



Borough of Ivyland

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Ivyland Borough Council Meeting Agenda APRIL 10, 2024

1. Call to Order
2. Establishment of Quorum
3. Pledge of Allegiance
4. Moment of Silence
5. Minutes of 03/13/2024
6. Treasurer's Report
7. Bills List
8. Correspondence
9. MTWS LP Development Plans for 79 Gough Ave./Hotel
10. Banking Presentations/First Bank of Newtown/Inspire/Penn Community
11. Public Comment
12. Code Enforcement/Zoning March Report
13. Report of President
14. Engineer
15. Solicitor-Authorization to Advertise Ordinance to Establish Regulations for Medical Marijuana Dispensary and Medical Marijuana Grower/Processor
16. Unfinished Business- Codification of Borough Ordinances
17. Mayor
18. Committee Reports
 - Parks and Recreation
 - Finance
 - Borough Property
 - Public Safety
 - Streets and Walks
 - Planning Commission
 - Fire Company
19. Emergency Management
20. New Business
21. Public Comment
22. Personnel
23. Adjournment

Ivyland Borough Council
Meeting Agenda *minutes*
APRIL 10, 2024

CALL TO ORDER: 7:00 PM

ATTENDANCE: Chuck Bristow, Sal DiPaolo, Dr. Christina Finello, Bill Linwood, Matt Piotrowski, Todd Savarese

ABSENT: Chris Branchide

OTHERS PRESENT: Krista DiPaolo, Recorder, Mark Freed, Borough Solicitor, Tony Judice, Mayor, Janet Pacchioli, Treasurer, Chris Peterson, Borough Engineer

Establishment of Quorum:

Pledge of Allegiance:

Moment of Silence:

Swearing in of Fire Police:

Mayor Judice swore in Virginia Stavitz as a new member of the Ivyland Fire Police for the Fire Department.

Minutes of 3/13/24:

Mr. Savarese made a motion to accept the March 2024 minutes. Mr. Linwood seconded the motion. Motion passed 6-0-0.

- **Treasurer's Report:**

Mrs. Pacchioli read the March 2024 Treasurer's report. The balances are as follows as of 4/10/24:

General Fund:	
Balance on Hand:	\$341,969.20
Capital Reserve Fund:	\$600,342.51
Liquid Fuel Fund:	\$91,369.70
Fire Company Account:	\$62,562.56
Total Funds 4/10/24:	\$1,096,243.97

The Treasurer's report was accepted, subject to audit. Budgeted funds for 2024 Capitol Accounts were transferred all into them.

- **Bills List:**

Prepaid Bills List Total:	\$16,129.54
Unpaid Bills List Total	\$31,449.22

Mr. Linwood made a motion to pay the bills, Mr. Bristow seconded the motion. Motion passed 6-0-0.

- **Correspondence:**

Mrs. Pachiolli presented the following items:

- Bucks County Mosquito control had started spraying in Ivyland as of the week of April 5 and will continue until the week of April 15, 2024. The basin at Jacksonville and Johnsville will specifically be addressed, as it has been a concern in other years. Although the area is technically in Warminster Township, it is included in the Ivyland area, as it borders the townhouses on Brewster Drive.

- **Public Comment:**

- Mike Granieri from Granieri Landscaping, 1996 Stout Drive, Ivyland addressed and thanked the Borough and Council for many years of servicing Ivyland. He was present tonight to make the announcement that he, and his partner, sold the business to Sean Kilpatrick as of September 1, 2024. Mr. Granieri and his partner will continue to be involved in daily operations and will continue to be available to assist with all the Borough needs. Mr. DiPaolo thanked Mr. Granieri for all the years of great service. Mr. Bristow asked for new contact information to be shared. Mr. Kirkpatrick has been with Granieri for the last three years. Mr. Granieri assured the Borough that there will be no change in service moving forward.
- Mayor Judice reports there are sound issues with the Borough Facebook page feed.
- Justin Winter commented on the mud issues at 79 Gough Avenue. Mr. DiPaolo responded that there is an item on tonight's Engineer's report to address this concern.

