

WORK SESSION

January 22, 2019

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 Joe Dudash (arrived late)
Councilwoman Laura Germain
Councilman John Stratz
Councilman Rich Flanagan
Councilman Mark Moffa

Also present

Dave Truelove, Hill Wallack, Solicitor
Carol Schuehler, Value Engineering, Engineer

MOTION BY MARK MOFFA TO APPROVE THE MINUTES OF THE JANUARY 7, 2019 COUNCIL MEETING. SECONDED BY JOHN STRATZ. All ayes, motion carried. (6-0)

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING INVOICES:

HARTFORD INVOICE #354586678530 IN THE AMOUNT OF \$684.24 FOR JANUARY LIFE INSURANCE PREMIUM

INDEPENDENCE BLUE CROSS INVOICE #190108140970 DATED JANUARY 8, 2019 IN THE AMOUNT OF \$6,158.65 FOR MEDICAL INSURANCE INSTALLMENT

PECO INVOICE DATED 1/10/19 IN THE AMOUNT OF \$250.84 FOR 37 W. WOODLAND AVENUE ELECTRIC AND GAS SERVICES

PECO INVOICE DATED 1/10/19 IN THE AMOUNT OF \$8.64 FOR RECREATION FIELD ELECTRIC

PECO INVOICE DATED 1/17/19 IN THE AMOUNT OF \$31.75 FOR TRAFFIC LIGHTING ELECTRIC

STATE WORKERS' INSURANCE FUND INVOICE DATED 12/31/18 IN THE AMOUNT OF \$2,737.00 FOR FIRE DEPARTMENT WORKERS' COMPENSATION INSTALLMENT

COMCAST BUSINESS INVOICE #74536174 DATED 1/1/19 IN THE AMOUNT OF \$482.86 FOR BUSINESS VOICE EDGE SERVICES

SECONDED BY JOHN STRATZ. Rich Flanagan asked if the health insurance was for one month. Mark Moffa said it involves a catch up payment. There is a different health insurance plan this year. There was a differential between what was already paid for January and we owe for the new plan so it is a catch up for January plus what February's would normally be. Next time it would be a lesser amount. Rich asked what catch up meant, was it because we didn't pay it and Mark told him it is because you have to pay a month in advance. They paid for January in December but they paid for the old plan and once they decided in December to go with this plan which is more expensive, they had to pay the differential. Rich said so next month we will not be paying anything near that and Mark said he thinks it's

about \$5,000.00, part which is being paid by the employees now. Rich asked how much the employees are paying and Beverly told him it is in the budget. All ayes, motion carried.

President's Report

Beverly Wolfe replied to what Kevin Konski brought up at the council meeting regarding the safety improvement project at Old Lincoln Hwy. and Hulmeville Ave. Ms. Schuehler will address that in her report. Beverly said she received an email from the Bucks County Planning Commission from Evan Stone offering a variety of services that the planning commission can offer to them like the comprehensive plan, demographic analysis, ordinance preparation, master plans, revitalization plans and transportation planning. She just wanted council to know. Utilizing the county planning commission is a good way to go with some of the stuff they are doing. Mr. Sodano is not here for her to get back to him on what he asked about.

Engineer's Report

Carol Schuehler read her report which is attached.

Solicitor's Report

Dave Truelove said he would defer his report to the next meeting on February 4th.

COMMITTEE REPORTS:

Refuse (Joe Dudash)

They are still pinning down the recycling with the new trash company. Karen put what they are going to accept on the website. Republic was our previous trash hauler. All of our recyclables are going to Republic. They were pushing the recycling because of the China Sword and were getting fined. Advanced Disposal comes in and they were confused so they went back to Republic and they said bring everything. In the future with recycling, it may come down to them charging each borough or township for the recyclables. So for us to get rid of it, we would have to pay them. We took the longest contract we could get because we knew things like this might be happening. They are working with us on TV's and electronics. They are looking into putting it out at the curb and them coming and taking it away and then residents pay for it. They do not want pizza boxes in the recyclables because they are contaminated. Please wash out bottles and cans. Bear with them on windy days as the cans blow all over. Please do not put your trash out ahead of time or your bulk items. There is an ordinance on it.

Joe received a phone call from a Middletown resident on Adams Ave. about Taddei Woods. He went out with Mr. Young to look at the trees. He found the boundary lines which are concrete and he stepped on one and he sank down in the water and the mud. He has photographs and some of the trees are hanging over the resident's properties. Some of the trees are at a 45 degree angle hanging over the houses. The roots are on our side, the tree is on their side but we're responsible. We need to get these trees taken out. We are not looking at all of them, just the ones that are dead and are going to fall down. Mr. Young came up with an estimate of \$1,200.00. We are also talking about surveying because they can't find maps of the woods. We really have to do this because people are complaining about the trees and he does not know where all the boundary lines are. He found the monuments for those trees from the complaint. We have an issue with encroachment. Some people have built garages on our property. How they got into the wetlands, he doesn't know. He will have to investigate.

Public Safety (Joe Dudash)

The Mayor and the Chief have been working on obtaining the new car which Barbara Heffelfinger got a grant for.

Recreation Board (Laura Germain)

The rec board met on January 17th and Beverly Wolfe was in attendance. She expressed that she would like the council to have better communication and collaboration with the rec board. There was discussion about more events, jointly hosted events and events held on borough property. There were votes on the rules of the board. Karen Flowers is president, Amanda Mieluch is vice president and Alison Nickerson is

secretary. They discussed the bench dedication ceremony, they reviewed the Wildcats contract and discussed possible changes.

Community Relations (Laura Germain)

They will be having a Valentine's event for kids on Saturday, February 9th from 12:30 pm – 2:30 pm. There will be games, crafts, stories, things like that. They are starting to write the newsletter. She asked council to get committee reports to her by February 15th. You can put what your committee did in 2018 and what you are planning on doing this year. She gave council the comparisons on the websites and she printed out the contract on the one they are going to recommend. They talked about putting online bill paying there. None of these proposals include that right now. There are three main reasons. One is the extra security you would have to get. Two, is the price which we will work around. And three, in some ways it can be cheaper and more secure once you have a website to have an outside company that specializes in online bill pay to add on to it. So these do not include any online bill pay options for the sewer bill, the permits and traffic tickets which are the 3 things they are hoping to put online. Also, Pennel wants to continue to allow people to bring in or mail in checks and not make it only online. Council went over the list of companies. Laura said they are recommending KE Social because the cost is better, the company is local and can come here and do their training and they will train for as long as we need it and you can customize it.

MOTION BY LAURA GERMAIN TO USE THE BUDGETED AMOUNT OF MONEY FOR THE WEBSITE FROM THE 2019 BUDGET AND AWARD THE CONTRACT TO KE SOCIAL FOR THE WEBSITE DESIGN AND YEARLY MAINTENANCE FEE PENDING LEGAL REVIEW BY THE SOLICITOR. SECONDED BY BARBARA HEFFELFINGER. Mark Moffa thanked Laura, Barbara and Beverly for their work on the website. He asked if the contract was specific to what we want and is there some flexibility after we adopt it tonight or are we locked into it. Laura said they are definitely not locked into it. Mark asked if just the committee would look or if all of council could look at it. Laura said someone from the company would come in and present it to all of council. Beverly said they can look at it and when the final comes, they can look at it one more time. Mark asked if there were suggestions from other council members not on the committee could they email them to her and she said yes. Beverly believes all of council should have input on the aspects of the design. John Stratz said with the old website they had some pretty pictures and wondered if we could use them. Beverly said they were not high quality so we will get some better ones. All ayes, motion carried.

Karen Flowers asked Laura if the event on February 9th would be at the hall or at the church. Laura said at the borough hall. Karen wanted to know if this would be the first opportunity for groups to work together. Laura said they could do it together. Karen asked for more time in the future so they could discuss it more. Laura said she only got the date approved today.

Community Development (Barbara Heffelfinger)

They are working on more grants. She hopes to be working with Carol on the DCNR grant.

