefighters; the 2022 General Relief Budget was approved, and a copy will be provided to the Borough. Black Friday Coin Toss and the Santa Breakfast were successful events, and Santa and Mrs. Claus will be visiting the Borough on Sunday, December 12th.

EMERGENCY MANAGEMENT: No report.

NEW BUSINESS:

Chuck Bristow clarified that property owners are responsible to update the Borough Office when new tenants occupy rental space. Is that correct?

Janet Pacchioli replied yes, they need to fill out a tenant registry, and when there are new tenants, there is an inspection prior to issuance of a Use & Occupancy permit.

PUBLIC COMMENT:

Andrew Wessner, 5 Wilson Avenue, was in attendance regarding the matter of issuance of the fence permit.

Greg Sturn explained that he advised Borough Council that because the alleys are not owned by the Borough, this is a dispute between individual property owners, and that the property owner would need to consult with their own lawyer about any legal recourse.

Sal DiPaolo added that Council had a lengthy discussion on this matter and have been advised by Borough Solicitor as stated.

Todd Savarese said Council is sympathetic; however, when the fence permit was issued, it noted that the fence should not be erected in the easement, but it was installed there anyway.

Mr. Wessner questioned why Council cannot ask the property owner to remove the fence.

Todd Savarese replied because the permit was issued by the former Zoning Officer and no inspection was done.

Mr. Wessner expressed concern that the fence is not where the permit says it should be.

Todd Savarese replied therefore that neighbor is exposed to possible legal recourse. Council has decided that it is a dispute between two landowners.

ADJOURNMENT: 8:58 p.m.

Respectfully submitted,

Liz Vile, Recording Secretary