

COUNCIL MEETING

July 2, 2018

Council President, Beverly Wolfe, called the meeting of the 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 John Stratz
Councilwoman Laura Germain
Councilman Rich Flanagan
Councilman Mark Moffa - absent
Councilman Joe Dudash

Also present

Dave Truelove, Hill Wallack, Solicitor
Ben Hauser, Hill Wallack, Solicitor
Carol Schuehler, Value Engineering, Borough Engineer
Officer Sean Perry, Chief of Police
Marie Serota, Borough Secretary/Treasurer
Robert White, Bucks Co. Redevelopment Authority
Jeff Darwak, Bucks Co. Redevelopment Authority
Mike Italia, Barry Isett & Associates
Nicholas Foufas, Fire Marshal

Council President Beverly Wolfe presented certificates of appreciation to residents Stan Becket and Ward McMasters for their service to Pennel and our country. The following resolution was approved:

MOTION BY BARBARA HEFFELFINGER TO APPROVE RESOLUTION #2018-15 HONORING STANLEY BECKETT AND RESOLUTION #2018-16 HONORING W. WARD MCMASTERS FOR THEIR DISTINGUISHED SERVICE TO THE COMMUNITY AND OUR NATION.
SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Presentation by Bucks Co. Redevelopment Authority

Bob White, Director of the Bucks Co. Redevelopment Authority, said the borough is now eligible to receive gaming funds. Senator Tomlinson changed the law so affected municipalities that are not contiguous with Bensalem can now apply for casino grant funds. There are ten communities that can submit applications for funding. They received 8 million dollars in applications for 3½ million dollars. The borough was able to receive grant funds for the new police building and funds for the renovations to the building thanks to Hulmeville Borough who applied for Pennel as the sub-grantee. This program has operated for more than 10 years and has awarded \$37 million dollars to communities contiguous with Bensalem. The only change is that it includes any municipalities that are in the middle of a contiguous municipality. Mr. White suggests Council look at the program together and decide how to apply for it. Applications can be submitted for funds for a project to be phased as long as it fits into the gaming regulations. The Redevelopment Board takes their time reviewing all of the summarized information from

applications that they provide to the Board. They are usually awarded in November or December after careful consideration and that the funds are fairly distributed.

Bob White introduced Jeff Darwak, Deputy Director and said that he helped set up the municipal grant program from the beginning. Mr. Darwak said the funds for redevelopment projects can be used for the following: infrastructure improvements, facilities, public safety and health/human service projects. The application has been modeled after the state's application and is very similar to the DCED's single application grant. The applications are released in the middle of August every year and are available on the Bucks County Redevelopment's website. Also, notice is sent out to eligible municipalities. Historically, the annual amount of funds to be released is 3.5 million. The applications are due the last business day of September by 4:00 p.m. If the borough is submitting multiple applications, we need to prioritize them so the board understands the borough's priorities. All applicants will have the opportunity to present the projects to the board, which will be at their September or October meeting. There will be a fifteen minute presentation and a 5 minute question and answer session. All projects need to be completed by the end of the calendar year. The board will grant a 3 month extension if necessary. Any questions can be forwarded to Mr. Darwak by email or phone. Bob White said that we do not have to have a grant writer complete the grant application. A resolution by Council is required and should be attached to the application.

Announcements

There will be an executive session after adjournment to discuss personnel issues.

MOTION BY BARBARA HEFFELFINGER TO APPROVE CONSENT ITEMS:

- a. Approval of Minutes: June 4, 2018 Council meeting
- b. Approval of Minutes: June 18, 2018 Work Session
- c. Approval of Bills for the month of June 2018:

General Fund	\$32,047.64
Refuse Fund	\$15,714.56
Sewer Fund	\$48,565.85
Capital Reserve Fund	\$ 8,792.12
Police Pension Fund	\$ 125.00
Non-Uniform Pension Fund	\$ 125.00
Liquid Fuel Fund	\$ 4,019.39
Escrow Fund	\$12,350.75

Payroll

General Fund	\$24,241.68
Sewer Fund	\$ 2,917.04
Refuse Fund	<u>\$ 628.53</u>

Total **\$27,787.25**

Escrow Bills:

McManus:	
Hill Wallack LLP	\$ 210.00
Mill Creek 2:	
Value Engineering	\$ 420.75
Verrichia:	
Hill Wallack LLP	\$11,423.00

Value Engineering

\$ 297.00

Resident, Dave Cahill asked what the payments to Value Engineering were for. Beverly Wolfe responded that one payment was from Mill Creek Apts. escrow and the other was from Verrichia Co. escrow.

