

WORK SESSION

March 18, 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
Councilwoman Laura Germain
Councilman John Stratz
Councilman Joe Dudash
Councilman Rich Flanagan
Councilman Mark Moffa was absent

Also present

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

Beverly Wolfe thanked Laura Germain for the event held earlier in the evening.

Special Presentation by Mike Fuller from Keystone Lighting Solutions - Presentation attached. Beverly Wolfe said at the beginning he mentioned that some municipalities had opted out. She asked why they did. Mike said just one did and they had some other project going on that they thought was going to do lighting. He thinks they may come back at some point. Beverly asked what will happen if they find deficiency in the wires. They have contingency of 5% - 10%. That is the biggest cost that is unforeseen. They will get locked in pricing for rewiring and they will know how much it will cost to do rewiring. They will have preapproval to rewire if the head is off and it needs rewiring.

Joe Dudash asked if that was for the traffic lights also. Mike said there is almost no energy savings to be had. Not that the LED is not more efficient than what is there, it's just that the operating hours are so relatively low it doesn't pencil out. Joe said there are roughly 159 lights in Pennel. He said there is a mixture of lights. Joe asked if it would be the same if they went up and found something wrong with the arms. Mike said they can see the pole condition better than the wires with the audit. Most of the time the arms are in pretty good shape. Rich Flanagan asked what the life was for the lights. The manufacturer rating for LED lights are hundreds of thousands of hours. You use about 4,000 – 4,100 hours a year. Mike said the fixtures that we have right now could last 10 years and only have a 1 year warranty. LED's have a 10 year warranty. These fixtures should last 25 – 40 years. There are pieces that need to be maintained over time. These will be brand new and should not have any issues until after the 10 year warranty period. You should have little to no maintenance on these fixtures until you get way past the 10 year warranty period.

Steve Lowe asked who will do the replacement work within the 10 year warranty work. Mike said there is a one year labor and product warranty and most failures happen quickly. The installer partner that they have which will be somebody that you know or already use since there are not that many contractors in the area that work on PECO lights. In that first year, they would

be responsible for doing that replacement. From year 2 – 10, there is the product warranty so basically you would get a replacement product and it would be on you to get an installer and you would probably use your current maintenance contractor to do it. The product would be free but not the labor.

Steve Lowe asked Beverly who that is and she said Armour Electric.

Amanda Mieluch asked why the traffic lights weren't included and Beverly said they are already upgraded to LED. Amanda asked if the Memorial is included since they pay for electric. Mike said not currently. John Stratz said Liquid Fuels prohibits them from doing the rec field. Beverly said they are working on something right now for the rec field. Carol Schuehler asked Mike what the webinar is for tomorrow and he said to kick off Phase 2.

Announcement

The Bucks County Borough's Association General Membership dinner meeting will be held on March 26, 2019 at 6:30 p.m. at the Doylestown Country Club.

MOTION ITEMS:

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE MARCH 4, 2019 COUNCIL MEETING. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING INVOICES:

Gettysburg Benefits Administrators, Inc. invoice dated 2/28/19 in the amount of \$164.93 for dental insurance installment

PECO invoice dated 3/1/19 in the amount of \$193.64 for gas service at 300 Bellevue Avenue

PECO invoice dated 3/4/19 in the amount of \$109.82 for electric service at 300 Bellevue Avenue

PECO invoice dated 3/12/19 in the amount of \$25.16 for recreation field electric (PECO is in the processing of changing due dates for us)

State Workers Insurance Fund invoice dated 3/1/19 in the amount of \$1,344.00 for fire department workers' compensation installment

SECONDED BY JOHN STRATZ. All ayes, motion carried.

President's Report

Donna Heron is not here so she will report back to her when she comes to the next meeting.

COMMITTEE REPORTS:

Recreation Board

Laura Germain, Council Liaison, reported that their next meeting will be Thursday at 7:00 p.m. at the borough hall. The bench dedication is on March 30th at 11:00 a.m. An article from the paper was posted on the rec board and borough Facebook pages on the gentleman they are honoring. The chili contest is moved to September 14th. On April 27th, the rec board will be taking part in Earth Day at Core Creek Park. This year in April they are going to have a meeting of the Rec Board, Community Relations Committee, the Activities Committee, the Mayor and

the Heritage Society to talk about activities for the summer so that they can coordinate and maybe do something together. The rec board will discuss events at their meeting Thursday.