- **Banking Presentations:**

- Inspire Bank:

Mr. Ryan Philips, Senior Vice President and Ashley Collar, Senior Vice President of Community Banking, presented information to the Borough Council for consideration. Please see the prepared and distributed financial summary. Mr. Bristow asked Mrs.

Pacchioli about the number of paper checks the Borough writes per month. Mrs. Pacchioli said that it varies. Mr. Bristow asked Mr. Philips if the Borough can use a digital scanner or traditional deposit for submitting money. Mr. Philips responded that either method can be used. Mr. Bristow asked what Inspire's community workshops looked like. Mr. Philips responded that the workshops are catered to client needs and include financial planning, money management, improving credit scores, decreasing debt, attaining home ownership, etc. Mr. Bristow asked if they are working with other municipalities. Mr. Philips cited confidentiality but stated that Inspire is working with three other municipalities, one being a local Water and Sewer Authority.

b. Penn Community Bank:

Mr. Rick Battaglia, Director of Sales for Commercial Banking, Tamika Powell, Cash Management, Michelle Brennan, Director of Cash Management, and Erin Cosmo, Director of the Warminster Branch, presented information to the Borough Council for consideration. Please see the prepared and distributed financial summary. Mr. Bristow asked if they are working with other municipalities. Mr. Battaglia cited Bensalem, New Britain, Hilltown, a Water and Sewer Authority as well as some local School Districts (unspecified).

- **MTWS LP Development Plans for Gough Ave./Hotel:**

Mr. Malloy was in attendance on behalf of the client, Mr. Tulio, who was also present. At the last council meeting the applicant was seeking preliminary approval. At that meeting, concerns with ADA requirements were raised and the applicant sought a variance from the PA Department of Labor and Industry. Applicant applied and was granted an ADA waiver from the PA Licensing and Inspections department on March 26, 2024. Mr. Fox, also representing Mr. Tulio, wrote a letter on March 29, 2024 to Mr. Freed requesting the conversion of the approval of the land development application to be set as preliminary/final. Mr. Malloy spoke with Mr. Freed to address the concerns stated in the Borough Engineer's letter and to enumerate the waivers being sought for the project. Mr. Malloy also commented that Mr. Tulio's plans are to sell the property/project and not enter into the financial commitment letter for land development.

Mr. Freed raised questions regarding Mr. Tulio's desire not to have to sign land development agreements in seeking preliminary/final approval for land development. Discussion was had about the financial conditions regarding approval of the project in a 90 day period per

the Municipal Planning Code. Mr. Tulio suggested the issuing of a bond of financial security to give him the 90 days to sell the project and/or sign the development agreement.

Mr. Savarese requested Mr. Petersen to comment on the transition of the application from preliminary to final and if the Borough Engineer has any concerns not addressed in his March 29, 2024 letter. Mr. Petersen said he believed that Mr. Freed and he had captured all relevant points. Mr. Bristow had questions for Mr. Petersen regarding curbing on the project and if there were revised plans on the project. Discussion was had regarding the curbing waiver being partially granted and that curbing would only be installed on Gough Ave. Mr. Bristow is concerned that if the intent to sell the property and the plans don't agree with the letter, once we do a hand off, we will be in the same situation. Mr. Freed stated, in response to Mr. Bristow's concern, that approval would be contingent upon the applicant meeting all requirements to be enumerated by the Borough Solicitor, in a letter to the applicant, within 15 days of the application's preliminary/final approval.

Mr. Bristow also had a comment about getting the waiver signed for the PA Department of Environmental Protection. Mr. DiPaolo stated that this came to his attention, earlier in the week, and that it was signed and forwarded to Mr. Tulio's engineering firm. Mr. Petersen stated that sewage exemption approval needs to be obtained by the Borough before final approval.

