

COUNCIL MEETING

May 6, 2019

Council President Beverly Wolfe called the meeting of the Penndel 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  
Councilman Mark Moffa  
Councilwoman Laura Germain – arrived at 8:21 p.m.  
Councilman John Stratz  
Councilman Rich Flanagan – absent

Also present

Dave Truelove, Hill Wallack, Solicitor  
Chief of Police, Sean Perry  
Carol Schuehler, Value Engineering  
Nick Foufas, Fire Marshal  
Marie Serota, Borough Secretary/Treasurer

Transit Overlay District Concept Presentation by John Ives and Jeremy Stoff, Bucks County Planning Commission. Also in attendance was Evan Stone. George Krushauskas asked about the mixed use. Kathleen McDonnell, 28 W. Lincoln Hwy. asked them to point out the properties on the map that were in the TOD and proposed TOD. She asked if the zoning would be changed. Dave Truelove explained it would not, that there would be more flexibility in options for the properties. Beverly took a poll of council on whether they were good with the plan. All said yes.

Announcements

Barbara Heffelfinger said that everyone should be getting the newsletter by the beginning of next week. In it you will find a form to fill out for the yellow ribbons that line the parade route. These are in honor or memory of someone you know and cost \$5.00. The Penndel/Hulmeville Memorial Day Parade will start at 9:00 a.m. in Hulmeville on Saturday, May 25th.

MOTION BY JOHN STRATZ TO APPROVE MINUTES OF THE APRIL 15, 2019 WORK SESSION. SECONDED BY MARK MOFFA. All ayes, motion carried (5-0).

MOTION BY BARBARA HEFFELFINGER TO APPROVE BILLS FOR THE MONTH OF APRIL 2019:

|                         |                    |
|-------------------------|--------------------|
| <b>General Fund</b>     | <b>\$59,923.34</b> |
| <b>Fire Tax Fund</b>    | <b>\$ 9,516.95</b> |
| <b>Refuse Fund</b>      | <b>\$16,104.49</b> |
| <b>Sewer Fund</b>       | <b>\$66,958.30</b> |
| <b>Capital Reserve</b>  | <b>\$23,868.80</b> |
| <b>Sewer Capital</b>    | <b>\$ 2,530.50</b> |
| <b>Liquid Fuel Fund</b> | <b>\$ 1,924.67</b> |
| <b>Escrow Fund</b>      | <b>\$10,570.65</b> |
| <b>Payroll Fund</b>     | <b>\$ 564.00</b>   |

**Payroll**

|              |             |
|--------------|-------------|
| General Fund | \$24,325.52 |
| Sewer Fund   | \$ 3,293.51 |
| Refuse Fund  | \$ 548.91   |

**Total**                    **\$28,167.94**

**Escrow Bills:**

Mill Creek 2:

|                   |             |
|-------------------|-------------|
| Hill Wallack      | \$ 1,659.00 |
| Value Engineering | \$ 633.75   |

McHugh SD:

|              |          |
|--------------|----------|
| Hill Wallack | \$ 60.00 |
|--------------|----------|

Adams SD:

|                   |           |
|-------------------|-----------|
| Hill Wallack      | \$ 120.00 |
| Value Engineering | \$ 408.00 |

Schoolhouse Court:

|                   |             |
|-------------------|-------------|
| Hill Wallack LLP  | \$ 3,032.40 |
| Value Engineering | \$ 4,006.50 |

Robbins Avenue:

|                   |          |
|-------------------|----------|
| Value Engineering | \$ 51.00 |
|-------------------|----------|

Pre-paid Checks

Check #875 dated 4/24/19 made out to PECO in the amount of \$39.62 for traffic lighting electric

Check #12544 dated 4/2/19 made out to Langhorne Postmaster in the amount of \$264.39 for quarterly postage

Check #12546 dated 4/11/19 made out to Karen Flowers in the amount of \$115.15 for reimbursement for bench dedication expenses

Check #12551 dated 4/18/19 made out to PECO in the amount of \$210.21 for police department and recreation field electric

Check #12552 dated 4/29/19 made out to PECO in the amount of \$83.56 for borough hall electric

SECONDED BY MARK MOFFA. Amanda Mieluch asked if the items were in the budget and asked about them coming out of different funds. Beverly explained that it is budgeted and the items come out of the various funds. The money has been allotted for specific things from those funds. Beverly said if she ever wanted to sit down with her, she would be happy to explain it. All ayes, motion carried (5-0).

