

COUNCIL MEETING

May 7, 2018

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 John Stratz
Councilwoman Laura Germain - arrived late
Councilman Rich Flanagan - absent
Councilman Mark Moffa

Also present

Dave Truelove, Hill Wallack, Solicitor
Carol Schuehler, Value Engineering, Borough Engineer
Officer Sean Perry, Chief of Police
Marie Serota, Borough Secretary/Treasurer

Presentation by Verrichia Co. on Wawa Project

Bill Dion, Engineer, explained the need for a resolution authorizing the borough solicitor to take action to acquire land and or easements by borough council. They are required by PennDot to acquire off-site easements as a condition of receiving a highway occupancy permit, which is the last approval needed for the project. The scope of the improvement has changed since the initial plan by PennDot. He explained that they will only be holding the curb lines on the mentioned properties. PennDot is requiring that they are ADA compliant, the traffic signals are upgraded and storm water improvements are made. The impact to the property owners is minimal but is necessary because the borough owns the signals. The overall traffic flow will be better. This resolution will be a huge accomplishment for the project moving forward and there will be no cost to the borough. Mr. Dion reviewed the plan and showed where the easements are necessary. At the Bellevue Avenue intersection there will be new signals, ADA ramps to accommodate new, bigger mast arms and traffic signal heads. Lane identification signs by the car wash and a left turn lane at Bellevue Avenue. The borough will lose some on-street parking. The new signals will sync to the live traffic conditions not just timed cycles that we have currently. Chief Perry is concerned that the use of pre-emptors at the Durham Road intersection will throw off synchronicity with the Bellevue Avenue intersection. Mr. Dion responded that he doesn't have any more specifics on the technology on the signals but said that there will be more technology than we have today.

Beverly Wolfe asked about the relocation of the parking meters as originally planned by Verrichia Co. Mr. Dion apologized that he was not working on the project at that time but he will honor any conditions made previously on the project.

John Stratz asked how soon we can expect Wawa to be open and operational. Mr. Dion responded that it would take ten months to construct the building after the demolition of the existing buildings.

Questions from the Public

Kathleen McDonnell, 28 W. Lincoln Hwy., asked if the resolution includes condemnation of the current buildings. Mr. Dion responded that it is not a condemnation but can lead to that. The resolution gives the solicitor the authority and direction to acquire them. There would be further legal actions to acquire or condemn the properties. He has been working with eight property owners for a year and is at different levels of agreement with each of them. For the acquisition process, each property will need to be appraised and all will be handled the same. Dave Truelove explained that after the resolution is passed they will be working with Verrichia Co. to move forward.

Francis McDonnell, 28 W. Lincoln Hwy., asked if this makes the sales agreements null and void. Dave Truelove responded that it does not. The agreements are still between the two parties. The borough is not involved with the purchase of the properties at all. It just gives them the ability to acquire easements for the signals to be installed. Mr. Dion explained that the traffic signals are owned by the municipalities and the easements are necessary because the land will be given to the borough. There are temporary construction easements to allow the work to be done on their properties. After construction is completed, nothing will be on their property.

Mr. McDonnell asked how long the process will take. Dave Truelove said the process can take between three to four months.

Mike Smith, 127 DeHaven Avenue, asked since we will be losing parking meters, will they compensate the borough for the lost revenue and who will pay for repairs on upgraded technology on the new signals. Bill Dion explained that the money is sacrificed for the movement of traffic and the borough will have to pay for the upgrades. The new technology should result in less maintenance costs for the borough. There will be a million dollars in road improvements. Mr. Smith suggested that Wawa pay for repairs for a certain amount of years to make up for the loss. Such an agreement would have to have been done before approval for the land application. Dave Truelove said that they have a good relationship with Wawa and this can be discussed but he cannot guarantee that it will be done.

Steve Lowe, 409 Cynthia Avenue, asked if there will be turn lanes at the Bellevue Avenue intersection for both directions on Lincoln Hwy. The response was yes, there will be turn lanes at intersections at Bellevue and Durham Road. Mr. Lowe then asked if the plan is the same for the project as originally presented. Mr. Dion said that it is the same plan with two pad sites.

Former council member Karen Flowers, 500 Hulmeville Avenue, said that there is an allowance for the lost parking meter funds in the land development approval.

Tom Sodano, 126 W. Woodland Avenue, said that PennDot did a study that showed the LED lights operating costs for electricity is considerably less and more efficient than the current signals are.