Mr. Freed stated that the Borough has 15 days to get a letter to Mr. Tulio regarding the conditions and waivers for land development and that he then has 90 days to act upon it. Mr. Piotrowski questioned, in lieu of a curb on Pennsylvania Ave., how will the muddy conditions be corrected? Mr. Peterson said it is up to the Borough how to proceed for who is responsible. Unsuitable material is currently present as no grass or topsoil is present and construction traffic and tennent traffic continue to aggravate its condition. Mr. Peterson suggested materials to remediate. Topsoil and seeding needs to be established. Mr. Freed stated that as this relates to waving of curbing, the Planning Commission said they could waive Gough Ave. but not Pennsylvania Ave. as Gough has some curbing. Mr. Bristow commented that people will park on the grass. Each of these items, parking and curbing along Pennsylvania Ave. are two separate and distinct issues. Mr. Freed said that curbin was one of the requested waivers. Mr. Piotrowski stated that "it doesn't seem fair to the neighbors to have the mess along the street." Mr. Bristow stated it will get worse with construction. Mr. Freed asked the applicant to accept conditions to stabilize the site to the satisfaction of the Borough Engineer. Mr. Tulio said it was "fine". Mr. Freed will amend the language of the partial waiver (Mr. Peterson) to reflect wording. Mr. Tulio agreed. Mr. Piotrowski. asked how this will be done. Mr. DiPaolo referred to the Borough Engineer's report to the Council. It is done by holding back the

Certificate of Occupancy. Mr. Piotrowski wants wordage to be clear in the plan of how this will be documented in the 15 day letter. Mr. Bristow's concern is that the seller would be amenable to this.

The residents in attendance are amenable to having this problem remediated. Residents had comments regarding the mud issue on Pennsylvania Avenue, on the hotel side. Andrew Wetzel, 92 Lincoln Ave., commented "As of right now, one resident parks in the lot, other tenants park two extra vehicles on the street. If tenants can park in the lot, where there is room, it could alleviate the mud issue on Pennsylvania Avenue." Mr. Piotrowski asked if the applicant was willing to be a good neighbor and take responsibility and take care of this issue on Pennsylvania Avenue? Liz Wetzel, 92 Lincoln Avenue, raised concern for children who play on Pennsylvania Avenue, because there are vehicles on both sides of the street. Mr. DiPaolo stated that residents' concerns were duly noted and it is important to have this issue resolved. Mr. DiPaolo asked Mr. Tulio to respond. Mr. Malloy said they will seed and straw the area to stabilize and ask his tenants to park in the lot. As an intermediate solution, Mr. Tulio asked to put in safety fencing. Residents said that this would prohibit buses and bigger cars from getting down that street, as it would push hotel resident parking further into the street. Mr. Piotrowski suggested the placement of snow plowing sticks in lieu of safety fencing. Mr. DiPaolo instituted a point of order to resume the meeting. Mr. DiPaolo reiterated what was discussed and how it will be worded moving forward. Mr. DiPaolo stated that the Ivyland Police Department will display temporary "no parking" signs in the area to move cars off the street and give time for topsoil and grass to take hold. Mr. Freed asked if there are other issues, questions, concerns before addressing the motion. Mr. Piotrowski asked for clarification on the stipulation agreement. Mr. Piotrowski stated that the application is in violation of the stipulation agreement in regards to the porch floor decking. Mr. Freed explained how he understands the stipulation. Mr. Piotrowski wanted to know if the applicant will come into compliance with the porch decking. Mr. Freed says they have to comply with the stipulation agreement. Mr. Piotrowski asked Mr. Malloy if the applicant will comply with the stipulation? Mr. Malloy stated that he is "just hearing about this." Mr. Freed asked Mr. Piotrowski what concern he had in regards to the stipulation agreement. Mr. Piotrowski noted that Trex composite decking, Exhibit B of the Stipulation Agreement was not installed at the hotel. Mr. Tulio responded he is not putting in Trex composite decking. Mr. Freed suggested the following options, strike the provision from the conditions or to keep the provision as written. Mr. Piotrowski's concern is that if we strike the paragraph, what assurances do we have that the applicant will comply? Mr. Savarese suggested we include, in the Land Development Agreement, that we have the ability to enforce