Community Relations

Laura Germain wanted to thank everyone who participated in tonight's Women's History Month event. She thinks everyone had fun and it was one of the few events that was not just for kids. The newsletter should be in resident's mailboxes in the next few days. Council has a print out of the website home page. Email any comments to her by the end of the week. They have already done one round of changes. The logo will be discussed at the next meeting.

Community Development

Barbara Heffelfinger said they have been working on a number of grants. Carol is taking the lead and Barb is doing the grunt work. The CDBG grant was submitted today. That is for lights at the rec field. The other one that they are looking at is for Taddei Woods. They are also filing a grant application with the DCNR for a roof at the rec field and also for fencing. That would include all of the trees and weeds so they can replace the fence. April 23rd & 24th they are having the final audit for the RACP grant for Park Ave. There were 2 phases of that and it has been done for quite a while. The state is doing the final audit. It will be in the office one day and at the site the next day.

Revitalization Task Force

Barbara Heffelfinger said they are still working on the revitalization. The meeting is on April 11th.

Finance

Barbara Heffelfinger said the 2018 Liquid Fuels audit is tomorrow. They will come in and make sure we paid everything out of the right account. They are watching the budget very closely.

Engineer's Report

Carol Schuehler read her report which is attached. She mentioned that at the council meeting she was asked to get more quotes for the inlet issue. She requested quotes from 5 different contractors and only received one quote which was from Giuseppe's Restoration. He is going to do the work for less than \$3,000.00. It's a very low price and she believes Joe is doing it as a favor to Penndel Borough. Rich Flanagan asked if this was the same work that Seifert was going to do. Carol said very similar. She spoke to him a few times after receiving his proposal to make sure they were on the same page with what he was going to do. His traffic control is going to be signs and not Flagger Force and he may cut a little less sidewalk out but they can still get to the box to look at it. Rich said he's asking because it went down 350%. Carol said that is a low number. Beverly asked how Carol felt about him not using Flagger Force. Carol said he used the signage when he did the work on Rt. 1. It will still be the Penndot regulation signage.

Carol reported on pedestrian safety on Lincoln Hwy. Mayor Winkler has brought up concerns about safety in front of Mill Creek Village Apartments on Business Rt. 1 because there is no sidewalk and pedestrians walk along the front of the Mill Creek property (towards the creek that serves as a boundary between Penndel and Middletown) and cross over the guiderail and walk in the travel lane. The Multi Modal program is open again and they are accepting applications from March 1st to July 21st. She has worked with a structural engineer and if council authorizes, she would like to bring him down to consult with her on this matter. The cost for him would not exceed \$1,000.00. Joe Dudash asked if Middletown was on board going halfway with us. Carol thinks they will work on this with us. Barbara Heffelfinger said this is a trouble spot.

You take your life in your hands just driving on that curve. She thinks it's a good investment to investigate it. One life is worth more than a thousand dollars. Carol said it depends on how shovel ready you are. Joe Dudash asked if Middletown would hold us up. Carol said her greater concern is significant design, planning, permitting and right-of-way issues involved that prevents them from being ready this year. It's the first step. If they would have done this last year, they would have been ready this year. Dave Truelove said the engineer's conclusions will be good after this year so no matter what, they will still be valid even if it is not done this year. Beverly Wolfe said she would like to reach out to Middletown again. She has already done some preliminary contact on this and will bring back something to the next meeting.

Mike Smith, 127 Dehaven Ave., asked if the bridge is in the Penndot right-of-way. Carol said she does not know yet. He asked if it would be better to contact a Penndot engineer and push them on this because it is an issue for the residents instead of Penndel paying the money. Carol said she doesn't have an easy answer on how to get Penndot to do it for us. Part of the reason she wanted to bring the structural engineer down is because she's worked with him on other pedestrian bridges and he is excellent in finding some novel solutions. She would like to walk it with him and it may be that it would be better to work with the apartments on this. Mike said he's asking because not long ago they replaced all of the rip rap on each side on the drainage. Carol said it is a challenging location.

Steve Lowe, 409 Cynthia Ave., asked Carol if there has been any updates on the sewer lateral for Mill Creek Village that was found to be broken. She said they are going to be excavating and doing that with the other work they are doing out there in the parking area. She doesn't have an exact date but it is close.

Mike Smith, 127 Dehaven Ave., asked Carol what they found at Mill Creek. Carol said they found a dislocated piece of pipe that was under the parking lot. After that repair is done they are going to pull toilets inside the building so they can video all the way through. The video she has now is from the cleanout to the manhole. Mike asked what building it was and Carol said if you are leaving Route 1 and came up the new driveway, it would be the building on the right.

MOTION BY BARBARA HEFFELFINGER TO HAVE VALUE ENGINEERING SUBMIT A DCED GRANT APPLICATION FOR AN MS4 PROJECT OF A CDS INLET PROPOSED ON WALKER AVENUE. SECONDED BY JOE DUDASH. Laura Germain asked if it was a single structure. Carol said it is proposed as a single structure that would treat the water from 30 acres that drains to that point. They may find it might be more practical to do smaller structures. Laura asked if the price would change and Carol said the \$76,000.00 is the delivery cost of the structure. By the time you have the contractor dig out and install it, this is a big project. By virtue of the MS4 permit, notification to DEP, the borough is committed to implementing the practices that are called for in that study. The borough is going to have to deal with this and if you can do it by grant, that's a much better way to do it. Rich Flanagan asked where on Walker Ave. it was going to be. Carol said at the low point on Walker Ave. where there is an inlet which it will replace, close to Glen Ave. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO HAVE VALUE ENGINEERING PREPARE A GRANT APPLICATION TO DCED FOR REHAB OF THE REC FIELD. SECONDED BY LAURA GERMAIN. Steve Lowe asked what the match was on it. Beverly said 15%. Steve asked if they were comfortable with that budgetary wise. Beverly said they were. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE GIUSEPPI'S RESTORATION TO DO THE FOLLOWING WORK: THE STORM SEWER BASIN LID, 4 X 4 CONCRETE BLOCKS, EXPOSE THE LIDS, AT 15 W. LINCOLN HWY., AS DESCRIBED IN THE QUOTE, FOR THE PRICE OF \$2,700.00. SECONDED BY JOHN STRATZ. Amanda Mieluch asked if this was the property talked about at the last meeting that was \$10,000.00. Beverly said it is. Mike Smith asked if they are moving the inlet in and Carol said they are not moving it. This is an investigation of what's happening to that inlet. The sidewalk is cracked on top and there is no access inside that inlet. There are 2 inlets that are questionable structurally and Giuseppe's Restoration is going to remove the sidewalk slabs that are above the inlet boxes so they can take measurements, evaluate the condition of the pipe and then he is going to put a steel plate back on top and bring it back up to grade to the concrete until they are able to go in and do more to that inlet and it will be safe for pedestrians.

Sam Simon, 126 Holly Ave., asked Carol, when the state does the road on Bellevue Ave. near Spring St., can they do something with that pipe underneath that's got to be bad. It sinks down, they patch it up and 6 months later it sinks again. It's been that way for 25 years. Carol said she will endeavor to make it an issue for PennDOT, not the borough. All ayes, motion carried.

Public Safety

Joe Dudash said regarding mosquitos, the problem he sees is that they only sprayed once last year and they are going to need more with all the water that is in there. Sam Simon said you should have the water go into the ditch and run into Neshaminy Creek. He said the ditch is blocked. Joe said they are looking at it. The problem is the borough doesn't own the street. He and Carol went out and looked and it is owned by private property owners. They are looking at some other options. They are dealing with the trees on Adams Ave. It is so wet that Young's can't even get back there. There is an issue on Holly Ave. also. We are getting it surveyed and they can't even get back there because it is a swamp.

Joe said he, Barb and a couple others have brought in some contractors to get all the windows done. That's with grant money that Barbara got for us. Sam Simon asked when the windows were getting done and Joe said in March, weather permitting. Joe said whoever has not gotten back to Karen Flowers regarding the bench ceremony to please do so that she knows who's coming.

Old Business

Beverly Wolfe said the survey of Taddei Woods will be starting this week, weather permitting.

Beverly mentioned the pavilion rental form waiver that they've gotten some questions on to the rec board liaisons. She wanted to know who would have the authority to grant the waiver and what would be the criteria of the waiver of the fee. Laura Germain said they were thinking that there would be a waiver for all PennDel organizations. They have to discuss it at their meeting but they are thinking it would just be PennDel organizations like the Activities Committee or council. Beverly Wolfe asked if that would apply to non-profit groups also. Laura said they had not discussed that. She said they will discuss it at their meeting on Thursday and give Beverly an answer next meeting. Beverly asked if they want insurance requirements if a fee was paid or not. Dave Truelove said it's not unusual to have an insurance policy with the borough as additional insured. Laura asked if a resident wants to have a birthday party there, what exactly do they have to do. Dave said depending on what the rec board wants to do, if they want to require an insurance rider for an event you can get an insurance rider for a one-time event and it is not a huge amount of money. If they do, just make sure they name PennDel Borough as

additional insured. Laura asked Dave if he recommends this and he said it's something to consider because you want to be in a position that the borough is protected. Beverly Wolfe asked if other municipalities require anything like that for the use of a pavilion. Dave said where he lives, he manages a baseball team that uses the township baseball field. Their league makes sure that all of the fields that they play on they provide insurance to the municipality. They are named as additional insured because if something does happen that the municipality is not going to be left paying for it themselves. Amanda Mieluch asked if it would be covered under the borough's insurance. Dave said it is but the question is, should the borough bear the full weight. Mike Smith said he thought this was recommended by Mike Peters a few years ago. Insurance for everything. Any organization that comes in here. Beverly said it was a \$1,000,000.00 liability policy. Dave Truelove said that may be overkill. He's not saying you don't do it but he's not saying you do. If you have a birthday party in the pavilion for 12 kids, a \$1,000,000.00 policy is too much. Mike said if the borough is going to pay for the rider, there should be some cost. He said that's why a lot of the stuff that has now been listed as the Mayor's event and has been moved over to Redeemer and not held here. Dave said it would be a hindrance to some people and the entities using the borough facilities.

New Business

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE ADVERTISEMENT OF A SPECIAL MEETING ON 4/11/19 AT 6:30 P.M. OF THE PENNDEL PLANNING COMMISSION AND BOROUGH COUNCIL TO REVIEW THE NEWLY DEVELOPED PENNDEL REVITALIZATION PLAN PRESENTED BY THE BUCKS COUNTY PLANNING COMMISSION AT BOROUGH HALL. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE THE BUCKS COUNTY DEPARTMENT OF HEALTH TO DO THE MOSQUITO TREATMENT FOR TADDEI WOODS. SECONDED BY JOE DUDASH. Beverly read from the letter that if your municipality chooses to decline their assistance with the mosquito control, please be aware that we will still be conducting surveillance for West Nile Virus. If there is a positive result of West Nile Virus in a municipality or problem area, your municipality will be responsible for hiring a private contractor if their assistance is declined. John Stratz said is says annual treatment and Joe Dudash said we could use more. Beverly said we are entitled to the annual treatment and will work on a second treatment. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE PURCHASE OF ONE 8 GIG DDR MEMORY CHIP FROM AMS INCLUDING SET UP AND INSTALLATION FOR \$175.00. SECONDED BY JOE DUDASH. Beverly explained that there is software running on one of the computers here that seems to be bogging it down so we need some more memory in it to make it work faster so that people can be more efficient. John Stratz said he used to work on these and said it is best to put memory chips in as pairs or is it different now and ok to put in 1 giant 8 Gig. Beverly said yes, the motherboard in this machine can take another row. It's best to put in as much as you can in one shot. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-6 DISPOSITION OF RECORDS. SECONDED BY JOHN STRATZ. Laura Germain asked if there was a way to save electronically and Beverly said we don't have the means right now to do any archiving. Rich Flanagan asked if this was done the last three years and Dave Truelove said it is done every year. Rich said he was going to look into it because he doesn't remember it. Steve Lowe said it's probably because he was absent. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO OBTAIN A BUSINESS PARTNER ID TO BE USED FOR THE EAST WOODLAND AVENUE HIGHWAY OCCUPANCY PERMIT APPLICATION AND FUTURE APPLICATIONS. SECONDED BY JOHN STRATZ. Carol Schuehler explained that they had filed an initial permit application with the Department of Transportation to permit accessible ramps on E. Woodland Ave. where they intersect with state highways and before they would finish processing that application and give us a permit, the borough needs to have a Penndot Business Partner ID so they can be looped in on the communication and be assessed any charges from Penndot that are applicable and would be able to electronically communicate with Penndot. The good news is we are making the E. Woodland ramp requirements go away. But she thinks it will be wise for the borough to proceed with this simple paperwork since there is no cost and it will be in place should we need to go to Penndot for a permit in the future. Beverly asked Carol what the cost was for the ramps that just went away. Carol said we had a total of 6 ramps anticipated with an estimated construction cost of \$40,000.00. We are now down to 3 ramps. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-7 AUTHORIZING COUNCIL PRESIDENT BE AUTHORIZED AND DIRECTED TO SIGN THE ATTACHED AGREEMENT, AUTHORIZING ELECTRONIC ACCESS TO PENNDOT SYSTEMS, ON ITS BEHALF AND THE BOROUGH SECRETARY BE AUTHORIZED AND DIRECTED TO ATTEST THE SAME. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-8 HONORING CLEMENT C. GROSS, III. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE HILL WALLACK TO PREPARE RESOLUTIONS FOR THE EAGLE SCOUT WHO DID THE BENCHES AND THE TROOP AND SCOUTMASTER FOR THEIR ASSISTANCE. SECONDED BY JOHN STRATZ. Beverly announced that Rich Flanagan stepped out. All ayes, motion carried. (5-0)

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2019-9 OPPOSING THE CLOSURE OF THE FINE WINE AND GOOD SPIRITS PENNDEL LOCATION. SECONDED BY JOE DUDASH. John Stratz said it's bad enough there's one store front that's been empty for 2 years. Now they are going to have a double one empty which does not look good for attracting new businesses. All ayes, motion carried. (5-0)

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE BOROUGH ENGINEER TO ATTEND THE CLOSEOUT AUDIT FOR THE BUCKS COUNTY BEAUTIFICATION GRANT (PARK AVE. & LEGRANDE AVE. PROJECTS) ON 4/24 AND 4/23 IF NECESSARY. SECONDED BY JOE DUDASH. All ayes, motion carried. (5-0)

Beverly Wolfe asked for nominations for President Pro-Tem. Beverly said we do not have one. It was Kali Sodano and we did not appoint another. Barbara Heffelfinger nominated Mark Moffa. Seconded by Joe Dudash. Laura Germain asked Beverly if Mark was asked if he wanted to do it. Beverly explained what the President Pro-Tem is. She said if for some reason the president and the vice-president are not available to conduct a meeting, the President Pro-Tem can take the meeting. All ayes, motion carried. (5-0)

Persons to be heard

Mike Smith, 127 Dehaven Ave., asked if anyone knew what was going into the old Bottom Dollar Store. Beverly said she had an inkling and Mike asked her to tell him because he knows. Dave Truelove said an application for special exception to be heard by the Zoning Hearing

Board for a fireworks store that will be going into that store. Mike asked if it falls under retail. Dave said it might and they had a discussion today with the applicant and others about the actual products that they will have there. They are not selling explosives. There is certain information that we have that will help us and so that council is aware and everyone is aware and that once it is heard by the Zoning Hearing Board it will be fully vetted about this information. They just got the information recently. They are following the requirements to submit the application and Mike Italia is on top of it. They are being proactive about it. Mike Smith said he is very aware that the person coming in is getting all of his contractors together right now. Dave said he might be taking a slight risk in that because if he gets a temporary U&O and relief is not granted, that's a whole different story. They have not heard anything at this point that would indicate that they would not qualify for a special exception but there is still a lot of information to gather. There are different levels of fireworks. There are backyard fireworks that don't qualify as explosives. Then there is the next level which they would not be selling. Mike Smith said the ones that explode are the ones being sold in Morrisville. Dave said you have to have a federal license to buy some of those. This company has nine other locations in Pennsylvania. Joe Dudash asked about the special exception. Dave said that it is for the use within that area. They are trying to get all the information ahead of time. Our ordinance is dated and was enacted in 2002 which was before the state. They preempted a lot of local laws and that's why there are fireworks stores all over. The applicants seem to be very well versed in the area. If you are going to have an entity like that in your community, this one is state of the art, seems to be the most competent and accomplished in that area in terms of code satisfaction. Sam Simon asked if they have to have parking for that building. Dave said they would have to satisfy that in terms of land development which is required. Joe Dudash asked about regulations because of the railroad. That is a question when they come before the Zoning Hearing Board. John Stratz said a while ago we made an ordinance against fireworks and the state came in and decreed that they are legal. Dave said how far can you regulate if the federal and state laws preempt that. We do have some regulatory oversight. You can't prohibit something that is already allowed at those levels. Barbara Heffelfinger asked if it was temporary or permanent. Dave said it sounds like it is going to be year round.

Kirsten Houser, 555 Bellevue Ave., inquired about Mayor Bob Winkler's newsletter and how it goes out. She talked to several residents besides herself and she did not receive one of his newsletters. She wanted to know if they were not entitled to the additional information he puts out. The Mayor said that 719 newsletters went out. She said she talked to at least six people that did not get one. She said this is not the first time she hasn't received something from the borough. The only reason she knew about it was because two were left on her porch.

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

Submitted by: _____
Marie Serota, Secretary/Treasurer