Sam Simon, Sr, 126 Holly Avenue, suggests that Wawa take from their properties not the property owners in the borough for the turn lanes. Mr. Dion explained that even if they could take from their property it would have to continue a block each way for the transition. PennDot does not like the hour glass effect and if they could accomplish that, it would have to continue for at least a mile. Mr. Simon also commented that he does not like the dumpster placed at the corner of Lincoln Avenue and Lincoln Hwy.

Mrs. McDonnell, 28 W. Lincoln Hwy., asked if they will have to submit a new plan since the plans have changed. If the second building does not fit on the pad site as plans show, they will have to submit new plans, which is a completely separate process than the land acquisition. They can start the project once they receive the highway occupancy permit.

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2018-7 AUTHORIZING THE SOLICITOR TO UNDERTAKE ACTIONS TO ACQUIRE LAND AND OR EASEMENTS FOR THE PURPOSE OF BENEFITING THE TRAVELING PUBLIC WITHIN THE BOROUGH OF PENNDEL. SECONDED BY JOHN STRATZ. The roll call vote was Mark Moffa yes, Beverly Wolfe yes, Barbara Heffelfinger, yes, Laura Germain yes, John Stratz yes. All ayes, motion carried.

Barbara Heffelfinger asked Mr. Dion if changes can still be made to the architectural plans for the Wawa. He responded that the building permit applications have already been submitted and that would create challenges for them and be a set-back for Wawa.

Mark Moffa asked if they received approval from the zoning hearing board. Mr. Dion yes but when it was approved the second site was a pharmacy but that may change. If there are changes to that site there will need to be an amendment to that.

Interview of Council applicant, Joe Dudash

After Joe Dudash was interviewed by Borough Council, the following motion was made:

MOTION BY BARBARA HEFFELFINGER TO APPOINT JOE DUDASH TO BOROUGH COUNCIL TO FILL THE VACANCY LEFT BY KALI SODANO. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Joe Dudash was sworn in by Mayor Winkler.

Announcements

Arlene Harms, Pennel Activities Committee, announced that Community Day and Community Yard Sales will be on June 2nd. Community Day is from 9:00 a.m. to 2:00 p.m. Yard Sales are from 8:00 a.m. to 2:00 p.m. Locations will be throughout the borough.

Consent Items

MOTION BY LAURA GERMAIN TO APPROVE THE MINUTES OF THE APRIL 16, 2018 WORK SESSION. SECONDED BY MARK MOFFA. The vote was 4 ayes, 0 nos, 2 abstentions (John Stratz, Joe Dudash). Motion carried.

MOTION BY JOHN STRATZ TO PAY THE FOLLOWING BILLS FOR THE MONTH OF APRIL 2018:

General Fund	\$37,452.99
Fire Tax Fund	\$11,471.30
Refuse Fund	\$15,012.85
Sewer Fund	\$68,165.85
Capital Reserve Fund	\$ 2,645.86
Liquid Fuel Fund	\$ 4,502.47
Escrow Fund	\$ 731.25

Payroll

General Fund	\$22,343.94
Sewer Fund	\$ 2,323.20

Refuse Fund	\$ 499.84
Total	\$25,166.98

Pre-paid Checks

Check #11907 dated April 3, 2018 made out to DCED in the amount of \$63.00 for 1st Quarter UCC Surcharge fees

Check #11937 dated April 4, 2018 made out to Langhorne Postmaster in the amount of \$264.73 for 2nd Quarter Sewer/Refuse billing postage

Check #11938 dated April 5, 2018 made out to Bucks County Water & Sewer Authority in the amount of \$39,454.90 for March 16, 2018 invoice (pulled from the bill list 4/2/18)

Escrow Bills:

McManus:

Value Engineering	\$ 24.75
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Mill Creek 2:

Hill Wallack	\$ 360.00
Value Engineering	\$ 346.50

SECONDED BY MARK MOFFA. All ayes, motion carried.

President's Report

Our new zoning/code enforcement inspection company, Barry Isett & Associates, Inc., will start Monday, May 14th.

Curbs and sidewalks on Cynthia Avenue are not done. Solicitor is still working on it.

Committees will be reassigned at the next work session. Laura Germain will be removed from the Revitalization Task Force and this will open a seat on the committee.

MOTION BY BEVERLY WOLFE TO REMOVE LAURA GERMAIN FROM THE REVITALIZATION TASK FORCE. MARK MOFFA WILL BE HER REPLACEMENT. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Mayor's Report- Mayor Winkler read his report, which is attached.

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

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

Memorial Day and Fourth of July Holidays are coming up and summer is approaching. Fireworks can be purchased legally with conditions that he read from Section 2404 Fireworks Law Act 43 of 2017; permission is necessary to set them off in front or back yards in the borough due to the size of most properties. John Stratz asked if someone requests to set off fireworks at the recreation field, who addresses the question. Dave Truelove said an ordinance or resolution must be adopted to designate who responds to the request whether it's the fire marshal or police chief.

Solicitor's Report

Worked on some resolutions this month

Attended meeting with the developer of the Wawa project

Communication with the Police Chief on some operational matters

Dealt with code enforcement matters

Worked on updating the curb and sidewalk ordinance

General consultations and communications with Council members, the Mayor, Police Chief and administration

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

Committee Reports

Barbara Heffelfinger responded to Mr. Donahue's concern about the dead trees at the recreation field. Stephanie Teoli at Middletown Township is going to have an arborist take care of the problem. Pennel can cut what is hanging over borough property, which will be addressed by the recreation board.

Community Relations (Laura Germain):

The spring newsletter is done, but needs to be proofread then sent out within a couple of weeks. Borough events will be listed as well as on the Facebook page. Laura Germain is organizing summer activities for children in the borough. Polls asking for public input will be on the borough Facebook page.

Streets Committee (John Stratz):

John Stratz has worked the last two weeks with the borough engineer evaluating curbs and sidewalks on Lincoln Hwy., which helps with engineering costs. Pennel residents have complained over the past years about the condition of Lincoln Hwy. The improvements to the business district will start the beginning of the revitalization project, raise property values and increase business. He suggests that the public mention to business owners that we hope they will help with the revitalization of the business district when patronizing borough businesses.

Old Business

MOTION BY BARBARA HEFFELFINGER TO APPROVE LETTER TO BE SENT TO PROPERTY OWNERS ON EAST WOODLAND AVENUE REGARDING CONCRETE WORK TO BE DONE. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2018-6 FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE TAX COLLECTOR'S REQUEST FOR HOURS ON SATURDAY MORNINGS AT BOROUGH HALL TO COLLECT TAXES FROM 10:00 A.M. TO 12:00 NOON. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Mark Moffa thanked Carol Schuehler, Borough Engineer for all of her hard work and efficiency addressing Council's concerns regarding the handicap ramps and getting the extension on the E. Woodland Avenue project. Carol attributed that to the cooperation between the borough and Middletown Township.

New Business

MOTION BY JOHN STRATZ TO APPOINT NICHOLAS FOUFAS AS FIRE MARSHAL EFFECTIVE MAY 8, 2018 AND MAKE RECOMMENDATION TO GOVERNOR WOLFE THAT HE IS ALSO APPOINTED PENNDEL BOROUGH EMERGENCY MANAGEMENT COORDINATOR EFFECTIVE UPON APPROVAL BY THE GOVERNOR. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Nicholas Foufas was sworn in by Mayor Winkler.

MOTION BY BARBARA HEFFELFINGER TO HIRE GEORGE PALMER FOR MAINTENANCE WORK EFFECTIVE MAY 10, 2018. SECONDED BY JOHN STRATZ. The vote was 5 ayes-1 no (Joe Dudash). Motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE AND SIGN THE MAINTENANCE AND SERVICE AGREEMENT FROM J R MICHALSKI DATED 5/3/18 FOR ALL BOROUGH HEATER AND A/C UNITS AT A COST OF \$760.00. SECONDED BY LAURA GERMAIN. All ayes, carried.

MOTION BY BARBARA HEFFELFINGER TO WAIVE PERMIT FEE FOR THE PENNDEL FIRE CO. APPLICATION FOR REPLACEMENT OF FIRE ALARM PANEL. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE LETTERS TO BE SENT TO PROPERTY/BUSINESS OWNERS ON ROUTE 1 REGARDING CONCRETE WORK TO BE DONE. SECONDED BY MARK MOFFA. All ayes, motion carried.

Leo Spadaccino, W. Lincoln Hwy., asked why they should do the work when PennDot is going to change that when Wawa comes in. Carol Schuehler responded that property owners affected by the Wawa project should send a letter to council requesting a waiver.

Steve Lowe, 409 Cynthia Avenue, said that two months is not enough time for businesses to complete the concrete work and PennDot uses a lot of salt and their plows destroy curbs.

Sam Simon, asked who owns the ground across from the bowling alley. Carol Schuehler responded that it belongs to Middletown Township and is not required by borough ordinance to maintain curbs and sidewalks.

Mayor Winkler received a cost estimate for repair of police vehicle #55-1 from K-M Auto for \$6,147.00. As recommended by Bob Pellegrino, when consulting for the borough, we looked into a lease purchase program for a new vehicle. The proposal received is for a completely outfitted police vehicle with a 5-year contract. Beverly Wolfe explained that Mr. Pellegrino suggested council budget \$5,500 a year for a 5-year lease plan in the capital improvements budget. In 2017 \$5,500 was budgeted. This year \$6,500 is budgeted. Total saved for the purchase is \$13,000 for the vehicle. It is a one year deferred five-year lease with five annual payments of \$8,691.00 per year totaling \$43,455.00. The basic warranty is for 36,000 miles or 36 months. Additional coverage: power train is covered for 100,000 miles or 60 months.

Corrosion perforation is covered for unlimited miles or 60 months and roadside assistance is covered for 60,000 miles or 60 months. The Mayor received two other proposals. One was for \$43,000 and the other was \$41,000 for base vehicle price. The base price of this vehicle is \$38,304.00. The vehicle will need to be completely outfitted before we receive it.

Joe Dudash asked if oil changes are included in the coverage. Bev Wolfe and Sean Perry explained there isn't a mileage restriction as a conventional lease would have. It is actually a purchase with a 5-year payment plan. We will be responsible for the oil changes.

Steve Lowe asked if includes the light package. Chief Perry responded that it comes with everything except for a light bar, which has been donated by Warrington Township. It also includes the transfer of the in-car camera, computer and police radio from the old car.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE LEASE PROPOSAL FROM FRED BEANS DATED 5/2/18 FOR 2018 POLICE INTERCEPTOR UTILITY BASE AWD VEHICLE PER CO-STARS BID PROCESS FOR \$43,455. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2018-8 RATIFYING AND MEMORIALIZING THE APPOINTMENT OF MARK MOFFA TO FILL THE VACANCY ON BOROUGH COUNCIL CREATED BY THE RESIGNITON OF LOUISE DICKEN. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2018-9 APPOINTING JOE DUDASH TO FILL THE VACANCY CREATED BY THE RESIGNATION OF KALI SODANO. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE PATCH MANAGEMENT TO FINISH THE REMAINDER OF POTHOLE REPAIR NOT TO EXCEED \$950.00 COMPLETING THE POTHOLE PROGRAM FOR THE YEAR. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Persons to be heard

Arlene Harms 408 Cynthia Avenue, suggests budgeting for a new audio system for next year, Wildcats Cheerleader Grand Championship on borough sign, Carol Schuehler is doing a great job and has made it easier for residents' to understand what is going on in the borough.

Tom Sodano, 126 Woodland Avenue, McManus received a waiver for the retention basis and has run a sump pump onto 128 W. Woodland Avenue property.

Discussion:

Carol Schuehler explained that a retention basin was not required for the construction of the two new houses on Woodland Avenue, which is Phase 1. Before he starts Phase 2 he will have to install multiple retention basins and underground storage. Carol spoke with the owners adjacent to the property approximately a month ago about sump pump discharge directed at their property. She notified Mr. McManus of the information received from the adjacent property owner and he had the pipe redirected to the back of the property to relieve the drainage from their property. Escrow funds will have to be posted before he begins the drainage work.

Karen Flowers asked if the drainage installed in Phase 2 will include drainage from the two houses already built or will it be for the next phase only. Carol responded that it will include drainage from the first two houses into the retention basin.

Bev Wolfe asked the borough engineer if she can do a visual inspection of the property the next time she is here to make sure that the water is still draining in the right direction.

Joe Dudash asked Carol if the drainage is directed at the neighbor's property in the future, is there any recourse for the borough to take. Carol said that a week ago it was draining where it should be and that is where the stone infiltration pit will be for Phase 2 of the project. Mark Moffa asked what the answer is to this question in general. She explained that if it is an ongoing development and there are funds in escrow, the borough can make them comply with the original design plans. If it is just two properties, it is private property issue and the borough would not have authority.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:45 P.M.
SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer