

**Ivyland Borough Council  
Meeting Minutes  
June 12, 2024**

**CALL TO ORDER:** 7:00 PM

**ATTENDANCE:** Chuck Bristow, Sal DiPaolo, Bill Linwood, Matt Piotrowski, Todd Savarese

**ABSENT:** Dr. Chis Finello

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

**Establishment of Quorum:**

**Pledge of Allegiance:**

**Moment of Silence:** Mr. DiPaolo asked for a moment of silence for a longtime borough resident, Pat Klein, who passed away 6/11/2024.

**Minutes of 5/8/24:**

Mr. Bristow made a motion to approve the minutes. Mr. Linwood seconded the motion. Motion passed 4-0-1. Mr. Savarese abstained due to absence

- **Treasurer's Report:**

Mrs. Pacchioli read the May 8, 2024 Treasurer's report. The balances are as follows as of 5/8/24:

General Fund:	
Balance on Hand:	\$471,107.21
Capital Reserve Fund:	\$575,563.17
Liquid Fuel Fund:	\$91,669.55
Fire Company Account:	\$83,417.52
<b>Total Funds 4/10/24:</b>	<b>\$1,221,757.45</b>

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

- **Bills List:**

Prepaid Bills List Total:	\$58,364.73
Unpaid Bills List Total	\$12,736.17

Mr. Linwood made a motion to pay the bills, Mr. Piotrowski seconded the motion. Motion passed 5-0-0.

- **Correspondence:**

Mrs. Pachiolli presented the following items:

- a. Nothing new to report

- **Public Comment:**

- a. Mr. David Brekher, 2218 Denbeigh Drive, Jamison, Pa. 18929. Mr. Brekher wants to convert the Mill showroom into four residential units. The plan is to not change the footprint but to shorten it by two feet to allow for parking. Mr. Peterson, Borough Engineer, stated that the current plan shows that there are 12 spaces occupying the frontage per the plan dated 4/3/24. Mr. Peterson stated the importance of maintaining the current curb line to assist with storm water. Mr. Brekher stated that the plan is now for 8 spots with a 500 feet reduction of the curb line with a skirt. Mr. Peterson asked if there would be a garage bay where the existing wall stands. Mr. Brecker said no, that "They will ask for a depressed curb to accommodate the parking spots." Mr. Peterson said this would still cause an issue with storm water. The Borough Stormwater plan includes the curb to assist with remediation. Mr. Breckner asked for two entrances for parking with a thicker curb. Mr. Brekhner stated that their engineers would work with Borough engineers. Mr. Freed shared that their design would be subject to land development approval. Mr. Peterson recommended that they ask for enough relief so that they don't have to continue to return to the Zoning Hearing board for approval. Mr. Peterson also stated that it would be beneficial if the Borough could see a more robust schedule and plan. Mr. Brekher said they will have a more detailed plan before the Zoning Hearing Board meeting. Mr. Freed said an application is pending to the Board for relief. Mr. Freed is unsure if the plan was explicit in requesting curb relief. As the plans currently stand, the curb relief is not clear which is why Mr. Peterson is addressing it tonight. Mr. Brekher said they want to move the building in by a few feet so they can accommodate parking spots. They plan is to skirt the entrance and leave the sidewalk intact. Mr. Freed asked the Engineer if they needed relief. Mr. Peterson replied, "They do not if they are putting in a driveway." Further, Mr. Peterson recommended redoing the

sidewalk to leave enough transition for the driveway. Mr. Brekher can ask for relief for the parking spot sizes from 10' x 18' to 9' x 16'. Mr. Freed advised Mr. Brekher to be aware of what they should discuss with their engineers and the Borough engineers so they come to the Zoning Hearing Board meeting with a complete application. This would avoid them having to go back and submit plans. The other concern is the parking space numbers requested. They are asking for 8 but submitted for 12 spaces. Changing the size of the parking space will require a waiver. Mr. Bristow asked about the handicapped parking spot requirement. It was stated that there is a requirement for one handicapped spot. Mr. Breckner said one was planned for the left side of the utility pole. Mr. Freed addressed Mr. DiPaolo, stating that tonight's presentation is to give the board information about this proposed project and be aware they may need to ratify or oppose the application. Mr. Bristow asked Mr. Peterson about the five relief items in the plan. When considering the curb, that totals six relief items. Mr. Peterson stated that he doesn't really get involved but as the plan has to do with storm water, he is involved. Mr. Freed mentioned the May 16, 2024 letter, regarding the monitoring of stormwater at Greeley & Wilson Avenues. Mr. Piotrowski made the suggestion that the applicant show the Borough more information about the proposed application. As it looks now, it seems they are "Shoving 10 lbs into a 5 lbs bag." Mr. Piotrowski stated that with the location of the showroom and considering the intersection, there are considerations for taking away part of the building. He also expressed how it is not clear how the applicant is asking for parking variations when he hasn't shown the Borough where they are going to be placed. While the look of the building is not a zoning issue, however, "The board would be more supportive if they knew what this was going to look like." Mr. Piotrowski suggested that a more comprehensive plan be provided. To Mr. Piotrowski, it seems that they are asking for zoning relief on a lot of "what ifs." As it is a legal proceeding, the Board needs more information than just the submitted rendering. Mr. Brekher confirmed their plan will be submitted at "a higher level." Once their application is approved they will give more detailed plans. Mr. Freed shared that the board will have more comfort if they can see a more specific, not necessarily engineering, plan. Mr. Brekher talked about cosmetic changes planned. On the outside, they will show what they are seeking to renovate. In addition, they are seeking relief from the 750 square feet requirement for 8 parking spots. Mr. Piotrowski expressed that if this is the basic zoning variance, he recommends we oppose the application as it is currently submitted. Further, the Borough should request the Solicitor to attend the Zoning Hearing Board meeting. Mr. Brekhner

said the building is at risk of falling apart and may not stand for much longer. He shared that “neighbors have brought me wood and other pieces.” He said he is willing to work with the Land Development and Zoning Officer to make this plan work. Mr. Freed asked if there is willingness on their part to prepare the plan now for Council to review and push back or amend the application. Mr. Brekher said yes. He said he will work to get it approved as the Borough sees appropriate by the end of the week. Mr. Piotrowski said this would be fine and asked for a rendering to get a better idea. Mr. Bristow asked if there was another rendering that was not included in the packet. Mr. Piotrowski said it was not included in the original packet. Mr. Peterson has the original packet with an image of the rendering. He displayed this on his computer and shared it with the Board. Per the rendering, the wall from the original barn will be taken in two feet. The plan includes four living spaces at roughly 1450 square feet per unit. Mr. Brekhner does not have counsel yet for this project. Mr. DiPaolo asked if they have a development plan timeline. Mr. Brekher stated there is a 6 to 8 months base plan. This estimate is based on projects they’ve done in the past. They don’t know how long paperwork will take with the Borough. Current owner of the Mill Showroom is Zinshtein Realty Trust. Mr. DiPaolo asked Mr. Brekner to coordinate with Mr. Freed in getting updates to the ZHB submission. Mr. Savarese stated that their presentation was a courtesy with the intent of working together. Per Mr Savarese, “The goal of the Borough is not to oppose the project”. Mr. Savarese stated that all property owners within the required distance are allowable participants in their zoning hearing and the borough cannot control these allowable participating parties. Mr. Savarese encouraged Mr. Brekner to get in touch with the Zoning Officer to extend time and get all the necessary paperwork in order. He further suggested communicating with the surrounding neighbors to find out their concerns. Mr. Brecker shared that they are on a contingency timeline by August 1, 2024. Mr. Savarese suggested a business meeting with his seller. Mr. Savarese would like to see a successful project.

- b. Penny Bristow, 74 Gough Avenue, Ivyland. Mrs. Bristow shared that before COVID, the Bristows suggested a free library in the park. This plan got sidetracked due to COVID. Mrs. Bristow would like to propose this again. They would build the library from wood and Mrs. Bristow would be the “librarian.” Mrs. Bristow is asking for approval to dig a hole near the playground. Mr. DiPaolo stated this would be a great Park and Recreation project. Mr. DiPaolo made a motion to approve. Mr. Bristow seconded. The motion passed 5-0-0.

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

- a. Mr. DiPaolo asked if there is discussion for the May report.
- b. Mr. Linwood made a motion to approve the report. The motion was seconded by Mr. Savarese. Motion passed 5-0-0.

- **Report of President:**

- a. The Ivyland 5K has been requested to be held on August 17th. As directed by Jon and Mary Severn for over the past 25 years. Mr. DiPaolo asked for a motion to support the event. Mr. Linwood and seconded by Mr. Bristow. Motion passed 5-0-0.

**A. Engineer:**

- a. Navy housing: Per Mr. Peterson's report, the balance to finish this contract remains \$4,042.25. We have not received a final payment application from the contractor at this time. CEC conducted a site inspection on Monday, June 10th, and noted that the grass is still sparsely vegetated, and the silt sock is still in place. We will continue to monitor the site and conditions and verify the completion of the final punch list items. We expect to issue a final change order for additional time on the contract to allow sufficient time for grass growth. Additionally, CEC is awaiting additional input from the Borough on how they would like to proceed with the remaining park improvements so they can begin preparing a plan for Phase II work to be covered by the Greenways Grant Funds. Mr. Savarese stated that we need someone who knows what they are doing to get the proper trees into the space. He suggested that Carroll Engineer can consult on a concept plan with someone who has expertise in trees and plantings. If this is our goal, the logical next step is to solicit the services of Carroll Engineering or another to authorize action to propose renderings and/or ideas. Mr. Linwood asked if we knew what the plan was. Mr. Savarese stated the plan is to plant vegetation. Mr. DiPaolo has to meet with Dr. Finello and Mr. Bristow regarding the plan. Mr. Piotrowski asked if the grant plus more funds from the Borough is available. Mr. Peterson stated that the entire grant is still available at the entire amount of \$122,000+. Mr. Piotrowski stated that we have to figure out where we want to go with this. Mr. DiPaolo said minimal plantings and trails have been recommended. Mr. DiPaolo does not think this will utilize the entire grant. Mr. Piotrowski asked to give Carroll Engineering a directive to help move forward. Mr. Peterson stated just to consider the asphalt remediation including how much parking

needs to be removed then resurfacing what is left, will be a major percentage of funds. It was discussed to use trees and hedges as a buffer between the park area and houses on Eddowes. Mayor Judice handed the proposed land use notes from the last public to the Council. Mayor Judice said we follow up with those who contributed to the plan. He also mentioned the resident who would need to be approached to connect his sidewalk on Valentine Road to Jacksonville Road. This would require the appropriation of right of way to extend the sidewalk from the park to the sidewalk on Valentine, Mr. Savarese stated. Engineer said we do have the right of way. Predefined sidewalk entrances were discussed. The entrance on Eddowes would require handicap access. Mr. DiPaolo made a motion to follow the hit list developed from the last public meeting. Mr. DiPaolo stated we should inform the community before plans are put into place. Mr. Savarese stated that Carroll Engineering can help us determine what can be repurposed. Mayor Judice mentioned that most sidewalks have curb cuts. He suggested the Borough repurposes two of those to be the entrance into the park. Mr. Peterson agreed and said there is a lot of asphalt and it is not in good shape. Carroll Engineering was instructed by Council to come up with rudimentary design. Mr DiPaolo asked Mr Freed to reach out to the homeowner on the corner of Valentine & Eddowes, with regards to the connecting sidewalk. Mr. DiPaolo made a motion on this plan, the motion was seconded by Mr. Linwood. Motion passed 5-0-0.

- b. Ivyland Hotel: Per Mr. Peterson's report, CEC completed a final review of the Ivyland Hotel documents, including the Land Development Agreement, Stormwater Operation and Maintenance Agreement, Financial Security Agreement, and Performance Bond. Additionally, we are in receipt of revised plans to address the comments in our March 29, 2014 review letter. The only outstanding item currently is the Act 537 Sewage Planning Module Exemption Approval letter from DEP.
- c. Speed Humps Repairs and Fog Sealing: Per Mr. Peterson's report, Buxmont Asphalt contacted our office this morning to let us know they will be completing the patch repairs to the speed humps today and will begin laying down the oil and chips tomorrow (June 13, 2024). They will wait about one week to 10 days before laying down the final sealer coat. Mr. Peterson assured Council that what residents are seeing today is not the final project. It is partially complete. Mr. Piotrowski asked with fog sealing was.
- d. 1061 Greeley Avenue: CEC issued a review letter to Council on June 11, 2024, on the Zoning Hearing Application for the subject project. Our comments were limited to the potential stormwater impacts of the proposed curb removal.

**Solicitor:**

- a. The Ivyland Hotel: Regarding the Hotel, the only outstanding item is Act 537. We paired land development documents. The plans have been finalized. The applicant has signed them and will be delivering them to the Borough. The Borough will not record anything until ACT 537 is met. The Federal litigation has been formally dismissed and is done.
- b. Open Borough Councilperson position: Mr. Branchide resigned 5/31/24. The Borough Council has a limited amount of time to appoint someone new. If it can't fill the vacancy, the Board takes it to the Court of Common Pleas. Mr. DiPaolo shared the name of a resident that has been identified and willing to fill Mr. Branchide's position, Mr. XX Nasir. Mr. Nasir lives at 8 Ryan Ave. Mr. Freed commented that If Council is inclined, they can make a motion to appoint Mr. Nasir to the Board. The term would be until the next municipal election. Mr. Bristow asked why the full term is not honored. Mr. Freed said the term concludes at the next municipal election. Mr. DiPaolo made a motion to appoint Mr. Nasir. Mr. DiPaolo spoke on behalf of Mr. Nasir after he and Mayor Judice met with him. Mr. Nasir has conducted movie nights, is a good village voice and a good neighbor. He has young children and would be a good addition. Mr. Savarese seconded the motion. The Resolution 2024-1 was passed 5-0-0. A formal ceremony will be held at the next Borough Council meeting. Mayor Judice will talk with the Honorable Judge Finello to conduct the swearing in. Mr. Bristow asked if it is appropriate to start including Mr. Nasir in correspondence. Mr. Freed said it isn't wrong but he is not able to vote until he is sworn in. Mr. DiPaolo will share Mr. Nasir's email address with the Borough Council members.
- c. Marijuana Advertisement: Mr. Freed discussed the Marijuana advertisement and processing ordinance that the Borough authorized at last month's meeting. This was sent to the Buck County Planning Commission (BCPC) and the Borough Planning Commission (BPC). Bucks County Planning Commission came back with comments. Mr. Freed stated that he was not sure if they required any action but wanted to present these comments to the Council. Further, the Council can decide if they want to modify the ordinance for further action. In coming up with our advertisement and ordinances, the Borough did review other boroughs ordinances, specifically Falls Township. First, BCPC commented that our proposal includes a 1000 foot step back requirement for growers and processors from schools. Their comment was that In the state law, there is a stipulation for a 1000 foot setback for dispensaries but not for processors. We knew that



and that is why we did not state the 1000 foot setback for dispensaries as it was already stated in the law. Falls Township included this stipulation as it stands and added it for the growers as well. BCPC asked if our stipulation was a mistake. Mr. Freed said we can remove these if we want. Mr. Savarese requested to leave it in as long as there are properties in the zoning district. The Zoning officer consulted and he said there were properties that fit the criteria of the stipulation for 1000 feet set back. Mr. Savarese asked to keep this criteria in. Mr. Savarese said we are relying on our Zoning Officer. He stated a 1000 foot setback is a big set back. The institutions are several that fit the criteria. Mr. Freed reiterated that this wordage does not need to be included. Mr. Piotrowski asked what the downfall of not including the wordage. Mr. Freed said that someone can complain that there is a Marijuana farm growing next to a school, for example. Mr. Piotrowski agreed that 1000 feet is a large amount of space. Mr. DiPaolo said the industrial park off of Ivyland Road meets the requirement of 1000 feet. Mr. Freed said the stipulation could be 500 feet. Mr. Savarese said 500 feet is reasonable. If we can't meet the set back of 1000 feet for the grow facility, we are required to have it for dispensary as it is state law. Mr. Savarese is in favor of 500 feet. The second item from the BCPC, growers processes are prohibited by state legislation of having retail sales and suggest that the ordinance specify growers and exterior sales, drive through services and advertisement is irrelevant and doesn't need to be addressed. Mr. Freed said we aren't prohibiting sales. Growers don't have sales locations and have operations inside. Mr. Freed thought our requirement made sense the way that it was written. Mr. Freed reiterated that we do not have to change the wording. No drive through service and use cannot be advertised on radio and television. It comes down to wanting an indoor closed facility or whether we are open to an outdoor closed facility. Mr. Linwood commented that we keep this as worded. Mr. Freed said that the "no drive through services will be permitted" but that is related to sales which is not part of that item. It will say no outdoor sales or sidewalk advertisements. The third item involves ADA requirements. The BCPC comment was about providing access to individuals with disabilities. As of right now, the law stipulates one handicapped parking spot for every 25 spaces. They suggested increasing that to one parking spot for up to 6 spaces, two parking spots for a count of 6 to 25 spaces and three parking spots for every 25 and over spaces. Mr. Piotrowski and Mr. Savarese said to leave the wording as is. Mr. Freed stated you can make a motion to modify the setback requirement for growers and processors to 500 feet (from a residentially zoned property, place of worship, school) and modify the indoor



requirements as discussed. This will authorize Mr. Freed to make the changes. This has not been advertised yet so changes can be made now. Mr. Bristow asked if a home falls under a residentially zoned property. Mr. Freed stated that it does include a home. Mr. Savarese asked what to do to get it adopted. Mr. Freed said to make the changes as discussed tonight which include the two provisions. First, growers and processors need a 500 foot setback not a 1000 foot setback. In addition, regarding indoor operations, the removal of the provision of no exterior sales or drive through services will be permitted. A motion was made by Mr. Savarese to authorize advertising with those changes as outlined by our solicitor. This motion was seconded by Mr. DiPaolo. The motion passed. 5-0-0. Mr. Freed will get changes to Mrs. Pacchioli.

- **Unfinished Business:**

- a. Mr. Freed said the General Code/E-Code 360 is the vendor we should use for codification. Mr. Savarese made a motion to approve the contract for \$19,995 with an annual maintenance fee of \$1,195, dated September 23, 2023 valid for 6 months. Mr. Linwood seconded the motion. Motion passed 5-0-0.

- **Mayor:**

- a. Police report: May 2024 45 traffic citations, written warning. Court check \$751.16. At a meeting with Brian Munroe and others to work together to get more visitation to Bucks County. One item, Certified Local Government Program. As a municipality, we can apply to be part of this program. When accepted you become eligible for funding for historic preservation. Warminster township is in process of applying as well as neighboring townships who are involved. Not many other municipalities. PA Historic Society. Requirements, COuncil enact a resolution, submit yearly reports on what is happening in boro. Mayor Judice will send an email with a link about the program. Mr. Freed was involved in this program previously. Great program, provides money. BUt will also look at your historic ordinance and require a robust ordinance. Only maybe 50 counties participate in PA (6 are in Bucks County). Judice - look into whether you have merit to be on the historic registry. Mayor Judice thinks it's a great program. No issue with "beefing up" our ordinance and it would be in our best interest to tighten up our ordinance. Mr. Freed thinks this could be a benefit to Ivyland. Mr. Piotrowski thinks it's a great idea. Even if our ordinance doesn't become more stringent, it will help us clean up our ordinance. It will force us to be clear in our ordinance. Mayor Judice is trying to get the

ordinance from Warminster Township to help guide our process for application. Mr. Freed stated it will be important to share the value with residences

- b. Mayor Judice presented the idea of putting a building out behind Borough Hall for storage. As an alternative solution, he spoke with the Zoning Officer and Geoff Rapp to use half of the School House basement and make it usable for Borough Storage. Mayor asked for approval to get quotes for this process.
- c. Nature took its course, the rooster was abducted by the local fox. Mayor asked the council to consider amending the ordinance about owning a rooster. Mr. Bristow thanked the Mayor. He stated that there appears to be no ordinances about owning a rooster and how many can be owned. Neighboring boros have ordinances that reflect the acreage needed to have a rooster, for example. Mr. DiPaolo asked the boro solicitor to pull the ordinance and review. Boro requested no roosters and a specific number of chickens. Mr. P. asked to review livestock ordinance as well.

- **Committee Reports:**

- a. *Park and Recreation:*

- i. Mr. DiPaolo thanked the Ivyland Fire Department, the Mayor, Boy Scout Troop 200, and District Judge Chris O'Neill, for a successful Memorial Day Parade. Mr. DiPaolo will submit receipts for shelves, a wreath and flags.
    - ii. The committee is planning the Bonfire event for October 2024.
    - iii. Mr. DiPaolo thanked Mrs. Pacchioli for getting the placement of the big dumpster at the fire dam. Resident, Mr. Ricco, informed Mr. DiPaolo that the dumpster company stated they will not accept old tires in the dumpster.
    - iv. Mr. DiPaolo asked when the dumpster for the Fire Dam would be placed at the park. Mr. DiPaolo will follow up on scheduling clean up at the park.
    - v. There is a local Eagle Scout interested in taking up the tree project. Michael Zoog will present the project to the Borough at a future meeting.

- b. *Finance:* Mrs. Pacchioli has been in process with Inspire Bank for all of May. Currently, all the Borough's funds are with Inspire. This will be confirmed when the Borough receives the May 31st statement. There is minimal funds left in TD Bank. One outstanding item is the ACH with the IRS for payroll taxes which Mrs. Pacchioli is working with Ashley. Tomorrow, Mrs. Pacchioli will close out the Fire, Liquid and Fuel accounts with TD Bank. The General Fund will be closed out when all the outstanding

checks are cleared. The CD will mature in August and will be moved to Inspire after it comes to maturation. The Borough will put those funds into a new CD with Inspire.

- c. *Public Safety*: Mr. Linwood shared that We have our printers for the police cars. Having these printers will cut down on the cost of paper tickets and reduce the officers' time inside the building to write tickets, etc.
- d. *Borough Property*: No quote on the porch has been received to date. Mr. Canali has not sent a duplicate quote even after multiple requests.
- e. *Streets and Walks*: Mr. Savarese had nothing to report
- c. *Planning Commission*: There was no quorum at the last meeting. The next meeting is June 27, 2024.
- d. *Fire Company*: David Sharp reported that within the last 30 days the Fire Department had 7 calls; one was fire, 6 medical with a total of 51 calls YTD. In May, the Department participated in the Memorial Day Parade and the William Tennent High School Food Truck Festival. There was a Bridge dedication for John Kulick who passed away in Hatboro. The Department is looking for two more drivers to help drive the apparatus. The Department has 10 new people in total. Some members will participate in the Flammable Liquid training at Bucks County Community College. On July 4th, the Department will participate in the Southampton Days Parade and assist with fireworks in the evening. Regarding membership, there is one new fire police and one new firefighter. Due to lack of participation, the May pancake breakfast will be canceled until further notice. The Santa Claus breakfast and 5K Run breakfast will continue each year.

**Calendar:**

- i. Warminster Symphony Orchestra on June 22, 2024 at 7:00 pm, food available at 6:00 pm.
- ii. Tony's fundraiser on July 17, 2024. The Department gets a percentage of proceeds from food sales
- iii. Tranquility fundraiser on August 8, 2024 from 3:00 pm - 9:00 pm.
- iv. Ivyland 5K in August 2024

- **Emergency Management:**

Nothing to report

- **New Business:**

- a. Mrs. Pacchioli reported that the resident at 53 Valentine Rd. called the Borough regarding trees overhanging from the basin. With investigation, the overhang was on the Anne's Choice property. Mrs. Pacchioli contacted Anne's Choice and they responded that they would be contacting the homeowner to review the situation. Mrs. Pacchioli remarked that the response from Anne's Choice was very prompt and professional.
- **Personnel:**
  - a. Nothing to report
- **Public comment from Facebook:**
  - a. No comments
- **Adjournment:**
  - a. Mr. DiPaolo made a motion to adjourn, Mr. Linwood seconded. Motion passed 5-0-0. Meeting adjourned at 8:40 pm.
- **Council Entered into executive session to discuss legal matters at 8:45 pm and ended it at 9:15 pm.**

Respectfully Submitted,  
Krista DiPaolo, recorder

Minutes Approved by Borough Council July 10, 2024  
*As presented.*