SECONDED BY JOE DUDASH. All ayes, motion carried.

Mayor's Report - Mayor Winkler read his report, which is on file in the secretary's office.

The Mayor read a letter from the Penndel Fire Co. Board members regarding Middletown Township's staffing a fire truck with paid personnel; copy attached.

MOTION BY BARBARA HEFFELFINGER TO AFFIRM AND ACCEPT THE OFFER FROM MIDDLETOWN TOWNSHIP TO STAFF A FIRE TRUCK WITH PAID PERSONNEL FROM 8:30 A.M. TO 4:30 P.M. MONDAY THROUGH FRIDAY AND AT OTHER SPECIAL TIMES AS NEEDED. SECONDED BY JOE DUDASH. All ayes, carried.

Laura Germain asked when this service will start. Steve Lowe responded there is no definitive date but they would like to start July 11th.

Rich Flanagan asked who decides who will be the paid crew. Steve Lowe, Executive Board Chairman, responded that Middletown Township's Fire Marshal's crew will be manning the truck.

Joe Dudash asked if we have a fire in Penndel will they assist and who takes care of the maintenance of the trucks. Steve said the newly staffed fire truck will respond along with the Penndel crew that would normally respond to the fire call. The maintenance of the trucks will be in the lease agreement that hasn't been negotiated yet.

Karen Flowers asked if the truck will be housed in the borough. Steve Lowe responded that it will be housed in Penndel. The crew will go to Penndel in the morning and take the truck out then return the truck in the afternoon.

John Stratz asked who will take the lead when responding. Steve said that the usual procedure will not change.

Emergency Management Report

Newly appointed Fire Marshal Nicholas Foufas has not received his official notice from the governor's office but he is the borough's Emergency Management Coordinator at this time.

Chief's Report – Chief Perry read the report, which is on file in the secretary's office.

Fire Marshal's Report – Nick Foufas read the report, which is on file in the secretary's office.

Solicitor's Report

Worked with borough staff on various projects during the past month. Drafted a fee schedule with Ben Hauser and Mike Italia, to be discussed later tonight. Reviewed several Right to Know Requests, drafted resolutions, reviewed contracts. Prepared and attended meetings and performed various research projects.

Engineer's Report – Carol Schuehler, Value Engineering, read her report, which is attached.

Laura Germain asked what the timeline is on the LED Program. Carol responded that they would like the letter of intent by August 15th. The deposit is due by the end of October.

Kevin Konski, 126 W. Lincoln Hwy., cited information regarding regulations and policies from the PA Department of Transportation referencing Section 1945 that PennDOT uses for curb maintenance. He said that under Boroughs and Towns, Section 513, State Highway Law of 1945, states that PennDOT's responsibility is limited to areas between the curb lines and asked why property owners have to pay for curbing. Fifty five years ago when PennDOT repaved the highway, they replaced the curbing at no expense to the owners. Carol Schuehler said that PennDOT is not replacing the curbs in Penndel Borough. She has always understood that PennDOT maintains from face of curb to face of curb. The borough engineer and solicitor will look into this issue this week.

Dave Cahill asked about the special permit the borough engineer said that PennDOT required for concrete work to be done on Lincoln Hwy. Beverly Wolfe explained that this is a Highway Occupancy Permit that is required by PennDOT. PennDOT rescinded that requirement since the work would only involve replacing existing concrete not adding new concrete. Mr. Cahill said that the borough was going to use that as an excuse not to force the property owners do concrete repairs. Beverly Wolfe corrected him and told him that this was not an excuse and she will review the detailed circumstances at another time. Then he asked who was doing the inspection of the curb work because there is a curb next to Penndel Pizza that is two feet higher than the top of the sidewalk. Carol said that the curb he is referring to is 8 inches high. This happens when you put in an 8 inch curb and the sidewalk is not being replaced, sometimes the result is an elevation differential. They will be grading the grass strip to meet the curb so there isn't a drastic drop in elevation.