President's Report

Beverly Wolfe said she was getting back to Donna Heron about trees and limbs on her property. Donna said someone was supposed to call the girl who takes care of her grounds. Barbara Heffelfinger said they don't have the markers in yet. Donna said you have her tax parcel, she doesn't need the pegs. Barbara said they don't know yet what is what until the survey is done. Donna said her property goes from her driveway to a half acre to the other side of the woods. She wants the borough to let the girl that takes care of her property know that she can dump the weeds on her property. Beverly said the borough has nothing to do with it that it is private

property. Donna said it became unprivate when they put cameras on her property and she was harassed by people. Chief Perry asked her at what point she was harassed. Donna said when he came out. Chief Perry said that any interaction they had with her was caught on the body cameras and he would be happy to show it to her. Chief Perry said at no time was she harassed by him or his officers and when she says she was harassed in a public forum, he takes offense to that and he wanted to make it clear that she was not harassed and will stick up for his officers. Donna said she just wants her property released so she can dump on her own property.

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

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

Solicitor's Report – No report.

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

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

Joe Dudash asked about the survey markers and asked if they could put some along the tree line so when he has the tree guys go out they can see where the line is. Carol said it wouldn't be a problem to put in extra stakes. Joe asked Carol to explain about the 5% that Middletown is charging the borough for the street project on E. Woodland Ave. Carol explained that they are taking care of all the bidding, managing the contract, inspecting and doing all the things that have to be done with a contract like that. Instead of Carol inspecting and handling the documents, the borough is contributing towards half of their costs of doing all of that. Joe asked about the main pump station down to the creek. We are having problems down there. Is that holding up the units if we don't have that done? Carol said it is limiting our capacity long term and you want to get it addressed but it is not the biggie. The hurdle they are trying to cross right now is that Penndel is one of the many municipalities that contributes to the Neshaminy Interceptor and there was an agreement put in place about activities that each municipality would undertake to get sewage planning units released each year. The borough did what they had to get the 2014 & 2015 units released. When you got to the 2016 units they weren't releasing until the Act 537 Plan is submitted. We are frozen in time for sewage planning and connection releases. The capacity issue is separate. It's talked about in the 537 Plan and we received some grant money for it and are looking for more grant opportunities. From what she has seen, this council has been working hard towards addressing these issues. Joe asked about the lateral at Mill Creek Apartments and if it was repaired. Carol said they will be addressing that when they do the parking lot. He asked if it is a big problem and Carol replied that every leak is a big problem in Penndel.

John Stratz asked about the gas leak on E. Woodland Ave. Carol said they put in a new line between the curb and the sidewalk.

#### Zoning/Code Enforcement

Beverly Wolfe read the report which is on file in the secretary's office.

#### Committee Reports

***Finance/Administration (Barbara Heffelfinger):***

Barbara said they received the audit from last year and the results were good. There were a couple of things mentioned before and were resolved. The new clerk has started and is doing a good job.

Mark Moffa reported that they are working on an employee handbook and hope to have it before council shortly.

***Insurance/Pensions (Mark Moffa):***

Nothing to report.

***Public Safety (Joe Dudash):***

Joe asked Chief Perry if the new car was in yet. The chief reported it's about two weeks out. Barbara Heffelfinger reported that the chief showed her the new equipment they were able to get with the grant which is the TAG reader and it is really impressive. They can get the information without getting out of the car. It's great for the safety of the officers which is the top priority.

***Community Development (Barbara Heffelfinger):***

Barbara said as you can see from the Revitalization Plan, we are on our way. There is a lot of work to be done.

Joe Dudash wanted to thank Gary Nickerson, his wife and two daughters for planting the trees down at the playground along with himself, his wife and two kids. The rec board helped along with the Watershed Institute of Pennington, New Jersey, who gave them mulch and water bladders that go underneath so that when it rains they fill up and gradually keep the plants wet. He would also like to thank Betty & Bob Worthington for getting tires out of the woods for him. He went to pick them up and the Mayor helped him with that.