terms of the Stipulation Agreement. Mr. Bristow, stated that Item 3B of the Stipulation Agreement references the Trex decking directly. Mr. Savarese says the text of stipulation should be part of our letter for land development. Mr. Freed agreed this was fine and the terminology adhering to the stipulation was appropriate. The applicant shall comply with the Stipulation Agreement as dated, recorded and text should be included in the plans, including reference to court documents. The Borough reserves all rights to enforce the Stipulation Agreement.

Motion on Preliminary/Final Land Development on The Ivyland Hotel Project. Mr. Savarese motioned to grant MTWS LP conditional preliminary/final land development approval. Approval is subject to the applicant's compliance with the Borough Engineer's review letter of March 29, 2024, the comments and discussions during tonight's public meeting and all other applicable ordinances of Ivyland Borough, and other agencies with jurisdiction over this project. The motion includes the grant of the five waiver requests outlined by Borough Solicitor Mr. Freed. Motion was seconded by Mr. Bristow. Motion passed 6-0-0.

- **Code Enforcement/Zoning April Report:**

- a. Mr. Linwood made a motion to approve the report. The motion was seconded by Mr. Piotrowski. Motion passed 6-0-0.

- **Report of President:**

- a. Nothing new to report.

- **Engineer:**

- a. Mr. Petersen reported that G & R completed demolition and excavation of the Navy Housing project. The Borough is awaiting the Warminster Municipal Authorities final approval for the termination of water service to the properties.
- b. Mr. Petersen had issued a review letter to the Ivyland Hotel project. Details of this letter are in the Solicitor's report.
- c. Mr. Petersen noted that Carrol Engineering is conducting an inventory and improvement schedule of the Borough's roadways for improvement/repaving.
- d. The archival records from Boucher & James have been transferred to the Borough. 14 boxes were delivered and received on April 10, 2024. Of note is one box labeled 047518, which has roadway information.

- e. Mr. Petersen presented two possible engineering solutions to the mud issue on Pennsylvania Avenue at the Ivyland Hotel Project.
- f. During the week previous to the meeting, Mr. Peterson documented rain and drainage conditions around and adjacent to the Mill property to confirm that there are no adverse conditions.

- **Solicitor:**

- a. Ivyland Hotel land development, already covered
- b. Action settled in civil suspense related to MTWS and Borough: A conference with the judge, insurance company, Mr. Bristow and council for MTWS occurred on March 28, 2024. The judge was ready to dismiss the case but was advised to wait until final land development. He issued an order that parties will report by email correspondence if/when:
 - i. Final approval of land use is received
 - ii. Received notice that all administrative suspense in Federal courts has been put back to active cases
- c. Request to approve advertising for medical marijuana dispensary and usage. An Ordinance was created by Mr. Freed and Mr. Savarese. The Zoning Officer agrees it's consistent with the Ordinances of the Borough. Mr. DiPaolo made a motion to approve, Mr. Lindwood seconded. Motion passed 6-0-0

- **Unfinished Business:**

- a. Mr. DiPaolo revisited the topic of Codification of the Borough Ordinances. Mrs. Pachiolli made contact with three vendors providing this service. American Legal, a sister company of General Code, who has already provided an estimate, said their proposal pricing would be based on page numbers to be codified. Mrs. Pacchioli will be compiling information and dispersing to the council, once it is received from all three vendors.
- b. Mr. Bristow commented about the purchase of a storage shed for the Borough property. Mr. DiPaolo and Mr. Bristow will collaborate to seek vendors. Mr. DiPaolo recommended a 10 x 20 shed.
- c. Mr. Piotrowski asked if the 14 boxes from Boucher & James could be scanned and archived electronically versus being stored physically. Mr. Bristow asked about a statutory requirement for storing files. Mrs. Pacchiolli stated that we archive financials for seven years. Mr. Freed commented that storage should be done via Borough policy. Mr.

Piotrowski asked if there is a practical reason for a certain timeline. Mr. DiPaolo suggested forming a subcommittee to work on archiving files, etc. Mr. Piotrowski, Mr. DiPaolo and Mayor Judice volunteered.

- **Mayor:**

- a. Mr. Judice presented the Police Report for March 2024 as follows: 17 traffic citations, 2 warnings, one reportable accident, one permit violation. The Borough received a court check of \$766.35.
- b. On April 27, 2024 the Ivyland Heritage Association was invited to participate in the Millbrook Society's History Fair, Mayor Judice will attend on behalf of the association.

- **Committee Reports:**

- a. *Park and Recreation:* Mr. DiPaolo reported on having a good meeting regarding the use of the old Navy Housing site. The next Park and Recreation meeting will be on Wednesday, April 17, 2024 at 7:30 pm at Borough Hall. The Borough is working on a clean up day for the area in and around the Ivyland Fire Dam. Mrs. Pacchioli is to call Leck to get information for a small dumpster (8-9 yards). Mr. DiPaolo will reach out to the Ricco family to alert them to the upcoming activity. The Easter Egg hunt was a huge success. A neighbor from Ivy Meadows had communicated with Park and Recreation regarding a Borough tree limb falling onto their property. Mr. DiPaolo contacted Granieri Landscaping to get a quotation for tree work. This includes areas to be addressed: the grounds at Borough Hall, the main park at Ivyland Village and the Oak trees at the Commons Park playground. Mr. DiPaolo made a motion to accept the quote and authorize work to be paid from the Park and Recreation Capital account. The motion was seconded by Mr. Linwood. Motion passed 6-0-0.
- b. *Finance:* Council was asked if they wanted to discuss the Bank presentations. Mr. Piotrowski made a motion to select Inspire. Mr. Bristow made a motion to select Penn Community. Mr. Bristow feels the numbers are better with Penn Community. Otherwise Mr. Bristow did not see much difference. Mr. Piotrowski feels the local credit union can give us better service. Dr. Finello commented that she is inclined to select Penn Community Bank. Mr. Linwood asked how often Mrs. Pachiolli goes to the bank. She replied once a week outside of tax season. Mr. DiPaolo asked if Mr. Savarese wanted to comment. Mr. Savarese commented that he was happy that the Borough was seeking a new bank. Discussion ensued. Mr. Piotrowski made a motion to select Inspire, Mr.

Linwood seconded the motion. Motion passed 5-0-1. Mr. Savarese abstained from voting.

- c. *Public Safety:* The Borough elected to place temporary “No Parking” signs on Pennsylvania Avenue on the hotel side, to help mitigate the mud issue at the site. The ticketing system in the state of Pennsylvania is changing. The Borough is in the process of using a new system called Trax which will require printers in police cars. Currently, the Borough is waiting on the cost of printers. This would streamline the process and make ticket writing much more efficient and easy. This also will save the Borough on the cost of paper tickets.
- d. *Borough Property:* No report, Mr. Branchide was not present.
- e. *Streets and Walks:* Mr. Savarese received an email on April 3, 2024 from David Walsh, 59 Valentine Rd. Mr. Walsh stated that a tree fell from the basin property onto his driveway. Mr. Savarese texted Mr. Granieri to survey the situation. Mr. Walsh sent a follow up email on April 6, 2024, sharing that the tree was removed on this date. Mr. Savarese was very appreciative of the Borough’s quick response and Granieri Landscaping’s work and expressed concern that the changing of ownership would not affect this performance. Mr. Savarese noted he had received complaints about the alley macadam deteriorating behind the Navy Housing site. Mr. DiPaolo shared that he had spoken with Mr. Granieri who stated that Mr. Kirkpatrick had been part of management and has been an active participant in running the business for the last three years. Mr. DiPaolo is confident that the Borough will continue to receive good service and quality from Granieri Landscaping.
- f. *Planning Commission:* Nothing new to report at this time.
- g. *Fire Company:* Mr. Cantore reported the following information: Within the last 30 days the Fire Department had 19 calls; 7 fire, 12 medical with a total of 38 calls YTD. A new member, as of Monday, will go for formal fire training. Currently, two members are participating in Firefighter II Training. Mr. Cantore shared that this is unusual for a volunteer fire company to have such a well trained group. The Fire Department is actively trying to attain new drivers. There are members going through driver training. Mr. Dave Sharp, Fire Chief, is setting up driver training on Sundays. Members in training start by getting qualified on the Tac rig and then move on to being trained on the Engine. Please note the following Fire Department calendar items:
 - i. May 5, 2024: Pancake Breakfast - 8 am - 12 pm
 - ii. June 8, 2024: Coin Toss on Bristol Rd. and Jacksonville Rd

- **Emergency Management:**

- a. Mr. Cantore stated that the Borough has been spared of some of what the other municipalities are dealing with of late. He has started a Facebook page (Ivyland Emergency Management) to share community information about things like PECO, Military flyovers or other noises. There was an outage at the 911 call center, the result of a ransomware attack. Hackers gained access from a police computer and malware was installed into their CAD system. The system was restored from installation disks and backups and is currently fully operational.

- **New Business:**

- a. Mr. DiPaolo reported they had a great meeting with Park and Recreation to discuss uses for the Ivyland Park. Mr. Bristow would like to ask for proposals, bids and a sketch of how to use the land. Mr. Judice shared that there are Temple Students who may be interested in bidding. Mr. Bristow mentioned students in the trades as a source for proposals/bids. Mr. Bristow said we should create a needs and wants list for the park project at the Navy Housing site. Mr. DiPaolo asked the Borough Engineer the financial requirement for soliciting bids. Mr. Peterson said that the limit was \$22,300.00. Discussion was had that vendors would not submit sketches without bids and the prospect of attaining the work. Dr. Finello requested an idea of cost/number to get a financial benchmark to budget against. Mr. Piotrowski recommended that we solicit Carroll Engineering. Mr. Peterson shared that they put numbers to the sketch that Mr. Piotrowski had shared. He suggested taking residents' ideas and sharing with Carroll who can put numbers to these ideas. Mr. Peterson also mentioned that, besides grant opportunities, the Borough can fundraise specifically for the park project. Ideas included soliciting historical societies and other community resources to secure resources. Mr. DiPaolo requested that a review of the Borough's Comprehensive Plan and Open Space Plan be conducted.

- **Personnel:**

- a. Nothing new to report at this time.

- **Public comment from Facebook:**

- a. Terry Margiotta, Borough resident asked about the paving from the train tracks to Thomas Drive. Mr. DiPaolo asked the Borough Engineer to include a quote for this work

in the Comprehensive Plan on Borough roadways. Mr. Cantore commented about a tree adjacent to his sidewalk that is growing diagonally. Mr. DiPaolo will contact Mike Granieri to take a look at the tree.

- **Adjournment:**

- a. Mr. DiPaolo made a motion to adjourn, Mr. Linwood seconded. Motion passed 6-0-0.
Meeting adjourned at 9:16 pm.

- **Council Entered into executive session to discuss legal matters at 9:16 pm and ended it at 9:46 pm.**

Respectfully Submitted,
Krista DiPaolo, recorder

Minutes Approved by Borough Council May 8th, 2024
-with correction, p. 1