Ordinance Committee (Mark Moffa)

They are still working on the snow ordinance. They hashed out the snow emergency routes with the Mayor and the Chief. It is much more complex than they thought it would be. The solicitor said that to accomplish what we want like issuing tickets to people who are parked illegally during snow events, they have to have signs. It will be a multi-phase project because he will need to come to council for money for signs.

Long Range Finance (Mark Moffa)

They had their first meeting after being reformed on January 9th. They appointed officers and Karen Flowers is the chair, Mike Sodano is the vice chair and he is the secretary. They will need to take minutes and record the meetings. The next meeting is February 13th.

Revitalization Task Force (Mark Moffa)

They met on January 10th. The county planning commission presented their attempt at a rewritten Transit Overlay District ordinance. The big thing the revitalization committee is trying to do is revamp the

zoning in the area they want to designate for revitalization, largely the Route 1 corridor. They presented some ideas to the committee and the committee had a lot of feedback for them on things they didn't like about their suggestions or things they wanted added to their efforts. They will need another meeting to go over the TOD ordinance revision. The public presentation will be in the spring.

Insurance (Mark Moffa)

The borough is moving forward with the insurance company with what ties us to the fire company with workers comp insurance. It complicated the borough's workers comp last year because there was a claim on the fire dept. side. Municipalities have a choice whether they want their rate tied to the fire company's rate or not. Sometimes it's beneficial to do that and sometimes not. It won't affect the fire company, it just affects what our rate is. Our broker said it would be to the borough's benefit to separate, at least for the time being. It will help save us money on our workers' comp. coverage.

Streets (John Stratz)

They were supposed to have had a borough meeting with KLS but that did not occur. Due to time constraints and their schedule, the meeting will be March 18th where they will explain everything to council and get full input and also give us the contract. Once that occurs, the next meeting will be Tuesday morning, March 26th and they will want us to sign it. This is still phase 1. We can change everything or say we don't want to do this up until phase 3. The contracts will spell out everything we need to do, everything they will do for us and what we expect them to do for us. In the next few weeks he will be helping with updating repairs on Woodland Ave. with our engineer to save the borough money. Beverly Wolfe asked when the contract would be available for the solicitor to review and it has to be approved by all of council who will not be at that meeting. John said he would get a copy to pass out to everyone before the 18th.

Old Business

Tabled from 12/17/18 – 176 Durham Rd. sewer & refuse reduction request:

Beverly said it was a multi family residence at one point. They tabled it because they wanted to make absolutely sure that it was reduced to a single family residence. She has reviewed what the zoning officer said about it. It was sold in September 2018 and it is listed as a single-family dwelling now and she has the information from Doylestown. Dave Truelove said to make a motion to remove it from the table.

MOTION BY BARBARA HEFFELFINGER TO REMOVE THE ITEM FROM THE TABLE, TO REDUCE SEWER AND REFUSE BILLING UNITS AT 176 DURHAM ROAD. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO REDUCE SEWER/REFUSE BILLING UNITS FOR 176 DURHAM ROAD. SECONDED BY BARBARA HEFFELFINGER. Rich Flanagan wanted to clarify what kind of building and if the two families moved. Beverly explained it was a 2 family dwelling, it was sold and the buyer turned it into a 1 family dwelling. Mike Smith, 127 Dehaven Ave., asked if they come back are they being instructed that they have to pay the hook-up fees and any other fees. Beverly said it is now deeded as a single family. Dave Truelove said if they want to change back to a multi-family, they might need a variance from the Zoning Hearing Board. Beverly said we can send them a letter. All ayes, motion carried.

Beverly Wolfe said she distributed certain pages in the budget to council. While she was reviewing something she noticed that the December 10th copy, the engineer's budgeted line item in the sewer operating fund disappeared. The documents she gave out are the corrections needed to put the funding they had already approved back into the final copy. They are not increasing, only correcting. It has no effect on taxes or anything. They have corrected copies for the offices and website. They budgeted \$45,000 in the sewer fund for engineering and that's what disappeared.

