

WORK SESSION

December 17, 2018

Council President Beverly Wolfe called the meeting of Pennel Borough Council to order at 7:30 p.m. with the pledge of allegiance.

Present at the meeting

Mayor Robert Winkler
Council President Beverly Wolfe
Council Vice President Barbara Heffelfinger
Councilman Mark Moffa
Councilman Joe Dudash
Councilman John Stratz
Councilwoman Laura Germain
Councilman Rich Flanagan (7:37 p.m.)

Also present

Dave Truelove, Hill Wallack, Solicitor
Carol Schuehler, Value Engineering
Mark Talbott, Advanced Disposal

Beverly Wolfe said there is one change to the agenda this evening. The feasibility study will not be presented this evening. It has been postponed.

Announcements

Barbara Heffelfinger said they applied for the RDA Grants. We were very luck that we got all three that they applied for. They are receiving \$40,400.00 to improve the borough hall. The fire company applied for \$125,000.00 and they are receiving \$100,000.00. For the police they asked for \$67,600.00 and are receiving \$61,300.00. Beverly Wolfe thanked Barbara Heffelfinger for her hard work developing the grant documents. Mark Moffa thanked Barbara Heffelfinger, Beverly Wolfe, Bob Winkler and everyone else who helped. Barbara said Chief Sean Perry also helped. Beverly said they will be sending letters out next week to the members of the RDA, the executive board and to the local representatives thanking them for their support. Barbara said the fire company's application was for the Jaws of Life. For the police it was for a new car and other equipment.

Motion Items:

MOTION BY MARK MOFFA TO APPROVE THE MINUTES FROM THE DECEMBER 3, 2018 COUNCIL MEETING. AMENDED BY MARK MOFFA TO SAY DELAWARE VALLEY REGIONAL PLANNING COMMISSION. SECONDED BY JOE DUDASH. 6 ayes, 1 abstention (Laura Germain), motion carried.

MOTION BY MARK MOFFA TO PAY THE FOLLOWING INVOICES:

KEYSTONE HEALTH PLAN EAST INVOICE #181207421922 DATED 12/7/18 IN THE AMOUNT OF \$3,886.99 FOR MEDICAL INSURANCE (DUE 1/2)

PECO INVOICE DATED 12/7/18 IN THE AMOUNT OF \$246.33 FOR 37 W. WOODLAND AVENUE FOR ELECTRIC AND GAS (DUE 12/31)

PECO INVOICE DATED 12/7/18 IN THE AMOUNT OF \$26.50 FOR ELECTRIC SERVICE AT THE RECREATION FIELD (DUE 12/31)

PECO INVOICE DATED 12/10/18 IN THE AMOUNT OF \$250.95 FOR GAS SERVICE AT 300 BELLEVUE AVENUE (DUE 1/2)

COMCAST BUSINESS INVOICE DATED 12/1/18 IN THE AMOUNT OF \$131.66 FOR PD INTERNET AND VOICE (DUE 12/24). SECONDED BY LAURA GERMAIN. All ayes, motion carried.

President's Report

Beverly Wolfe said her report tonight was to answer some questions from last meeting. She said Mr. Flanagan, you were asking about how the MMO was calculated and who gives those numbers. She said they come from our actuary, Conrad Siegel which we already told you. That comes from the Pennsylvania Auditor General. The percentages, the figures, everything. If you look at other municipalities budgets, you will see that they also reference the MMO. Beverly said she still owes him an answer on payroll. She has an answer for Mr. Sodano who is not here this evening regarding the former Wawa area curbing with Rt. 1 being repaved. They had done Resolution 2018-10 and 2018-12, basically giving those property owners listed in the resolution relief from having to do the curbs and sidewalks. Since the Wawa project has now terminated, we do know the developer is putting in something else to develop the property. They have a new resolution which would amend and replace Resolution 2018-12 and the difference is the dates. The developer has informed the borough that they believe the work will commence on the site at the end of the first quarter of 2019 or early in the second quarter of 2019.

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2018-29 GRANTING A CONDITIONAL WAIVER FROM REQUIRED CURB AND/ OR SIDEWALK REPAIR AND RECONSTRUCTION FOR CERTAIN PROPERTY OWNERS CONNECTED WITH A PROPOSED RETAIL DEVELOPMENT. SECONDED BY JOHN STRATZ. Amanda Mieluch asked if there was any news on the development and Beverly Wolfe said there was nothing that they could announce yet. Mike Smith said he understands what they are doing but said it was pretty evident that night you made the resolution that it was based on the Wawa coming and now that it is not, this other project came up. Now you're going to take a road that is going to be completely paved and dig it up in April. Beverly Wolfe said that he was assuming that nothing is going to be developed. Mike Smith said how long it is going to take because you have land development and you have to go to the planning commission because it's all going to change. All these things have to happen in just over 4 months. It took six years for them to tell us they weren't coming. Mike said he's concerned because we're digging up a road we waited how many years for this to be done. Beverly said she is concerned too but she is also concerned about making people do thousands of dollars of concrete work that's going to be ripped up in the spring. Mike Smith said you made everyone else on Route 1 do it. Beverly said their property might not be for sale or be part of a development. Mike Smith said we as a borough need to start taking a stance and standing behind it from word one, not just keep accommodating as we go along. Dave Truelove said that's why there is a short duration in this. Mike said his problem with this is they made all those other people do it and now we're just letting others go because the possibility is there. Mark Moffa and Beverly Wolfe both said they are not letting them go. Mark said but is it fair to make them do it right now when there is a project on the horizon and they waited all this time being told they don't have to. They are trying to be fair to everyone involved. This way they get until April 30th and see where they are and we can revisit at that time. The vote was 6 ayes, 1 nay (Rich Flanagan), motion carried.

Mayor's Report

Mayor Bob Winkler said we filled 3 boxes for Toys for Tots. Beverly Wolfe thanked him for taking care of that.

Solicitor's Report

Dave Truelove said they worked on drafting resolutions, ordinances and personnel issues. Had communications with council members, administration, engineer and others regarding various issues.

Engineer's Report

Carol Schuehler read her report which is attached.

COMMITTEE REPORTS

Refuse

Joe Dudash reported that they received the bids for the trash contract. The lowest bidder was Advanced Disposal and they are looking at a 5 year contract. He would like to hook up with either Mr. Talbot who is the spokesperson for the company or the other manager as far as the educational process for the China Sword stuff so that we can get the plastics straightened out. Beverly Wolfe read the bids. They were opened publicly on Monday, December 10th at 11:00 a.m. and read aloud at 11:15 a.m. The bids were as follows: Advanced Disposal Services Eastern PA, Inc. offered a 3 year contract at \$590,266.00, a 4 year contract at \$799,444.00 and a 5 year contract at \$1,015,159.00. The second lowest bidder was Waste Management of PA, Inc. a 3 year contract at \$653,218.00, a 4 year contract at \$884,150.00 and a 5 year contract at \$1,122,010.00. The next lowest bidder was Republic Services of PA, LLC. They only offered us a 3 year contract at \$704,120.00. Last was Solid Waste Service, Inc., DBA JP Mascaro & Sons, a 3 year contract at \$742,932.00, a 4 year contract at \$1,010,688.00 and a 5 year contract at \$1,293,180.00. They have reviewed the bid by the lowest bidder, Advanced Disposal and have found it to be in compliance with the requirements of requests for bids. Dave Truelove said there were exceptions noted by Advanced Disposal's proposal but special counsel has indicated that if Advanced is going to waive the exceptions, they would be in compliance and it would be appropriate to award the contract to Advanced.

MOTION BY JOE DUDASH TO AWARD CONTRACT NO. 19-01, FOR COLLECTION AND DISPOSAL OF RESIDENTIAL SOLID WASTE, YARD WASTE AND RECYCLABLE MATERIALS, AS DESCRIBED IN THE BIDDING DOCUMENTS DATED OCTOBER 28, 2018, TO: ADVANCED DISPOSAL SERVICES, EASTERN PA, INC. (THE "BIDDER"), FOR A FIVE-YEAR CONTRACT, IN THE TOTAL AMOUNT OF \$1,015,159.00 SUBJECT TO THE CONDITIONS SET FORTH IN THE BIDDING DOCUMENTS AND FURTHER SUBJECT TO THE SPECIFICATIONS, REPRESENTATIONS, AND DETAILED DESCRIPTION OF SAID SERVICES AND BID AMOUNT(S) AS SET FORTH IN THE BIDDER'S RESPONSE TO THE BIDDING DOCUMENTS, SUBMITTED ON DECEMBER 10, 2018, AND FURTHER SUBJECT TO DELETION OF THE BIDDER'S "EXCEPTIONS" ASSET FORTH WITHIN THE BIDDER'S RESPONSE TO THE BIDDING DOCUMENTS. SECONDED BY MARK MOFFA. Mark Moffa asked Mr. Talbott if they would agree to eliminate the exceptions and Mr. Talbott said yes. Mark asked if the pickup would be the same day, Wednesday for trash, recycling, yard waste and unlimited cans and Mr. Talbott said yes. Laura Germain asked if bulk pick up would change because right now they are supposed to call the borough office and notify them if there is something really big. Mr. Talbott said if that's how it was done and it works, that is fine. Mike Smith asked how it compares to our previous years. Mark Moffa said there will be no increase for refuse for the first year and then they will start looking at increases after that. They believe it

might be \$20.00 next year. Beverly Wolfe said she calculated out worst case scenario and this was a pleasant surprise. Karen Flowers asked if there was an additional charge for picking up a couch. Joe Dudash said it is the same as in the past. One bulk item per residence per trash pickup. Joe said they are going to work out electronic recycling with them. Instead of waiting for the county, he wants to work out something with them that they would give us a sticker and you would pay for it and they would pick it up. Matt Germain asked when they will find out what the requirements are for recycling. Joe said with the whole China Sword thing, they will work it out. They have a great plan as far as what they put in their contract. They are going to educate us. We are single stream now and we may have to go to dual stream. They can't take plastic bags in with recycling because it screws up their machines. The market has gone down and we are not getting money back like we used to. They would get between \$35.00 - \$50.00 a ton and today they are paying \$60.00 a ton which is a \$100.00 difference. That is the main reason the pricing has changed. He commends the borough for going with a 5 year option. Recycling has come a long way. They don't want to just throw it away because pricing has changed. Rich Flanagan said over the past year they have gotten complaint on the company they had, especially with yard waste. They may not have had their cans full of that or trash and the other company would drive right by without looking. He hopes we will not have that same problem. Mr. Talbott said they would and it is a challenge when you are manually collecting trash and yard waste separately. Should there be an issue, they will address it. Mark Talbott explained about their bid and recycling. Mark Moffa said we should follow what we did with Republic Services as far as recycling. Mark Talbott said they are going to meet with their recycling partners and once he gets the information they will educate us. Their company is branching out into Bucks County and their headquarters are in Norristown. Barbara Heffelfinger said once they get all the information, the borough would like to send out a flyer and put it in the newsletter so that people are educated on what to recycle. Beverly said we will bombard people with information by newsletter, Facebook and the website to get it out there. Frank Flowers asked if you can put out 10 cans and Joe Dudash said it is unlimited. The only thing that might change is recycling. Instead of single stream, we may have to go to dual stream and have 2 different cans for that. Beverly said if we educate everyone the right way, bring a sense of responsibility for the environment. Don't be a burden, be the solution. We can try to make people aware and care. Mark Moffa said if we don't do it right, they will slap us with higher rates. Laura Germain said they were looking to do something in the borough next year for science week and she thought maybe they could do something like explain this to kids. Maybe you have something to display or someone from the company can come. Mark Talbott said they rely on you to let them know what you are doing. They can give a talk or maybe bring a truck out. He said make the request and they can accommodate. Rich Flanagan asked if we need different bins, who will supply them. Beverly said we do supply a recycling bin now from the recycling grant. We don't want to burden the residents so we will cross that bridge when we get to it. The vote was all ayes, motion carried.

Public Safety

Joe Dudash said he met with the Mayor and Police Chief regarding the 911 computer system. Mayor Winkler explained the system which puts the police department in a different category should the tower go down and any tower that is available would become ours. They are looking at the cost. They will give the police department a portable phone which will cost 99 cents to buy it and council could also get it and it costs about \$40.00 a month for each person that would want it. It is unlimited talk, text and data. Joe said if the cell towers went down, that would be the backup. If another tower went down, it would go to the next one. They also send out portable trucks. Joe Dudash wanted to commend Officer Dallas Krum for pulling another gun off the street. He pulled over a guy on Rt. 1 who had a gun, drug paraphernalia and also a warrant.

Long Range Finance Committee

Mark Moffa said they will have their first meeting on January 9th.

Revitalization Committee

Mark Moffa just got confirmation from the county that they are targeting their next meeting for January 10th. That is not a public meeting but that should be the last private one before they have the public presentation.

Ordinance Committee

Mark Moffa said they are looking to do the curb and sidewalk ordinance tonight. They broke that down separately from the snow. Originally Hill Wallack tried to combine it with the snow ordinance because they are contiguous in the code and were trying to save some money, but they keep getting hung up on some details and conflicts with the snow ordinance and it will require a little more time.

Community Relations

Laura Germain said the newsletter went out. She is looking at a bunch of programs for 2019. Little free libraries, local government night, science night, which she is reaching out to the professors at where she works to see if they would like to come and do some demonstrations. Kids love science and it would get the community together. They are planning 3 newsletters next year. They are also looking at the website and logo.

Recreation Board

Laura Germain said they didn't get to meet in November because of the snow. Beverly Wolfe asked if she, the Rec Board and the liaisons could get together after the New Year to go over some things because there has been some discrepancies and issues. She would like to fix the ordinance where everybody is more comfortable.

Community Development

Barbara Heffelfinger said she mentioned the RDA grants at the beginning. She is currently working on 2 other grants, one for trash bins which is due Thursday and another for Green Light Go which is due in January. Barbara said that Carol Schuehler is her rock. Barbara said Carol is so helpful with technical information and thanked her for her work. Beverly said if they run into a roadblock with any of the grants, with her years of expertise, she lets them know what to do and she thanked Carol as well. Barbara said Carol completed the PA Small Water Grant. That was too technical for herself. That was all Carol. They are still waiting to hear about the Rec Field lights grant. Beverly said they will find out Wednesday about the Multi-Modal grant which was done by the Redevelopment Authority.

Streets

John Stratz said they were supposed to meet with the street light person about the street light program tonight but due to unforeseen circumstances, they were pushed back. Phase 1 was the feasibility study which was supposed to be this Wednesday and is pushed to January. Phase 2 is them coming to council meetings and explaining everything to us which will be through January and February. They will be discussing specific needs for the borough, high crash areas, and high crime areas. Phase 3 is project analysis. The street light procurement program will work directly with PECO to bring us savings on electricity through buy backs and light controls. We can do custom controls. Right now the controls are on the lights. When it gets dark, they go on. Custom control is done right here. For Christmas we could have red and green lights, not that we want that, but we will have options. The final phase will be

construction. Pre-construction, construction, post construction. This is to work out any bugs. They will not leave us until we are completely happy. Completion should be 2019-2020. They will be doing another pothole run before bad weather hits because they will only get worse if you don't. In the spring, they will probably have a whole new slew of potholes.

Old Business

Mark Moffa brought up the bench that the Eagle Scout is going to make for the rec field and the dedication of it to Marta Gross's husband. It is a delicate situation because dedicating it to one individual when there are more that served in Penndel. He would like to give Karen Flowers the peace of mind and to go and get that plaque. Bob Winkler said not to get bronze because it will be taken. Beverly said they should probably get resin or marble. A small piece of marble is not worth anything for someone to steal. Mark Moffa said it is unclear if council has to do a resolution or the rec board can just do it but Karen Flowers would like a nod from council. Mike Smith said he has a friend who does laser engraving and will take care of the plaque. Everyone wanted the Marine symbol on it but Frank Flowers said if you did that you would offend other people. You need permission to do that. Joe Dudash said the flag down at the memorial is torn. Beverly said they would get a new one.

New Business

MOTION BY LAURA GERMAIN TO APPOINT AMANDA MIELUCH TO THE RECREATION BOARD SEAT EXPIRING 12/31/18. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY LAURA GERMAIN TO APPOINT AMANDA MIELUCH TO THE RECREATION BOARD WITH A TERM COMMENCING 1/1/19 THROUGH 12/31/23. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY LAURA GERMAIN TO APPOINT KAREN FLOWERS TO THE RECREATION BOARD SEAT EXPIRING 12/31/19. SECONDED BY JOE DUDASH. Beverly Wolfe revised the revised the motion. MOTION BY LAURA GERMAIN TO APPOINT ALISON NICKERSON TO THE RECREATION BOARD SEAT EXPIRING 12/31/19. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE INSTALLATION OF A NEW LED STREET LIGHT AT LINCOLN HWY. AND NESHAMINY STREET BY ARMOUR & SONS ELECTRIC FOR \$1,206.71. Beverly asked Mayor Winkler if this had already been done. She said someone took out the pole by a car accident. They also took out our light. There is a claim in to subrogate through insurance but we need a light now so they authorized the street light installation as a matter of public safety. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOHN STRATZ FOR THE REVIEW OF SEWER/REFUSE BILLING UNITS CHANGE REQUEST FOR ACCOUNT #367C FROM 2 SEWER, 2 TRASH TO 1 SEWER AND 1 TRASH. Beverly Wolfe explained there was a business and it is no longer a business. SECONDED BY MARK MOFFA. Barbara Heffelfinger wanted to know where the property is and what it is because they knew when they did it before she knew exactly where it was and what the situation was. Mark Moffa said it is 176 Durham Rd. Bob Winkler said it was Guns & Things. Dave Truelove suggested that they table it to get more information. MOTION BY JOHN STRATZ TO TABLE THE MOTION. SECONDED BY JOE DUDASH. All ayes, motion carried. Mike Smith asked if they are advising them of the cost to re-hook up if they so determine to do so. Mike Smith said the address is totally different than Guns & Things. It

shows the double house next to the old Getty station. Bob Winkler said it was 2 apartments at Moyer's house. Beverly said they will get more information.

MOTION BY JOHN STRATZ TO AUTHORIZE ADVERTISMENT OF ORDINANCE #2018-5 AMENDING CHAPTER 322 "SEWERS" ARTICLE II SEWER RENTS. Beverly Wolfe explained that it gives the rates, the 1.2% Bucks County Water & Sewer increase. Dave Truelove said they are not passing it, they are advertising it for the December 28th meeting. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE ADVERTISEMENT OF ORDINANCE #2018-6 AMENDING CHAPTER 350 "STREETS AND SIDEWALKS" ARTICLE II CURB AND SIDEWALK CONSTRUCTION. Mark asked Carol to explain the reasoning behind the ordinance. Carol Schuehler said it is more legal questions than engineering questions. You aren't actually changing the description of curbs and sidewalks. You're not actually changing the guidelines on conditions of the curbs and sidewalks. What this really changes is the procedures and the collection procedures that are associated with it based on Dave Truelove's office's recommendations. It will bring it more into line with current law and also make sure the borough is protected for any legal costs that are incurred. Mark Moffa said this is also for any issues that may come to light as they did a lot of work on the curbs this year and more to come next year. SECONDED BY LAURA GERMAIN. Amanda Mieluch asked where the advertisement is and Beverly told her in the Bucks County Courier Times and is required by law. Dave Truelove said it goes in the newspaper of general circulation. Amanda just wanted to make sure it wasn't something that was just online. Beverly said they are required by borough code to publish it in print. Dave Truelove said they will have a copy of the advertisement and the day it was run. The vote was all ayes, motion carried.

Persons to be heard

Amanda Mieluch, 16 Oak Avenue, had a comment about the newsletter. She got 2 newsletters that she thinks came from the borough. On the one, the ink was horrible and she couldn't read it. Beverly and Laura asked which one and she said the one from the summer. The recent one she got the pages faded out. The only one that was really good was the pictures of the democratic people who are on council now. Mark Moffa said that is a different newsletter. Amanda said she understands that and knows that it's all basically coming from the same place. Beverly and Barbara told her it was not. She would rather see the one coming from the borough in better print so that she can read it than the one that is coming from a political party. She is inundated with this political stuff all year long, especially around election time and she does not want that stuff coming to her house all the time. Why should she be reading something like that when something that is important to her which is what's going on in the borough, she can't even read? Barbara asked if she would like to have her name deleted from the Friends of Penndel and Amanda said yes. Mark Moffa said he appreciates her comments as someone who is sort of in that industry. He knows it's an effort to get those things out. He thinks that print quality of the photos was poor on the borough newsletter and he would like to see that improved. He would like to help since he has some expertise in that area as evidenced from the other newsletter which was from his desk, he would be glad to help. Beverly made it clear that there are publications from the Borough of Penndel which is the information Amanda wants and then there is private publications. Beverly understands that and knows it is important information that she needs to have. Barbara said they have trouble because of the budget to get information out to the public. They either do it here and pay for the paper and the toner and the labels or they can send it out and have it printed. Laura said they print it out from the borough computer and copy it here. That is what their budget allows them to do. They will work on making the next newsletter better.

Mark Moffa said this is probably the last meeting this year with both the engineer and solicitor present and he knows these things get crazy and people complain sometimes about expenses and it gets political, all that stuff aside, he wanted to say he is so thrilled with the thoroughness of Value Engineering and Carol's reports this year. He's never seen anything like it in all his years of covering municipal government. In regard to Hill Wallack, the responsiveness of that firm for anything you need is outstanding and he is so pleased with the professionals this year. Dave Truelove said he would let Ben know. He knows Ben enjoys working with everyone here and gives him the bulk of the credit. Beverly said they have a wonderful group of professionals, probably the best ever and she wanted to throw Mike Italia into that mix too because he has helped them immensely with the fee schedule and other things and he has stuff planned for 2019, taking a look at our codes.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING. SECONDED BY JOE DUDASH. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer