

**Yardley Borough Council Meeting  
May 17, 2016**

The meeting was held in Council Chambers with the following council members present:

Katherine Cadwallader	Mike Ruttie	Jef Buehler	Ryan Berry
Rich Wayne	Uri Feiner	Bryon Marshall	

Also in attendance were Mayor Chris Harding, Borough Manager John Boyle, Police Chief Joseph Kelly, Solicitor s' Jordan Yeager and Jim Esposito, and Borough Engineers' Tom Beach and Leanna Colubriale. President Katherine Cadwallader called the meeting to order at 7:30 p.m., and led with the Pledge of Allegiance.

**Minutes**

Mr. Ruttie makes a motion to approve the minutes of the May 3, 2016 Council meeting. Motion is seconded by Mr. Buehler. Motion carries unanimously.

**REPORTS**

**Progress Reports**

**Solicitor**

No report.

**Borough Manager**

No report.

**Mayor**

Mayor Chris Harding states that the WCBC radio show is cancelled this week and that he and his wife are fostering a 3 year old dog if anyone is interested in adopting.

**Police Chief**

No report.

**Borough Engineer**

Mr. Beach notes in about 2-3 weeks they will understand if the multi-modal grant was approved. He states that 7 of the 8 design plans have been approved with FEMA and put out for bid. He notes that he is meeting with Yardley Walk in relation to various projects and construction issues on Thursday.

**Council Vice President (Community & Economic Development Committee)**

No report.

**Council President**

No report.

**Council Committees**

**Community Outreach**

Mr. Buehler notes that Music on Main Street begins on June 4<sup>th</sup> and that on the 14<sup>th</sup> and 28<sup>th</sup>, at the Farmers Market, live music will be held. Mr. Buehler notes he is working with the Shade Tree Commission regarding lighting at the Borough Seating Area, near Burritos.

**Public Safety**

No Report.

**Public Works**

Mr. Wayne met with Waste Management to discuss the trucks beeping when they need to back-up, early Saturday morning.

**General Government**

No Report.

**Bill List**

Mr. Feiner makes a motion to approve the bill list date dated May 17, 2016. Mr. Buehler seconds the motion. Motion carries unanimously.

**PFC**

Mr. Berry states he will be sending a letter to all non-borough owned locations to confirm if they are interested in having a playground at their location. He notes Council President has reviewed and letter.

**Correspondence**

None. Mr. Welch notes that he sent all of Council correspondence regarding the TOD ordinance.

**PUBLIC COMMENT**

Judy Welch, 22 Reading Avenue, asks how far the direction of the platform will extend and questions if the extension will just be on the left side. Mr. Ruttle notes the platform will be doubled in size from Reading Avenue towards 95.

Mr. Welch asks if there are approved plans for construction and if plans are not approved why they are building. Mr. Yeager notes that he will need to look at the status of the plans and get back to Mr. Welch.

Jerry Taylor, 35 Lookover Lane, states that on 15 W. Afton it seems a residential property is being turned into a commercial use and that it is being reviewed at the Zoning Hearing Board meeting this month. He is wondering if Council will be attending. Mr. Ruttle notes he will attend the Zoning meeting.

Carol Petty, 56 Cadwallader Court, states the flowers and tables from the grant look lovely and is hopeful that Council can look at the other side of the property by the spa and beautify as well. Mr. Buehler notes he needs to look at the code however, he can see about screening the garbage cans.

Leanne Poffenberger, 161 Lincoln Avenue, states that she appreciated Mr. Buehler calling the Shade Tree Commission and is glad they are being used as a resource. She would also like Mr. Buehler to understand how the Barn could be beautified as well.

Dawn Perlmutter, 18 West College, states that several years ago she contacted Mr. Yeager to take a look at the Bed and Breakfast ordinance and that he and Mr. Boyle met, and the next meeting the ordinance was approved. She wants to know why construction is occurring at the train station without plans. Mr. Yeager notes that he did get back to her about the ordinance and that Septa has a special status and often times they enjoy exemptions. Mr. Yeager notes he will need to look into and Ms. Perlmutter states she would like to be included in that communication.

**CERTIFICATES OF APPROPRIATENESS**

No activity.

**OLD BUSINESS**

No activity.

## NEW BUSINESS

### **1. Agreement for Sale of Vacant Land – Reading Avenue.....Mr. Wayne**

Mr. Yeager states that at the last Council meeting that there was announcement regarding the potential sale of Reading Avenue he details some housekeeping items in that if there is a motion this evening, Council members will discuss the motion and then the discussion will be open to the public. Mr. Wayne makes a motion to adopt resolution 16-03 in which Council will enter into an agreement of sale with Prestige Property, LCC to sell .91 acres located on Reading Avenue, tax parcel 54-007-039-011 for a purchase price of \$310K in which a total of 6 townhomes can be built. Mr. Buehler seconds the motion.

Mr. Feiner asks if Council needs to accept the agreement of sale. Mr. Buehler notes that in 2010 a decision was made by a prior Council to put this property out to bid and the property did not sell so an agreement was entered into with a realtor to advertise the property. Mr. Yeager notes that the proposal contained different elements and had a range of up to 12 homes and this motion limits the construction to 6 homes. Mr. Feiner states that his understanding of the sale was that it is linked to the purchase of FitzGerald Field. Mr. Yeager notes that is not correct and it was the decision of a prior Council. He notes he has conducted a review of the minutes and prior Council meeting and there are FAQs to what were the conditions in which the Borough acquired that property. He notes that the Planning Commission contemplated keeping it as open space however, a motion was never made. He also notes that there were various discussions about leveraging the space for parking. Mr. Feiner states that the decision to sell FitzGerald Field has nothing to do with the Reading Avenue property. Mr. Wayne notes that he voted for this as it is consistent with what the prior Council and Planning Commissions wanted to do. Mayor Harding questions is this an ordinance or a resolution in which Mr. Yeager notes that this is a resolution and a resolution and an ordinance are 2 very different things. Mayor Harding states he will follow up with Mr. Yeager. Mr. Berry states that the motion limits the building to 6 units in which Mr. Yeager notes which will be reviewed by the Zoning Officer, Zoning Board and that development agreements will need to be in place. Mr. Feiner asks anyone has looked at selling a smaller portion of the property. Mr. Yeager notes that the advertisement for the sale of the land goes back to 2014 and that there is not been a proposal to do that. Mr. Yeager notes that Borough has to sell the property at Fair Market Value and there was an appraisal done on the land and Council is limited to sell at only fair market value. Mr. Yeager notes that Council can now take public comment and asks the residents limit their comments to 2 minutes.

Ms. Perlmutter, 18 West College, states that she believes limiting people's time is a violation of her rights, she wants to understand who the developer is and if there is a conflict of interest. She wants to understand why Council is acting on something from 2010 and why that still applies. She states that increasing impervious surface, throwing up commercial buildings and selling off our assets cannot be decided by 1 person. She states once we sell our assets they are gone and that Yardley is not New Hope or Newtown. She states that she finds it interesting that Yeager is answering and that he is a liar and that when he wants to see things get done, he pushes them through. She believes he will push this through as well.

Jeff Smith, 116 Riverview Avenue, states all these people are here against the sale of the land and Council better take a hard look at everyone against this before they vote.

Carol Petty, 46 Cadwallader Court, states she thinks that the flood plain is also Reading Avenue and that tankers go through the tracks. She would like to look at the guidelines for the flood plain. She cannot believe Council would do this and notes we voted Council in and they can be voted out. She states Council should hear the town's concerns and be transparent to the people as we are the tax payers. She states can we not figure out how to increase taxes so that we can pay for Reading Avenue.

Jennifer Mahoney, 33 East Afton Avenue, states just deem this open space and abandon this whole idea.

Nancy, Harper Avenue, questions who is pushing this through and that residents are already going to suffer with the extension of the platform. She states that they are emotionally invested in this area and they moved here as a

quaint river town which is why so many people are here this evening. She states she does not think Council is listening and they need to listen with fresh ears.

A resident, 107 Lantern Court, feels it is irresponsible not to listen to the residents and it affecting each of these people here and will increase traffic.

Catherine Helen, 231 Lakeview Drive, states she is invested in the town and the land is beautiful and she does not want to see more density.

Christine Beach, Penn Valley Drive, states she is not impacted by the sale, but the general feeling is Council is not listening to residents and she is here to support the residents of the Borough.

Susan Taylor, 35 Lookover Lane, states the history of Reading Avenue goes back to the 80's which at the time was being proposed for sale with the development of 6 homes. It was not sold then as the space acts as a buffer and she thinks it is the wrong decision to sell for a number of reasons.

Jerry Taylor, 35 Lookover Lane, asks if Council notified residents about the sale and if Council knows how the zoning will work. He asks if Council has a sketch plan to see what will be needed for zoning. He states if Council needs money why not take a loan from the residents with an idea to raise taxes next year.

Jim Balmer, 108 Iron Horse Drive, is surprised that the reason for the sale is that it is because a prior Council recommended it. He is also surprised that Mr. Yeager does not live in the Borough as he has obvious influence over Council.

Peter Guidotti, 44 South Bell Avenue, states that if the property is sold with the zoning which exists today and if the TOD is put in place can the owner come back and do more? Mr. Wayne states they cannot and Mr. Yeager notes that it limits the building to 6 units. Mr. Guidotti states there is no reason to make a decision today.

Tom Wells, 145 Pennsylvania Avenue, the Chairman of the Planning Commission, states the Commission has had a number of meetings and it is obvious to see how many people care about Yardley and that we should leverage the people and our resources to understand the problem and he does not think that has happened. He notes that the Commission unanimously concluded that the property should not be sold.

Heather Manley, 180 Harper Avenue, state things seem tense and that Council should be on their team and work with them. She states she is emotionally invested and wants to stress how important it is to not build on that property.

A resident, 104 Iron Horse Drive, states for Council to look at all these faces and understand what we are saying, we are the town and we do not want this. The space needs to act as a buffer so that she can sit on her deck and hear the birds chirp and that selling this land is going to snowball. She notes to take a look at the homes along the tracks and they are ugly and run down and this is what one action will cause for the Borough. She states as Council they represent us and they are speaking and need to listen.

Ginger Zielinskie, 14 Van Horn Avenue, asks if the sale for \$300K is going to fix our budget loss and the fiscal problems the Borough has? She states we have smart people on the Planning Commission and this seems to be done without the Planning Commission. She states Yardley is a gem and is lucky to live here and we have limited open space and we need to protect our natural resources. She thinks a rash decision will not fix our problems.

Nikki Yanchunas, 175 Harper Avenue, makes a recommendation to defer the vote until Council can meet with the Planning Commission.

Phillip Cutrone, 1309 Yardley Commons, states that Council represents the people and that the property cuts down on noise pollution and that the quality of life will change in Yardley. He notes that it will lower property values, and that there will be low income homes as who wants to live on the tracks. He states foundations will crack, sheet rock will break and recommends leaving this property as is.

Chris Cavanaugh, 21 Reading Avenue, states that this is an important habitat for birds and nature and is a light and sound barrier which provides a benefit to the community.

Carol Such, 33 Cadwallader Court, states the quality of life will change and she supports the people of Reading Avenue and do not sell the land.

A resident, 123 Longshore Avenue, needs to remember that the Borough has a history of selling and that this property is not costing us anything to maintain. He notes that by selling it will be gone and would like to see the Borough keep this land.

A resident, 20 South Main Street, states that this does not affect him however, if we want to change government we need to start local and is saddened to see that this government is not listening. He states Council is here to represent the people and there are ways to supplement income rather than selling. He has heard that the Solicitor is not truthful and that Council is not listening to the people.

Michele Petty, 26 Reading Avenue, states we need to look the revenue problems and that this one time sale will not help with the budget and she does not see the point of the sale in the first place.

Carolyn Wise, 1510 Yardley Commons, she likes Yardley and states the Board should listen to the people and that the sale of the property will cause traffic, water issues and light issues which is just the beginning.

Shelia Linkhurst, 23 Van Horn, states that in 1995 there was a major flood in Reading Avenue and someone died when the bridge collapsed and that Council reconsider developing that land as there will be problems.

Becky O'Hara, 160 Harper Avenue, notes we are a government by the people for the people.

A resident, 102 Iron Horse Drive, states Yardley is doing what Newtown did and Newtown is a nightmare and we are heading for that.

Nancy Logue, 24 Lookover Lane, asks Council to reconsider selling a piece of nature and that we are selling ourselves short and do not allow for this sale.

Rich Jones, 178 Harper Avenue, is concerned about safety and states the trains don't slow down through the Borough. He is also worried about derailment and states that if people on the train can put their hands out the window they can touch the property. He states cars speed on the road and that people trying to get in out of their driveways will cause problems. He is very concerned about safety and housing being that close to the tracks and that the land currently acts as a buffer.

Fred Wise, 1510 Yardley Commons, encourages Council to vote against this or table the vote. He states everyone feels very strongly about this and could the 2010 decision be rescinded.

Sara Crofts, Yardley Commons, does not think we should sell, there are 8-9 units available in Yardley Commons and she states that there are other choices in the Borough in which you can walk to the train station. She encourages Council to keep the land as green space.

Jean Kirk, 115 Pennsylvania Avenue, states that we are bull dozing away property and it would be heartache to lose this as open space. She states we need quiet and peace and to stand up for our children and grandchildren.

She states Council has the power to change that and we value this piece of land and to leave it as open space for the Borough.

Paul Petrillo, 159 South Main Street, agrees with everyone and encourages Council to make the property open space permanently and listen to the residents.

Kelly Petrillo, 159 South Main Street, states a lot of trees in the Borough have come down and not all changes have been positive. She states her grandfather laid those tracks and became a Supervisor within SEPTA and read all the safety requirements and was scared about a derailment which is why the property remained as open space.

John Bachalis, 181 Harper Avenue, asks if Council can declare it open space as there have been a lot of discussions about it. He states that it was deeded to the Borough in exchange for 3 townhomes and he does not know why. In 2003 and 2005 the residents wanted to leave it as open space and someone stopped it. He states that real issue is the budget with phantom funds and that people have recommended not to sell this land. He states let's fix the budget so we do not have to sell the land. He states let's take the steps we need to get the budget right and find alternative funds for the Borough.

Judy Welch, 22 Reading Avenue, recommends creating an ad hoc committee, "preserve my little space" and preserve this space and work with Borough to gather funds for the budget. She wants to help her town.

Brian Welch, 22 Reading Avenue, states he wants to thank people who showed support this evening and does not feel Council is recognizing the support. He is concerned about FEMA and Silver Creek which may affect additional money into the Borough, and is concerned about the sewer moratorium and wants to understand the oversight committee and development of this land.

Dave Foschini, 16 Reading Avenue, thanks everyone for coming this evening and believes that it will be a travesty if Council does not listen to the community. He notes that there are 3-4 areas along Reading Avenue which have bus stops and if this goes through and one of the children is killed how would Council feel.

Colleen Schummer, 14 Reading Avenue, states she is happy to live here and thanks everyone for coming and showing their support.

Sandy Bowker, 84 North Main Street, notes she has been working on truck traffic in the Borough and encourages Council to think about the theme this evening which is quality of life.

Mr. Feiner states he moved to the Borough as he wanted a walkable town with sidewalks and he has realized getting sidewalks is much harder than he thought. He appreciates people coming this evening and he has even met with the Welch's and looked at the neighborhood and witnessed the growing upheaval. He wants to understand if there is anyone who thinks that this is a good idea. He notes that he does not believe Council has any motives and is trying to serve the Borough. He recommends forming a group to sit together and review this information as well as understand the taxes within Borough.

Mr. Feiner makes a motion to form an ad hoc committee. Motion is not seconded. Motion does not carry.

Mayor Chris Harding asks if the addendum to the agreement limits the building to 6 units rather than 12. Mr. Yeager confirms it does. Mayor Harding asks why the agenda items were switched from Mr. Ruttle to Mr. Wayne and Mr. Wayne notes that Mr. Ruttle did not want to get beat up again this evening. Mayor Harding notes he met with Mr. Berry and wants to understand the cost of FitzGerald Field and recently learned that the purchase of FitzGerald Field is not linked to the Reading Avenue. Mr. Yeager notes that all of the costs, the appraisal, the fence, the sign, the Zoning and some other costs have not been tallied however, it was roughly \$497K. Mr. Feiner notes that the cost to the Borough was roughly \$157k. Mr. Yeager notes that all of the costs have not been tallied. Mayor Harding states Council makes hard decisions and this is not one of them and he implores Council not to sell the property this evening.

Mr. Feiner notes it is imperative we have balanced budget and that by voting on the sale, we do not have to say yes and make a permanent change.

**Motion Poll**

Council is polled, Mr. Buehler, Mr. Marshall, Ms. Cadwallader, and Mr. Wayne confirm vote to adopt resolution 16-03 to enter into an agreement of sale with Prestige Property, LLC regarding the Reading Avenue property. Mr. Ruttle, Mr. Berry, and Mr. Feiner vote to not adopt resolution 16-03 to enter into an agreement of sale with Prestige Property, LLC regarding the Reading Avenue property. Motion carries 4-3.

**2. Proposed Zoning Ordinance Amendment – Transit Oriented Development (TOD) Overlay District – Authorization to Advertise.....Mr. Wayne**

Mr. Wayne makes a motion to advertise the proposed zoning ordinance for the TOD overlay, and adds to chapter 27 and a new subpart for cross reference and the removal of Reading Avenue from the TOD. Mr. Buehler seconds the motion. Mayor Harding asks if this has changed since the last planning meeting and Mr. Wayne states it removed Reading Avenue, and only allows commercial uses on South Main Street and the corner of Reading Avenue.

John Bachalis, 181 Harper Avenue, questions if the TOD limits commercial to Main Street and if the property is purchased by a developer has the density changed. Mr. Yeager states that nothing has changed but to reduce where commercial development can occur. Mr. Bachalis asks if it includes Yardley Commons and Mr. Wayne confirms that it does. Mr. Bachalis states he is against this and it is not good for Yardley.

Judy Welch, 22 Reading Avenue, states everything Council is doing is suspect and that she is very disappointed.

Brian Welch, 22 Reading Avenue, states we can do this as a community and have the TOD be addressed professionally. He stated he provided Council with the Malvern study and asks what they thought. Mr. Yeager notes that this is the time for public comment and that if Council so chooses they can address questions after public comment. Mr. Welch states that in a town in which a train goes one way, there is no demand for parking and that we will have high rises built and that this is not a bustling train station.

Jeff Buxton, Van Horn Avenue, states Council is pitiful and they started with selling condos at the North end of town and they are now doing in the South end.

Jim Petty, 26 Reading Avenue, states that the sale of this property is a band aid and it is clear that the budget is not balanced. He questions how Mr. Ruttle states no to the sale of the Reading Avenue property. He states we need to get our numbers fixed or we will not meet our budget. He notes that a reserve fund will only last the Borough a year and it is clear that there needs to be improvement on the budget.

Nancy Logue, 24 Lookover Lane, states that the TOD does not seem to benefit the community.

A resident, Yardley Station, states it is a sad day when the people are not heard from the government and we should be a government for the people.

A resident, Reading Avenue, states it is hard to wrap his head around the TOD and that it is so close to the bid numbers.

Carol Such, 33 Cadwallader Court, states she is glad Reading Avenue is removed and asks if it will include Main Street. Mr. Ruttle notes it will however, will not include the historic zone. Ms. Such notes the Borough does not need a TOD.

A resident, Yardley Commons, states Council is not focused on financials and that we need volunteers and Council is not following anyone's recommendations. He notes we need to work together or no one will run this town and a TOD does not lend anything to the town.

A resident, 175 Harper Avenue, asks why Council is not listening to the Planning Commission and that why are we creating a whole new commercial district.

A resident, 104 Iron Horse, states that she is saddened Council voted to the sell the land and asks how they sleep at night when the whole town is against this.

Tom Wells, 105 Pennsylvania Avenue, states the Planning Commission does not recommend the TOD and that one of the members, Scott Oplinger who has a Masters in transportation is very familiar with TODs is not recommending this. He states that there are tons of positive changes that we can do and that we have a professional person on the Planning Committee, volunteering and he knows more about it than we do and is not recommending this for the Borough. We need to listen to what he has to say.

Peter Guidotti, 44 South Bell Avenue, states that he agrees with Mr. Wells. He is concerned it has been reviewed numerous times and the Planning Commission's recommendations should not be ignored by Council as it is not a good idea the way it is written today. Mr. Guidotti, states that the Planning Commission was unable to translate it to a map and was not sure what was removed or added. The Commission recommended an ad hoc Committee be formed and did not hear back from Council. He states even this evening we are finding out about additional parcels which have been added or removed and this is different in what was reviewed during the Planning meeting. He states this is not right for residents and we are changing zoning to be less restrictive. He states that the Planning Commission has major reservations and it is not right as written and asks Council to reconsider and form an ad hoc committee.

Susan Taylor, 35 Lookover Lane, implores Council not to advertise and this will have significant ramifications on the Borough as a whole. She states Council should have broader communication so that all Borough residents understand what is being considered. She recommends a map and an analysis of the pros and cons of the TOD would be helpful. She would like to also understand how the TOD was developed.

Jerry Taylor, 35 Lookover Lane, asks if the comprehensive plan references a TOD. Mr. Yeager comments that it does. Mr. Taylor asks if someone performed a study to see what the ramifications are and would like to see the plans.

Katherine Helen, 213 Lakeview Drive, is disappointed with the sale of Reading Avenue and Council to vote no on the TOD.

Carol Petty, 46 Cadwallader Court, does not understand why we should change zoning and that we should maintain what we have and asks what value the TOD will provide.

Leanne Poffenberger, 161 Lincoln Avenue, states there seems to be antagonism with Council and residents and states we have a number of professionals in town and we need to put this group of talented people together. She wonders what the value is if people share concerns and we do not listen to them or listen to experts who will end up not volunteering.

Mr. Wayne notes that high rises will not be considered as the height requirements in the Borough are 35 feet. Mr. Wayne notes that he usually votes with the Planning Commission and this is the second time he has not voted with them and every other time he has agreed and valued their input. Mr. Wayne notes that the TOD is a planning tool and that he did review with Malvern study. He states that Malvern is a much heavier transit community than Yardley and he has looked at other towns with similar populations which have proposed something similar. Mr. Wayne notes that the Borough has a balanced budget with no debt and it is simply a matter of what we cannot do

based on funds. He notes that the development of Yardley Walk was not a choice in that it either had to be developed commercially or industrially based on a lawsuit to condemn.

Mr. Berry asks what the process is for communication in which Mr. Yeager notes that each parcel which will be re-zoned will be mailed directly. He notes that it will be advertised 2x and a revised map will be available. Mr. Yeager notes that the process Council has followed to allow for more input is not uncommon. Mr. Feiner asks what the process is after the advertisement in which Mr. Yeager notes if there are substantial revisions it may need to be re-advertised. Mr. Yeager notes that Council is not just voting on the TOD but looking at the community as whole. Mr. Feiner asks if the Reading Avenue property will be impacted by the TOD and Mr. Yeager notes it will not as there is a limitation to only build 6 residential units. Mr. Feiner states it seems there is a communication disconnection and another avenue is need for dialogue. Mr. Yeager states his understanding is the concerns about commercial development on Reading Avenue and he believes that has been addressed.

Mr. Ruttle notes that the passenger train is not the end of the line and that the Malvern TOD goes into Harrisburg and our TOD is modest. Mr. Ruttle notes that taxes have not been raised in 11 years and the Borough will need to raise taxes and that the sale of Reading Avenue will solve a the problem for the short term. Mr. Ruttle notes that the Planning Commission did not advise on how to revise the TOD.

### **Motion Poll**

Council is polled, Mr. Buehler, Mr. Marshall, Ms. Cadwallader, Mr. Berry, Mr. Feiner and Mr. Wayne confirm advertise the TOD. Mr. Ruttle, vote to not to advertise. Motion carries 6-1.

At 10:00p.m., Mr. Wayne makes a motion for Council to adjourn the meeting. Mr. Buehler seconds the motion.

### **Adjournment**

Respectfully submitted,

Susan Harvey