Gianpiero Lo Piccolo asked if the \$5,000.00 for the LED lights is all encompassing. Carol responded that \$5,000.00 is contributed by each municipality. Funds are used to select a design consultant, legal consultant for designing the project, construction management of the project, feasibility studies and legal guidance for bidding and like costs. It is possible that they may also charge up to 2% for construction cost to help pay for consulting management and construction contracts. Mr. Lo Piccolo feels that it is a good deal compared to what we are paying currently to replace bulbs. There are a lot of benefits to the change, public safety, brighter lights, and better visibility for drivers. Carol added reduced maintenance is also a great benefit to the borough.

Karen Flowers asked if the grant for the lighting at the recreation field doesn't get approved, can it be attached to the project. Carol responded even if it is approved, we can still include it in the feasibility study.

Joe Dudash said from being in Washington DC., communication with the public is what makes government successful and he has learned some things tonight from the residents. He also said he doesn't like character assassinations and would appreciate if someone has an issue to speak to him about it as opposed to insulting them at a public meeting.

Code Enforcement/Zoning Office Report - Mike Italia, Barry Isett & Associates, read the report.

Dave Cahill asked if they take anonymous complaints. Mike Italia answered that they do not. They must sign a complaint form. Mr. Cahill said that there was an anonymous complaint about

yellow caution tape around a property before they dug the foundation. Mr. Italia responded that it was a complaint but it was not anonymous and it was for overnight protection and it was handled. The name of the complainant is not divulged.

Committee Reports

Finance Committee (Barbara Heffelfinger):

There was a very productive finance committee meeting on June 20th. They discussed various options to refinance the borough loans and a number of different items including the budget. Barbara Heffelfinger will report back on their progress.

Public Safety (Joe Dudash):

Negotiations have started with the police officers. We just acknowledged that we received their offer for the new contract. Currently they are working with them to schedule the next meeting. Due to his work schedule, weekend meetings are the most convenient.

Community Development (Barbara Heffelfinger):

The revitalization task force met on Tuesday and Thursday. A business survey was sent out with a return deadline date of July 20th. They hope to have a public meeting in September when they have all opinions and report on the results from the business survey.

Streets/Sewer (John Stratz):

A committee meeting has been scheduled for Monday to discuss street lights and the information he received at the conference last week. He will distribute the information to Council for the work session. Sewer matters will also be discussed the same night.

Refuse (Joe Dudash):

Committee is planning on getting together with Langhorne Manor Borough. Their trash contract is coming to an end also. We are going to look into putting the trash service out to bid together to get better rates. They will have to consult with our solicitor due to all of the legal matters with recycling and the borough's responsibilities.

John Rutter, Lincoln Hwy resident, said they aren't picking up his recycling. They have missed ten times since November. Donna Heron, Washington Avenue, said they don't pick up her recycling either. Committee Chairman, Joe Dudash, will get information from them after the meeting and look into the matter.

Former Councilman, Gianpiero Lo Piccolo, suggested the committee look into a senior citizen rate that other municipalities have and possibly a military rate.

Barbara Heffelfinger added that when they met with the representative from Republic Services, he said that recyclables should be washed and dried out before disposing because of mold and contamination. Also, caps on water bottles go into the regular trash. Dave Cahill, said that he heard a rumor that recycling is getting mixed in with regular trash and when he has watched them, they put the recycling in with the regular trash.

Rich Flanagan agreed with a resident's comment that we should just put the recycling in with the regular trash.

Gianpiero Lo Piccolo explained from his experience, the recyclers don't want to spend any money on the recycling and don't care about the recycling process. The trash fees went down when the current contract was signed because the contractor was familiar with the borough and

the amounts and weights of the trash collected and the recycling weight is higher than our trash weight.

Sam Simon asked if there is anything we can do about property owners putting trash out at the curb too early. The Fourth of July holiday is this week and trash is out already. The audience was informed that trash pick-up will be on Thursday this week since the holiday is on Wednesday. Dave Cahill suggested we put a recording on Ready Notify PA to inform every one of the change in trash collection day. Beverly Wolfe explained that that service is only for emergency situations. It has been posted on the borough website and Facebook page. Assistant Secretary Karen Kondrk said residents can call the office to get this information.

Building and Maintenance (Joe Dudash):

The roof at borough hall is very old and is leaking. Three estimates received ranged between \$19,019 to \$21,200. Joe is going to get estimates on having two sections patched temporarily due to budget restraints.

Community Relations (Laura Germain):

The first scheduled play date is Tuesday at 10:00 a.m. It is not a babysitting service; parents/grandparents have to stay with the children. The play dates will be held once a week for the summer. They will include snacks, crafts and stories for the children then playing on the playground.

On the Facebook page Mrs. Germain is posting "Did you know" facts and fun pictures on the site and asking for patriotic memories to be posted. She is still trying to find the funding for movie night. To show a movie the rights have to be paid for. She is going to do some research to find a movie in the public domain.

A committee meeting is scheduled for next week.

Recreation Board (Laura Germain/Rich Flanagan):

Last month's meeting was cancelled. The Rita's Water Ice Fund Raiser two weeks ago raised \$125. Only Rich Flanagan and Laura Germain were there from Council. Joe Dudash said his wife was there and Rich Mr. Flanagan stated that didn't count. Gianpiero Lo Piccolo said that same night the Wildcats Cheerleaders had a fund raiser, which may have been a conflict.

Old Business

MOTION BY JOHN STRATZ TO ADOPT ORDINANCE #2018-3 AMENDING CHAPTER 322- "SEWERS," AND AMENDING CHAPTER 340 "SOLID WASTE". SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Beverly Wolfe presented the new fee schedule to Council at the previous work session and there were many questions. Mrs. Wolfe provided a report outlining the permits and costs for Council and how they will affect the residents. Council addressed questions to Mike Italia from Barry Isett & Associates.

Barbara Heffelfinger said that the new company Barry Isett and Associates are very capable but she has some issues with the fee schedule. She feels like the two other municipalities that they compared us to (by population) wasn't fair because of income. The medium income in Hatboro, which has 7,412 people is \$67,146.00, Red Hill is \$58,529.00 and Penndel is \$46,336.00, which is less than medium income in the USA; homeownership is 46 ½ percent in Penndel. This should be reconsidered and prices modified. Mrs. Heffelfinger also said that when we apply for

a grant, we need to put a map of the borough with the income information. From the north border of Pennel to Crescent Street is considered low income. From the other side of Crescent Street to the borough border at the south end is considered moderate income with a huge senior citizen population.

Beverly Wolfe reviewed data on the most permits issued for the year of 2017:

Residential roofing permits, 14, largest number of permits beside sidewalk permits for the street project and those fees were waived. On the new fee schedule there is no fee for residential roofing. Mike Italia said that residential replacement of roof and siding is exempt from the UCC requirements so there would not be a fee. Currently the fee is 7 percent of construction cost.

Residential fencing permits, 6, from \$215.00 down to \$87.23. On the new fee schedule it is a flat rate of \$75.00.

Fuel Oil Tanks, 5, for replacement the fee is \$115.00.

At a prior meeting Mr. Houser questioned the fee for curative amendment or challenge to the validity of an ordinance. This is exactly the same as we currently charge.

Mike Italia said they were trying to keep fees close to what they were previously and also looked at Bristol Borough's fees. Their average income is less than Pennel's. The previous fee schedule had fees included that should not have been included. The previous company was charging the borough hourly. If one permit needs a lot of inspections, we were paying for all of that time for inspections. Mike said that now they will be paying an amount for the permit no matter how many times they have to go out and inspect. He explained to Barbara Heffelfinger that it was difficult to have a fee schedule to compare the borough's fees to because the current fee schedule is 28 pages long, which is the largest one he has ever worked with.

Joe Dudash asked for the reason that there are property resale inspections. Mike Italia explained that it is for safety reasons. He has already done resale inspections in the borough and some homes were in very bad condition and unsafe.

Resident, Dave Cahill, asked if it is true that other municipalities are doing away with Use and Occupancy inspections. Mike Italia responded that it is the other way around. Municipalities that don't have them are starting to adopt them. He has been asked if the buyer has a home inspection, why does the borough need to inspect also. Mike said that the home inspectors are not fire inspectors or in code enforcement. The inspections are very different.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2018-11, PROVIDING FOR THE ESTABLISHMENT OF A SCHEDULE OF FEES ASSOCIATED WITH CERTAIN PERMITS, APPLICATIONS, AND APPROVAL WITHIN THE BOROUGH. SECONDED BY RICH FLANAGAN. The vote was 5 ayes, 0 nos and 1 abstention (Barbara Heffelfinger). Motion carried.

Beverly Wolfe said that Ben Hauser and Mike Italia spent a lot of time working on the fee schedule to make sure that the fee schedule is fair and equitable for everyone. Since it is a resolution it can be amended if changes need to be made.

New Business

MOTION BY BARBARA HEFFELFINGER TO AWARD THE 2018-2019 FUEL BIDS FOR #2 HEATING OIL @ \$.1955 PER GALLON AND OFF-ROAD DIESEL FUEL AT .0.1821 PER GALLON TO SUBURBAN PROPANE; THE RESULT OF THE BUCKS COUNTY CONSORTIUM 2018 FUEL BID. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY LAURA GERMAIN TO AWARD THE CONCRETE REPAIR PROJECT AT PUMP STATION #2 AT 430 W. LINCOLN HWY. TO GUISEPPE'S RESTORATION TO REMOVE AND REPLACE 10 LINEAR FEET OF DEPRESSED CURBING NOT TO EXCEED \$400.00 CONTINGENT UPON THE SOLICITOR'S AND ENGINEER'S OFFICES APPROVAL OF INFORMATION COUNCIL RECEIVED TONIGHT . SECONDED BY JOHN STRATZ. All ayes, motion carried.

After discussion about Estimate #00197 from Lippincott Landscaping for work at Taddei Woods, no motion was made. The estimate was for an hourly rate of \$49.00 not total amount.

MOTION BY BARBARA HEFFELFINGER TO HIRE DALLAS DRUM AS A PART-TIME POLICE OFFICER. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Officer Krum has worked for the borough in the past. He has all of the necessary equipment and knows the borough well. Rich Flanagan asked if an officer was leaving. The Mayor responded that one of our officers is cutting back his hours and there is no changes of total hours for the department. Gianpiero Lo Piccolo said that Officer Krum is a good guy and a very ambitious officer.

Persons to be heard

Donna Heron, 475 Washington Avenue, mosquitos are bad in Taddei Woods, can dunks be put in there.

Dave Cahill, 462 Cynthia Avenue, said he didn't receive an answer to his question, if the borough will be required to make repairs to their portion of the sewer lateral, as residents are required to. Engineer Carol Schuehler recalled the question was how did the ordinance define ownership. She answered the question at a previous meeting that Mr. Cahill didn't attend. Ms. Schuehler said the ordinance defines ownership from the house to the clean out in the right of way but it requires inspection of the entire lateral from the house to the sewer main. It is not defined in the ordinance who repairs from the curb to the sewer main. Dave Cahill said that former Solicitor Mike Peters said that is defined that the borough owned from the curb to the sewer main and if repair is needed, the borough is responsible for that repair. Dave Truelove will look at the ordinance.

Karen Flowers, 500 Hulmeville Avenue, a sign on Hulmeville Avenue by Langhorne Carpet looks like it was run over. Chief Perry said it was reported to the department that it was a hit and run accident. Also, a pole on the temporary fence around the tot lot is bent. It looks like it was hit. This was reported to the police department also.

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

Submitted by:

Marie Serota, Secretary/Treasurer