MOTION BY MARK MOFFA TO ADOPT THE CORRECTION OF ADDING \$45,000 FOR SEWER ENGINEERING TO THE DECEMBER 10, 2018 COPY OF THE BUDGET. SECONDED BY JOHN

STRATZ. Rich Flanagan asked if this was going to affect us because the millage was already set. Beverly said no, if you look at the summary of accounts, you will see the sewer operating fund still has a rather robust ending balance. They already passed the tax ordinance. This does not increase it at all. The sewer operating fund is funded by the sewer rates. All ayes, motion carried.

MOTION BY MARK MOFFA TO AUTHORIZE ADVERTISEMENT OF A SPECIAL MEETING OF THE PLANNING COMMISSION TO REVIEW ORDINANCE UPDATES. SECONDED BY JOE DUDASH. Mark Moffa asked what the date and time was. Beverly said it is February 6th at 7:30 p.m. This meeting is for the Planning Commission to review updates to the ordinances with the changes that were done by the planning commission from the county. Dave Truelove said this is required by the municipalities planning code so it is a necessary step so this is why the borough planning commission and the county planning commission are involved. All ayes, motion carried.

MOTION BY JOE DUDASH TO AUTHORIZE YOUNG'S TREE SERVICE TO REMOVE TREES FROM THE TADDEI WOODS HANGING OVER RESIDENTIAL PROPERTIES ON ADAMS AVENUE IN MIDDLETOWN TOWNSHIP FOR AN AMOUNT NOT TO EXCEED \$1,200.00. SECONDED BY MARK MOFFA. Beverly Wolfe said this is a budgeted item. John Stratz said he understands that dying trees need to be removed but are there living trees that can be trimmed. Beverly Wolfe said it is a public safety issue because they are hanging over people's property. All ayes, motion carried.

MOTION BY JOHN STRATZ FOR THE BOROUGH ENGINEER TO DO A SURVEY OF THE CURBS AND SIDEWALKS ON WOODLAND AVENUE NOT TO EXCEED \$1,000.00. SECONDED BY MARK MOFFA. Steve Lowe asked if this was a reinspection that is to be performed. Carol Schuehler said they looked at the curbs in March of last year so this would be revisiting those. Steve asked if it was for those who did not comply. Carol said they were not asked to comply yet. Last year they initiated the inspections and the project with Middletown was delayed to the following year. The borough sent out letters to the residents saying this is what we saw and probably next year you will be asked to do these so she and John Stratz will be going back out. All ayes, motion carried.

Beverly Wolfe said because the employees are going to be paying into their health insurance, we would like to offer them a premium only Med 125 Plan. For those who do not know what that is, their insurance premiums are taken out pre-tax so that they pay less taxes on it. Mark Moffa said anyone who has health insurance through their employer has it done that way. Beverly said she found a company that does everything online. She said she was getting quotes for \$600.00 - \$800.00 to start the plan up and that was unacceptable. This company will do it for a one-time fee of \$150.00. Once we have the plan in place it just rolls over. There are a few questions that all of council needs to decide.

MOTION BY BARBARA HEFFELFINGER TO ADOPT A SECTION 125 PREMIUM ONLY PLAN THROUGH STREAMLINE HR FOR A ONE TIME SET UP FEE OF \$150.00. SECONDED BY MARK MOFFA. All ayes, motion carried.

Beverly Wolfe said there are a few things council needs to decide. She spent time on the phone with the company with questions. They recommended that the benefit coordinator, which is the person that coordinates between them and the payroll company and the plan administration be the borough secretary. As for eligible employees, they asked what we decide for the participation in the plan and all full-time employees of the borough is what is recommended. For entry date, they want them to decide the date the person is eligible to enter into the plan. The recommendation is the same date as the employer's group medical plan. When you sign up for medical then you have the option to do this. The last one is when HIPA privacy requirements apply and she would like the effective date to be the date of the plan and they will have the plan administrator as the person responsible for the HIPA privacy. Mark Moffa asked if this would be retroactive for the employees. Beverly said it would be effective 1/1/19. When it is finalized, they go to the payroll company and they take it from there. Laura asked what the plan administrator was. Dave Truelove explained that an employer has to have someone responsible if they have employee benefits that are subject to the HIPA privacy law. Laura asked if it was ok if they person is on the plan and Dave said it was ok. Dave said he may have to give the person some training on it.

MOTION BY MARK MOFFA TO ADOPT THE SECTION 125 PLAN AT A COST OF \$150.00 AND ACCEPT THE FULL SLATE OF RECOMMENDATIONS WHICH IS TO ACCEPT THE BOROUGH SECRETARY AS THE POINT PERSON, THAT ALL FULL TIME EMPLOYEES BE ELIGIBLE WITH TIMING COINCIDES WITH THE GROUP PLAN AND THE PLAN ADMINISTRATOR IS RESPONSIBLE FOR HIPA PRIVACY. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-4 AUTHORIZING SUBMISSION OF AN APPLICATION FOR DESIGNATION OF AN ENTERPRISE ZONE ON BEHALF OF THE BOROUGH OF PENNDEL. SECONDED BY MARK MOFFA. Beverly read a note from Jeff Darwak from the RDA. The benefits of a designation as a Keystone Enterprise Zone includes businesses or private companies investing in rehabilitating and expanding. They are eligible to apply for Enterprise Zone Tax Credits, provides state tax credits for jobs created, eligible businesses located in the zone receive priority consideration when applying for financial assistance. Eligible businesses receive priority for consideration for any resource administered by the commonwealth that would assist with a business coming into the Enterprise Zone. This all ties in with the revitalization task force. Eligible businesses located within the zone receive priority consideration when bidding on state government contracts. And priority consideration for other DCED programs. Bottom line, it makes us look a little more attractive. It's the whole idea of what we have been doing and it costs us nothing. Mark Moffa asked if part of it was still designated Enterprise Zone. Beverly said yes but she thinks that every 10 years you have to re-up it. Rich Flanagan wanted to know what it has done for us in the past 10 years. Beverly said it costs us nothing and it might be a huge benefit for what we are doing. Rich said you're saying you're not sure but it might. Beverly said it will. Beverly said businesses as in the people we get revenue from. This will help with the empty buildings on Rt. 1. These are incentives for other people to occupy those buildings. Dave Truelove said it is for redevelopment which will increase your rate because people come in and occupy the buildings, start businesses there and the assessments will go up and that will help generate activity and other businesses will go up. Beverly said if we are designated an Enterprise Zone it kicks in state funding possibilities and tax credits for businesses that want to move in. Mike Smith asked about ALERTA which Beverly said is not part of the Enterprise Zone. Karen Flowers said that Rt. 1 corridor was mentioned and asked if it stretched into Bellevue or Hulmeville Ave. Barbara Heffelfinger said it puts you in the top category if you submit a grant and you are in the Enterprise Zone, you get favorable recognition of your application. Beverly Wolfe said she would have that answer for Karen Flowers at the next meeting. She said it is on the DCED website under KOZ. Mark Moffa said he understood where Rich Flanagan was going with it because they have been dealing with it for so long and there hasn't been much and we need to do more to attract business besides just be a part of it. John Stratz said if there are properties next to ones in the zone, but are not included in the Enterprise Zone, can they ask to have them included. They will look into it. All ayes, motion carried.

Persons to be heard

Steve Lowe, 409 Cynthia Ave., said there was a discussion on Mill Creek Apartments on the parking lot that was being expanded in the back. Mike Smith had asked about infiltration in a sewer lateral. There was a joint agreement between borough council and the representative of Mill Creek laterals videoed. He asked if that happened and if it did, what the outcome was. Carol Schuehler reported that it did happen. They were delivered to borough hall and she just received them tonight so she can't report back yet. They also did a soil testing in the area of the pool and the detailed results are it came back clean. Mike Smith asked if he could view the video with her. Carol said she might have an extra copy.

Mike Smith asked who is in charge of the sewer committee. Laura Germain said that John Stratz and she are on the sewer committee. He wanted to know if either of them were aware of the Pennhill agreement. Laura said she did not and John said he was listening. Mike believes it is close to being renewed again. He has been saying for years that there are people who are on our system who are paying Bucks County Water & Sewer Authority and we are footing the bill for them. Bucks County Water & Sewer is double dipping us. He said one he can show you because he dye tested it. He knows that person's name is on the list and we don't receive a single penny for it. There are 7 sewer lines attached to our system that he knows about that we receive nothing for. But we are paying for it because it goes through our meter. Dave Truelove said they may have a copy of that and will take a look at it. Steve Lowe said not everybody seems to know what it is so you should review it. Beverly Wolfe said the last she heard of it, it

was sitting on our former solicitor's desk and he was supposed to report back on it. The report that came from that, which was not from him, was that the meter on Rumpf Ave. is the one that's metering and it is metered to Bucks County Water & Sewer and is no longer a part of our system. Carol Schuehler said Pennhill connects at manhole 50 so that is below the current meter location. Mike Smith asked how long that has been like that and Carol said as long as she's been involved. Mike said it was not, it was in manhole 49. Carol said she thinks it's in manhole 51 now. It can be accessed at the sewer plant. Pennhill connects in at 50. When you get to 50, you have our line coming in which she believes is a 12 inch line and Pennhill coming in which is an 8 inch line and you have ours leaving which is only 8 inches. Pennhill's is actually below the meter point. What they share with us is that component of our line from manhole 50 down to the interceptor. That actually came up when they talked to USDA and PennVest about grant monies because the fact that it comes from Middletown and connects into that might impact our ability to get grant money. Mike Smith said the sewer line he is speaking of is on the east side of Neshaminy St., way upstream from our meter. Those people are paying directly to Bucks County Water & Sewer. Their flows are going through our meter which we are paying for. Carol said he was not talking about the Pennhill agreement then. Mike said he counted in excess of 80 houses on that line. He believes we were receiving \$35.00 per unit. He said he is bringing it up because every 10 years it renews. Obviously they rolled it over at that low cost. There weren't any updates. Carol said if you have people upstream that are connected in the PennDel system, you we should look into that. If we can't do it from above ground, we can do it when we get the video inspecting that quadrant. Beverly said let's start with someone who is going to give us information, review the Pennhill agreement and have the solicitor take a look. Joe Dudash said he is tired of all the Middletown water being dumped in PennDel like at Taddei Woods. Mike Smith said he got into it because everyone was complaining about the sewer bills.

Mark Moffa asked if this was the time to bring up about the survey of Taddei Woods. Dave Truelove said authorize about having a survey done. He said to have community development to authorize the solicitation of receiving bids for the survey of the property and then you can bring that to the council. Beverly said if there is intrusion of buildings and monuments are sinking we should do this.

Joe Dudash asked John Stratz about the lights and if they were going to present it to council and the public. John said they were supposed to have had it already but things got postponed. Beverly said March 18th will be a complete explanation on what is proposed and what it entails.

John Stratz brought up since they are removing trees from Taddei Woods, would they be able to put in saplings. Beverly said remember the problem is with the DEP and they have oversight of everything in there. They have been lenient because we have a relationship with them. We have to wait until we don't need a boat to take him in there so he can tell us what we can and cannot do. If we don't, they will do what they did last time and make us take out what we did.

Mike Smith said before Joe Dudash says anything about water being dumped on us, he said Carol did a study years ago on the storm water line under the railroad tracks. It showed how all the water came in. He asked her if it was possible to do the same thing so we don't get ourselves caught arguing with Middletown. She said it is possible but deferred to council. John Stratz remembered that years ago the Army Corp. of Engineers was in here and it has not been established where the water was coming from. Beverly said the Army Corp. of Engineers sent her to the DEP because the Army Corp. of Engineers comes into play because there is no clear entrance into the waterway and no clear exit.

MOTION BY RICH FLANAGAN TO ADJOURN THE MEETING. SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer