

Penndel Borough Council Meeting Minutes

April 1, 2024

Council President John Stratz called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the Meeting

Council President John Stratz
Council Vice President Barbara Heffelfinger – via telephone
Councilman Mark Moffa - absent
Councilwoman Robin Valentis
Councilman Gary Nickerson
Councilman Bud Murphy
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack
Geoff Thompson, Borough Manager
Sean Perry, Police Chief
Marie Serota, Secretary/Treasurer

Council or Borough Announcement

Mayor Sodano said traditionally, Community Day is held on the 1st Saturday of June. This year, due to the proximity of it to Memorial Day and some presenters having scheduling conflicts, Community Day will be held on June 8th from 9:00 am – 2:00 pm.

Presentation by Jay Ferraro for the Barbara T. Ferraro Ovarian Cancer Research Foundation

Jay Ferraro made a presentation and asked for council to do a resolution recognizing September as Ovarian Cancer Awareness Month.

MOTION BY ROBIN VALENTIS TO RECOGNIZE SEPTEMBER AS OVARIAN CANCER AWARENESS MONTH AND APPROVE CREATION OF A RESOLUTION. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Consent Items

MOTION BY GARY NICKERSON TO APPROVE THE MINUTES OF THE MARCH 18, 2024 WORKSHOP MEETING AND PAY THE FOLLOWING BILLS FOR THE MONTH OF MARCH 2024:

| | |
|----------------------|-------------|
| General Fund | \$31,555.95 |
| Fire Tax Fund | \$ 4,260.34 |
| Refuse Fund | \$ 1,194.02 |
| Sewer Fund | \$40,497.96 |
| Capital Reserve Fund | \$ 1,396.50 |
| Sewer Capital Fund | \$ 279.00 |
| Liquid Fuel Fund | \$ 2,291.76 |
| Escrow Fund | \$ 894.00 |

Payroll

| | |
|--------------|--------------------|
| General Fund | \$28,308.87 |
| Sewer Fund | \$ 3,539.69 |
| Total | \$31,848.56 |

Escrow Fund Bills

Schoolhouse Court:

Hill Wallack \$780.00

Robbins Avenue

Value Engineering \$114.00

SECONDED BY BUD MURPHY. All ayes, motion carried.

Reports**President's Report**

John Stratz reported that PECO is doing a tree giveaway for Arbor Day. It will be held at the Warminster Community Park, 1100 Veterans Way, Warminster, PA 18974 from 1:00 PM to 3:00 PM. They can mail you a tree or you can pick it up. It is on a first come first serve basis, while supplies last. The website is www.arborday.org/peco. It will be posted on the borough's website.

Borough Manager's Report

Geoff Thompson read his report which is on file in the secretary's office.

Mayor Sodano wanted to clarify with Geoff about the signs that PennDOT will be putting up that does not allow trucks to make a right turn onto Bellevue Ave. Geoff said from his understanding, that it is both ways. Mayor Sodano asked if it would create a problem on Legrande Ave. when they realize they can't turn. He asked if they are going to end up with a bunch of tractor trailers going onto Legrande thinking they're going to be able to make some sort of a U-turn and if they need to have signs to restrict traffic there or if there is a plan in place. Geoff said he will check with PennDOT to see exactly what they are putting up. Mayor Sodano asked if he is going to have a priority list of ordinances to get done. Geoff said there have been a couple that have been mentioned at council meetings and he spoke to the various committees to see if they want to pursue them. Mayor Sodano said every time Geoff has handled an ordinance issue in the past couple of years, it happened and every time the Ordinance Committee has had something in the past couple of years, it's taken forever and nothing's happened. So, if he's setting a priority list, he is comfortable with that.

Mayor's Report

Mayor Sodano said those who were here at the work session last month are aware that he did not give a mayor's report. As he stated at the meeting, a work session is just that. The monthly meeting is when more of the residents are here and that's when their reports are due. He chose not to give a report at the work session and will have one for February and March tonight. Mayor Sodano read his reports which are attached.

Police Chief's Report

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

Solicitor's Report

Barbara Kirk reported that she received the court's decision on the zoning appeal for 40 Bellevue LLC. The property owner was seeking a variance to not only have a truck terminal there but also to use the two smaller garage bays for car repairs. The court was not convinced that they proved their burden of proof in order to show that the property cannot be used for a permitted purpose and that the property suffers from an unnecessary hardship. The court issued an order upholding the decision of the Zoning Hearing Board that denied the request and they are now waiting to see if the property owner intends to file an appeal to Doylestown.

New Business

MOTION BY GARY NICKERSON TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

Comcast invoice dated 3/2/24 in the amount of \$247.89 for internet at 790 Neshaminy St

Comcast invoice dated 2/26/24 in the amount of \$196.39 for internet and voice service at 300 Bellevue Avenue

Gettysburg Premium Account invoice dated 2/29/24 in the amount of 169.59 for medical insurance premium

Office of Labor & Industry invoice dated 3/1/24 in the amount of \$1,548.00 for fire department workers' compensation insurance premium

Ready Refresh Invoice #14B0431953892 in the amount of \$116.93 for spring water, cooler rent and delivery fee

Independence Blue Cross Invoice #240308059307 in the amount of \$6,248.83 for medical insurance premium

Bucks County Borough's Association invoice dated 3/18/24 in the amount of \$45.00 for Boroughs' Association dinner meeting

Comcast Invoice #196160652 in the amount of \$381.06 for business voice edge service

Selective Insurance Co. of America invoice dated 3/12/24 in the amount of \$4,784.00 for workers' compensation and commercial package insurance premium

Police Chiefs' Association of Bucks County invoice dated 3/26/24 in the amount of \$125.00 for annual dues

SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2024-9 PROHIBITING POSSESSION OF FIREARMS AT POLLING PLACES AS APPROVED AT COUNCIL MEETING OF MARCH 18, 2024 AND ESTABLISHING AN EFFECTIVE DATE. SECONDED BY ROBIN VALENTIS.

John said they are approving a resolution that is pending in Harrisburg and when they pass it, they will let them know what they would like them to do to enforce it. It is only twice a year. There is a provision in this bill that states if you do not want to be apart from your cherished

piece when you come in to vote, you are allowed to lock it in your trunk. There's not much they can do about a gun being concealed. When people walk through that door to vote wearing it and his election people get upset, the good of the many outweigh the needs of the one. They've already voted at the last meeting to approve this. Now they're voting on the wording of the resolution. Barbara Kirk said the penalty is a misdemeanor of the third degree with other grading of a misdemeanor of a first degree. It doesn't tell you what the enforcement mechanism is other than if it's a criminal offense and they could be arrested and prosecuted through the District Court. Council has already approved the motion to support it last month. This is just the written document ratifying what they voted and approved and the reason being, so there's something in writing. John said if the gun is seen, the constable will ask them to leave. Local government can only do as much as state government allows and if the house bill doesn't pass, this whole argument was a moot point.

Tim Weaver, said that Pennsylvania has a preemption statute from 1974 and asked John if he was familiar with the nomenclature of said statute. He asked if John was preparing for something. John said you never know what this election year will bring. Tim said if the chief is in trouble in this town, he has a bunch of residents that are going to back him up and hold their car in front of him if he's in a firefight. He said it would be nice to have those same residents who live here be available just in case there is an emergency here. You have to look at both sides of the issue before you do this, and he is respectfully asking them to do that. If you put yourself into that position and something does happen and somebody good with a gun is not here, he asked how they would feel if someone were harmed. Someone who had a concealed weapon on them at that time could have saved a life or more. He knows this is only speculation, but this is going on all across the world right now and everybody in this building knows that good guys with guns are taking out bad guys with guns.

John said Texas is an open carry state. They can walk into a 7-Eleven wearing a gun, but Texas does not allow guns in voting locations, as do many conservative states. This is a small room packed with people and you've got discerning opinions sometimes, and this year might be one of them. Opinions might be a little on the hot side.

Mayor Sodano said he does not support this house bill, or any law that creates a soft target. Most of the shootings that occur in our country are soft targets and there's a reason that that happens. It's because they know there isn't a defense. He is not in favor of any law that publicly announces everybody in here is defenseless. He thinks it's a dangerous law to have.

Motion carried 5 yes, 1 no (Bob Winkler)

MOTION BY BARBARA HEFFELFINGER TO WAIVE THE ROOF PERMIT FEE OF \$364.50 FOR REDEEMER LUTHERAN CHURCH AT 246 HULMEVILLE AVENUE. SECONDED BY BUD MURPHY.

Tim Weaver, said he is aware that churches are covered under a 501(c)3 exemption but there's more money going out the window. He understands it's a place of worship and everything, but most places of worship rely on the good graces of God to take care of them not personal inside favors for a lot of members who attend that church who may or may not be sitting here. He doesn't like the look of this, especially since they use their property for so many activities, so it looks like a conflict of interest. If they give them that exemption and use their property, it looks more like a payoff or a bribe than an exemption.

Motion carried 5-0-1 (Bob Winkler abstained).

Public Comment

Tim Weaver, said the preemptive statute from 1974 pencil law provides that no county, municipality, or township may in any manner regulate the lawful ownership, possession, transfer or transportation of firearms ammunition or ammunition components when carried or transported for purposes not prohibited by the laws of this Commonwealth. A local ordinance will be preempted by state law when it is an express conflict with state or federal law. There is no direct conflict if the state or federal government has fully occupied the area of law in general. Barbara Kirk asked if he was assuming that council approved a resolution to regulate the control of guns. Tim said no. Barbara said the resolution was just to support the house bill. It wasn't adopting the house bill. Tim thanked Bob Winkler and said his votes actually have showed that he may have been paying attention a little bit more than his fellow councilmen.

David Cahill, asked Robin if she investigated the house bill and the ramp and the railing out back. This should have already been resolved. Permits were issued for this job without architectural drawings. He asked how the RDA was able to give them the money for this project without having the proper drawings submitted. The job out back is pretty screwed up. He asked Barbara Kirk if they could make a date with the appeals board in Middletown to investigate the manager and our code enforcer. Barbara said that's not what they do. If somebody applies for a permit and gets denied and they don't like the basis of the denial, that person who's denied files an appeal. It's not on the zoning code aspect, it's on the aspect of building and construction. Dave asked how the residents challenge the inspector and manager. Barbara said she doesn't know of a specific mechanism. Inspectors have to follow the State Department of Labor and Industry. She doesn't know their specific rules.

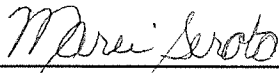
Bob Skerski, said a lot of women are out walking in the borough and asked what the policy is if the police stop someone without documentation. Chief Perry said they do a lot of patrols and look for things that look out of place. He can't give a specific answer because it's specific to the situation. If they commit a crime, they arrest them. If they're not committing a crime, there's not really much they can do. They focus a lot on patrol because they want the residents to feel protected. They hit every street in this borough multiple times. Being visible and tough on crime helps keep this town safe. If you ask around the area most of the times, they'll tell you don't go to Penndel unless you want to get arrested. They're pretty proud of that statement in a lot of ways because they don't give people breaks with DUI's or assaults or anything like that. If they catch them, they lock them up and run a background check on them. They have databases they can access to look up certain things but some of it they would need a little bit more like probable cause. Bob asked about Hulmeville Ave. potholes. Chief Perry said go to the PennDOT website and put them in and they come out pretty quickly. When they see them around, they report them.

Tim Weaver, said that Barbara Kirk said this was in support of the motion, which is House Bill 2077, but today's paperwork says to adopt resolution 2024-9. He asked if they support or did they adopt resolution #2024-9 getting ready to establish an effective date to put this into place. Barbara said the resolution itself says the Resolution of the Borough of Penndel County of Bucks Pennsylvania ratifying and confirming the borough council support of house bill 2077. She missed the language in the agenda, but that resolution just says supporting house bill not adopting it. It's just ratifying the verbal motion and approval of last month.

Bob Skerski, said they can't let the rights of a few infringe on the rights of many. He asked how he knows how the rest of them feel. John said he's been told on the street. Bob said they

should put it on the ballot. He said he's sure they've heard the term the silent majority. He's sure there's a ton of people in the town that feel opposite. John said he has five other people on this board who agree with him. And the ones he has talked to on the street outnumber the ones here. Tell them to come to the meetings.

MOTION BY GARY NICKERSON TO ADJOURN THE MEETING AT 8:32 P.M.. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Submitted by: 
Marie Serota, Secretary/Treasurer