***Ordinances (Mark Moffa):***

They are working on the TOD ordinance. Beverly Wolfe asked if they were looking at the fence ordinance and Mark said the body did not give them permission to do that yet. Beverly said they need to look at the notes given to them from the prior zoning officer.

***Streets & Sewer (John Stratz):***

He will be attending a conference call this Wednesday and the following six Wednesdays from the Delaware Valley Regional Planning Commission. The steering committee which he is a part of will be reviewing KLS's distribution evaluation, manufacturer's submissions, installation contractor's submissions and updates on the sealed audit schedules. They will also update them on coordination with PECO regarding getting our bills updated as quickly as possible to reflect savings and put it into our pockets as soon as possible.

The Elcon meeting in Falls Township last Wednesday was a success. Elcon gave its' presentation and the hundreds in attendance pointed out the many lies that Elcon was presenting. The Falls Township Council and Planning Commission voted them down. Unfortunately, Elcon plans to sue them. When this starts to go through, hopefully they can get as many in attendance as possible to say a few words on behalf of Falls Township. The ten mile radius around Falls Township is not the only thing that is going to be affected. They are going to be tanker trucking in from seven states all the poisonous, toxic waste. Robbinsville, NJ which is across the river from Falls Township was also in attendance to give a testimony and that day they had an 18 wheeler crash on the NJ Turnpike in the Robbinsville section. If Elcon

thinks for one minute that by their decree that nothing is going to happen to 20 trucks a day, they are in for a big fight.

***Refuse (Joe Dudash):***

So far everything has been good. No complaints.

Laura Germain said that Karen gave her a change for the website regarding bulk items. They at first said the residents did not have to call in, but now want them to call the borough when they are putting out a bulk item. Donna Heron asked what they consider a bulk item. She just threw out attic steps. She wanted to know how big a bulk item was. Steve Lowe said if it doesn't fit in your trash can it is a bulk item.

***Building & Maintenance (Joe Dudash):***

One contractor asked for some more time to get his bid in. As for the roof, they finally picked the color.

***Community Relations (Laura Germain):***

They are in the planning stages of the website. She sent an email to council asking for frequently asked questions to put on the website as well as pictures of Penndel. There is no timeline. They can be added later. They should be presenting the new website in about a month. The agreement with them is that they will fix their initial offering until we are satisfied with it. He said it should definitely be live this summer. The newsletter should be going out this week. She has a summer events calendar to hand out. When all the organizations met, we went through the events and put them all together and came up with some new events. National Night Out is on Tuesday, August 6<sup>th</sup> from 7:00 p.m. – 10:00 p.m. She met with the mayor. It's an event celebrating police and community. She is hoping the police and council can be involved and can be at the borough hall for some of the things that are planned. They are going to ask residents to turn all their lights on and just go outside, see your neighbors and what the neighborhood looks like with flashlights and glow necklaces, just walking around at night with some little food items and safety stuff at the borough hall along with a Tai Kwon Do demonstration. When council, the Heritage Society, the Activities Committee, the Rec Board and the mayor met, it was decided to do one big event that we are going to do together. She doesn't have all the details yet.

***Recreation Board (Laura Germain):***

When they met they decided to change the multi organization event to June and will discuss when everyone meets on Tuesday. They didn't add any events to the calendar but offered to co-host movie night at the rec field. There is a new process for using the field. She was asked to make a motion to hold events there such as the Penndel playdates and movie night. If anyone wants to hold events at the field they can ask her and she will make a motion at the rec board meeting. Earth Day was a big success. Several members of the rec board and Beverly Wolfe were there. As Joe said, the trees are planted. They dedicated two of the trees, one to Kirsten Houser and one to Christine Cahill. The Wildcats planted flowers around the area as well. The only other thing is the pavilion contract and they are looking at the final changes and then they can move forward with that.

***Long Range Finance (Mark Moffa):***

No update since the last meeting. They are meeting on Wednesday.

### Old Business

Mark Moffa said he asked a couple of meetings ago about selling or renting out the old sewer plant. Beverly said she checked into that and they have to look at the zoning of the property because she believes it is zoned open recreation by Middletown. She believes there is a conservation easement on it as well. She doesn't have the paperwork with her so she will put it on the agenda for the next meeting.

### New Business

MOTION BY BARBARA HEFFELFINGER TO APPROVE PAYMENT #2 TO SEWER SPECIALTY SERVICES IN THE AMOUNT OF \$15,040.35 FOR THE "I & I REMEDIATION PROJECT" AS RECOMMENDED BY THE BOROUGH ENGINEER. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE \$24,429.00 CONTRIBUTION TO MIDDLETOWN TOWNSHIP FOR E. WOODLAND AVENUE REPAVING PLUS 5% TO HANDLE ADMINISTRATIVE AND INSPECTION FEES. SECONDED BY MARK MOFFA. Beverly said the 5% is \$1,221.45. They had \$88,000.00 budgeted for this. They have \$18,000.00 from Liquid Fuels 2018, another \$18,000.00 from Liquid Fuels for this year to cover repaving and also a \$40,000.00 CDBG grant to cover the balance of it including the ADA ramps. If anyone is wondering if we have the money budgeted, yes we do. All ayes, motion carried.

MOTION BY MARK MOFFA TO ACCEPT THE RESIGNATION OF KAREN FLOWERS FROM THE LONG RANGE FINANCE COMMITTEE. SECONDED BY JOE DUDASH. The vote was 4 ayes, 2 no (Mark Moffa & Joe Dudash), motion carried.

MOTION BY MARK MOFFA TO ACCEPT AN EXTENSION OF TIME FOR AN ADDITIONAL 90 DAYS TO AUGUST 30, 2019 TO CONSIDER THE DEVELOPMENT AT 525-526 BELLEVUE AVENUE FOR APPROVAL PURPOSES. SECONDED BY LAURA GERMAIN. Dave Truelove said that under the Municipalities Planning Code, applications for developments generally have to be approved within 90 days after submission. There are additional time frames that can be extended. Their office did some research and there may be zoning issues that they are still investigating. The developer's counsel had agreed to an extension of time. We are accepting their grant of the extension. Joe Dudash asked if they had enough sewer. Dave Truelove said he didn't know but they would have to satisfy EDU issues. Joe asked if the solicitor for the Zoning Hearing Board would have some input. Dave said only if it goes before the Zoning Hearing Board. Tom Sodano, 126 W. Woodland Ave. asked if in the situation where an owner has knowingly misrepresented a property, was there any legal recourse. Dave Truelove said potentially, yes. The vote was 5 ayes, 0 no -1 abstention (Barbara Heffelfinger), motion carried.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2019-15 REQUESTING A GREENWAYS, TRAILS AND RECREATION OF PROGRAM GRANT OF \$12,000.00 FROM THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR REPLACEMENT OF AGED FENCING AT MEMORIAL PARK. SECONDED BY JOE DUDASH. Mark Moffa asked what the match was and it is 15%; it is an 85% grant. Joe Dudash asked if it included the pavilion roof. Carol Schuehler said is a different grant and has already been submitted to the DCNR which is for the pavilion roof, the trees and 300 feet of fence. The other grant is for the rest of the fence and the gates. All ayes, motion carried.

Discussion on the letter from the Bucks County Planning Commission regarding the potential bike infrastructure improvements for Hulmeville Rd. It is really Bellevue Ave. but it was called that at one time. Carol Schuehler said since they are repaving Bellevue Ave., they are asking if

they are interested in restriping for bike lanes. Beverly said that a five-foot bike lane was identified as a potential bike friendly improvement on both sides from Joyce Ave. to Neshaminy St., .7 miles long, .3 of which will be in Penndel Borough. Beverly said she would like to table this because someone brought up where people are going to park. She wants to see exactly where they are going to put them and there is a discrepancy in the roads. Anthony Bashwinger, 711 Bellevue Ave. said they've already had four accidents in front of his house since he moved in and he thinks two of them involved bicycles. Beverly said they would like additional information and defer this until the next meeting. Mark Moffa said they imply that no parking would be affected.

Beverly said the next motion is because of her mistake. Last meeting she brought up the invitation to bid the accessible ramps for E. Woodland Ave. She never asked for a motion for the advertisement.

MOTION BY BARBARA HEFFELFINGER TO RATIFY ADVERTISEMENT OF THE INVITATION TO BID FOR THE "ACCESSIBLE RAMP INSTALLATIONS ON EAST WOODLAND AVENUE PROJECT". SECONDED BY JOHN STRATZ. All ayes, motion carried.

Discussion on the E. Woodland Ave. and Bellevue Ave. curbs and sidewalks, the escrow and permits. Dave Truelove said the ordinance should probably be upgraded. Their research indicates it is a business decision for the borough because the core issue is the engineering fees can be assessed on the inspections as they should be because her inspection is part of the final approval. Generally, cash escrows are used almost as a performance bond for the process to make sure the work is done properly. You basically have three choices. One is to have the escrow pay for the engineering fees which will be \$260.00 - \$280.00 per property. Carol Schuehler said she averaged two hours per property on Lincoln Hwy. which was about \$180.00 or to have a resolution that would increase the permit fees to include the borough engineering fees and the last would be to not impose the cost at all. It is possible the escrow process we use for this could be challenged. The borough code says the property owner is responsible for all costs associated with the curb restoration process which is only deemed complete by the borough and its' engineer. Beverly said she just wanted to make sure they were being fair and doing everything the right way. At the last meeting, council voted to do the permit fees minus 15% plus the escrow on E. Woodland Avenue. They determined at that time that the permit fee would be at our cost and the escrow would be to cover what Carol's inspection time would be on each property. There are six properties on Woodland Ave. that need work done. Mark Moffa asked if in the past the fees were not imposed on the property owners and Joe Dudash said they were waived. Dave Truelove said that traditionally escrow fees are not used for that but the way the ordinance is worded, it mentions curb restoration which would include making sure it is done properly. Joe said he understands from a couple of residents that it has been waived a few times. Joe said so we're only doing 15% and they are getting hit with the rest. The resident has to come up with the escrow right now. Beverly said between Bellevue and Woodland, the engineering fees and to do the proper inspections is about \$13,500.00 for Bellevue and probably another couple of thousand for Woodland. That's how much the taxpayers would have to absorb if we waived it. Barbara Heffelfinger asked if lowering the escrow was an option. Dave Truelove said you can reduce it. You don't have to do the full amount. You can compromise. Not hit the residents too hard but in fairness, make sure the fees are paid based upon individual properties. Beverly said that is the fourth option, and probably the best one going forward and updating the fee schedule. Joe Dudash asked if we were up to the 2015 code and Beverly said they were and that was what they passed last meeting. Beverly said the codes are very specific with concrete. Carol said Penndel Borough code lays out specifics for existing curbs and sidewalks on what does and doesn't pass.

Specifications on Bellevue Ave., by our ordinance and because it is a state road, are held to PennDOT specifications. We developed a sheet that shows PennDOT specifications and anyone coming in for a road opening permit gets that sheet from Karen with the application. If they are doing curbs and sidewalks, all the specifications are laid out. Barbara thinks the escrow should be reduced but if they should get into a problem and it's all fouled up and you have to go back and redo it and the escrow fee doesn't cover it, can that be put in the resolution that they be assessed the rest. Can you have a set escrow and then an addendum that if it isn't done correctly then the resident or the contractor is responsible for that money? Dave said it would have to be the resident who is responsible because it would be between them and the contractor. Carol said if the scenario is that if somebody fails inspection, the forms are falling apart, there is concrete all over the road, they fail inspection, it's not an acceptable curb that needs to be ripped out and redone; her thinking is that it reverts back to a failed curb. It doesn't pass inspection, just as if nothing had ever been done, the borough has the right to lien it and fix the property. Steve Lowe wanted to know what is included in the permit fee. Beverly said it was for the permit and an inspection by the zoning officer. Carol averaged about two hours per property on Lincoln Hwy. Steve asked Carol if she was confident that an inspection would be about two hours. Carol said Lincoln Hwy. was a challenge. She is hopeful that it will be less than two hours per property. She said she started making phone calls to the contractors that were working on Lincoln Hwy. and told them this was coming and she wanted to make sure they knew the standards. The contractors that said they understood the standards were put on a list and was given to the borough in hopes that we avoid some of the problems we had on Lincoln Hwy. plus a lot of time and effort. We hope this will go smoother and we will spend less time out there and keep the bills lower. Steve Lowe suggested a \$300.00 escrow which would pay for the permit and Carol and if there was anything left, it goes back to the resident. Mark Moffa said it would make it more complex because of the way the ordinance is written. Dave Truelove thought it was all residential and you can make it apply just to residential. Beverly said the permit fee is just for the permit. Carol will be doing the inspections. Carol explained that the involvement of the code enforcement officer comes in in two ways: # 1, he is the gatekeeper of all permits. All permits go through him and #2, if there is an enforcement action to be undertaken, she does not have that authority. They had a problem on Lincoln Hwy. where a contractor was disregarding the rules of specifications and the anecdote to that was a cease and desist order and we had to involve the code enforcement officer at that time. That is his authority because he is the permitting officer. They are not going out and looking at the curb installation and the sidewalk repairs but we do have to draw them in if there is any enforcement action needed. Joe Dudash asked them to reduce the permit because he is only giving paper and Carol is the one doing the work. Beverly said they have a contract with them. George Krushauskas said the uniformity of the curbs is ridiculous. They used to reconstruct streets and now they just overlay. Some curbs and sidewalks weren't done. Houses were sold and people refused to do it. He thought if a resident or business did not comply, the borough would do it. Dave Truelove said they could impose a lien. George said this is the closest we are coming to uniformity. Anthony Bashwinger, 711 Bellevue Ave., when they measured his curb, they measured with road dirt there. It shows three inches but when you clear the road dirt they have four inches. He asked if it still had to be redone. Carol said she would go back out and look at it. He said some of his neighbors have theirs marked. He and a contractor friend walked it to look at a lot of them. Some are marked and some are not. They will not be uniform. You will have a curb that is three inches higher than the one that does not have to be redone. Now you will have a drop off and a safety issue. Carol Schuehler said they have encountered this issue over and over again. They are working with the contractor who is putting in the curbs to do a transition which you will see on Lincoln Hwy. She is closely following the code with the four inch delineation. They try to be as fair and consistent as possible. She was digging a lot that day in the road dirt and if there is a question, she will come out and look. Anthony questioned if it was



done right before since the road has been done in the past. Carol said it predated her and she started with the borough in 1996 so it was done over 20 years ago. Tom Sodano, 126 W. Woodland Ave., was trying to clarify something George said that some residents had sidewalk issues but the owners did not fix them and they subsequently went to sale and the properties closed without those being fixed. He wanted to know how we are the only municipality in the state that would allow that. Dave Truelove said there would have to have been a municipal lien. Tom wanted to know why the borough doesn't have that but every place else around here does. He asked if legally, the borough engineer notifying a homeowner was the same as a citation. Dave Truelove told him it was not. Tom asked if there were any means to file a lien and Dave said we do now. Dave said we need someone who's an expert like an engineer to say this is not in compliance, cite them if they don't fix it and then we go through the process of getting a lien. Beverly said to make it clear, what Tom is talking about is the 2015, 2016, & 2017 roads project. George Krushauskas said that the people just refused to do it and instead of the borough doing it, they didn't get done. Then the street got done so if someone was going to do it, they would be tearing up a brand new street. Donna Heron, 475 Washington Ave., asked if the curbs could be capped. Carol said they could not, that it would not meet the specifications. Donna asked if a contractor comes in and gets a permit, doesn't the permit inspector go out and look at it afterwards. Mark Moffa said they just discussed this and the engineer is doing the inspections. Beverly said the code official is the enforcer, Carol is the inspector. Steve Lowe said they can reduce the permit fee. Beverly said we can't because we are contractually bound. The company before, he was a zoning officer in training. We paid \$65.00 an hour for him to just sit here and play solitaire until a call came in. That was your tax dollars. The way normal municipalities do it is when you pay \$100.00 for a permit, that permit fee covered what we paid for him to sit in the office and fill out the paperwork. The resident didn't pay it. The person who wanted the permit paid for it. The whole town doesn't pay for it. We have to issue a permit because that gives us the authority to go back if something is not done right.

MOTION BY MARK MOFFA TO REDUCE THE RESIDENTIAL ESCROW TO \$500.00, PERMITTING THE APPLICABLE ENGINEERING INSPECTION FEES TO BE ASSESSED AGAINST THE ESCROW, WITH ANY BALANCE TO BE REFUNDED TO THE PROPERTY OWNER UPON SUCCESSFUL COMPLETION OF WORK AND COMPLIANCE WITH ALL APPLICABLE SPECIFICATIONS, OR, IN THE EVENT OF INSPECTION FAILURE AND/OR NON-COMPLIANCE, THE BALANCE TO BE USED FOR BRINGING THE WORK INTO COMPLIANCE, WITH THE BOROUGH BEING ABLE TO RELY ON ALL OTHER AVAILABLE REMEDIES FOR PAYMENT TO INSURE SAID COMPLIANCE. SECONDED BY JOHN STRATZ. Joe Dudash wanted to know if the letters would be going out to the residents on Bellevue Ave. Beverly said they would be going out. Laura asked if anyone started work at the old pricing. Beverly said she would ask the zoning office. George Krushauskas asked if this was just for Woodland and Bellevue. Dave Truelove said they would see how it works out. Down the road it could be an ordinance. All ayes, motion carried.

Discussion on the resolution waving concrete repairs in the Wawa area. Kathleen McDonnell, 28 W. Lincoln Hwy., the businesses there do not have a sidewalk and they do not have curbing so she wanted to know why they had to do that when it is going to be very difficult to have any parking at all. Carol said it was called out for curbing and sidewalks. Beverly said they have Resolution #2018-14 which granted the property owners, including Kathleen, a waiver from the required curb and/or sidewalk and reconstruction for certain property owners, connected with the proposed Wawa. That waiver expired on April 30th. She said now that there will be no Wawa and the situation with the property is unclear, she wanted to know how council wanted to proceed. That was only fair when there was active talks of developing the property. It was not fair to make them do curbs and sidewalks if it was going to be ripped out anyway. The property

owners have 30 days from the date of when the borough notifies each property owner in writing that the Wawa project is terminated, to apply for a permit and the work must be completed in 90 days as noted in the letter sent to each respective owner. John Stratz said using Rita's as an example, they did not do sidewalks, they did an apron so they could park in front of their establishment. Beverly said Carol would have to go back and look at what PennDOT required. It is all PennDOT, not us. It is highway occupancy. Dave Truelove made a suggestion that since they don't know the specifications, they don't decide on this tonight and let Carol's office look at what the specifications are for each of these properties and then report back. No letters should be sent until after they get the information. Tom Sodano said that the fact that we bent over so far which the developer took advantage of and it was naïve on the part of a lot of us including everyone up there to think Wawa was going to happen. When it got to year three it was blatantly obvious that there was an issue that we weren't being told about. Looking at it now, if we drag our feet we're going to end up with another mess like George was describing. Everywhere in the borough we have curbs that are a mess. They're up, they're down. We have sidewalks that don't comply because things weren't followed through. We can't drag our feet on the Rt. 1 thing. No offense to the property owners. He once was a property owner there. And issues like this are one of the reasons that he chose to sell. This borough has a long history of issues like this. PennDOT is going to be paving that road, not PennDEL Borough. Whatever they say needs to go in there should happen. It should not be delayed. PennDOT is ready to pave. Beverly said if they told the property owners to do it right now, it would not get done in time anyway. Tom Sodano said they should have done it because the writing was on the wall.

MOTION BY JOHN STRATZ TO AUTHORIZE CAROL TO DO THE INVESTIGATION TO FIND OUT WHAT THE PROPERTY OWNERS LISTED IN THE RESOLUTION IN THE FORMER WAWA AREA NEED TO DO TO FOR CURBS AND OR SIDEWALKS NOW THAT THE RESOLUTION HAS EXPIRED. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Person to be heard

Amanda Mieluch 16 Oak Ave., thanked Joe Dudash and Kory for planting the trees. As a member of the rec board, she has no problem volunteering but wanted to know if this was something the borough maintenance man could assist with. Beverly said she would get back to her on that.

Beverly thanked the rec board for their presence at Earth Day and representing the borough.

George Krushauskas asked John Stratz about the LED lights. John reported that the work on the LED streetlights is moving forward slowly. We are only one of 28 municipalities that are part of this project which is what gives us the discounts. When the process gets to us, the job will only take about one to two weeks to complete. He has six weeks' worth of meetings to hammer out the details.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN. SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: \_\_\_\_\_  
Marie Serota Secretary/Treasurer