

Penndel Borough Council Workshop Minutes

August 19, 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 – absent
Councilman Mark Moffa
Councilman Bud Murphy - absent
Councilwoman Robin Valentis
Councilman Gary Nickerson
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack
Geoff Thompson, Manager
Marie Serota, Secretary/Treasurer
Jim Bampfield, Fire Marshal

Discussion of the Residential Rental Inspection Program

Geoff Thompson explained that he has had discussions over the past year with Fire Marshal Jim Bampfield about the need for an inspection program for residential rentals. It would be for apartments and any dwelling that's rented within the borough. This came about from a couple of incidents that have happened. He believes in the spring, he had forwarded to council the study that Bucks County Planning Commission did regarding the number of rental units in Penndel Borough, in which 58% of dwelling units are residential rentals. The program would work like the commercial fire inspection program does. Fire inspections are done every year. The residential rental ones would be done every other year. They would inspect all the apartments and any single-family home that's rented. There are approximately 500 residential rentals that they're aware of, so, they would do approximately 250 each year. Jim has a list from his other employer to what they would look for to keep the unit up to code. They would look at the inside as well as the outside of the unit. They would look at walkways, whether or not the apartment has a visible number, walls, ceilings, floors, look for mold, plumbing, HVAC, doors, handrails, electrical, everything like that and that's to keep the unit safe and up to code. They would have to hire another inspector because Jim couldn't handle all those inspections. They would be paid hourly and do a little cross training so they can support each other. They would fund this program through the inspection fees. They would do the inspection, and the property owner would receive an invoice. The fee schedule has \$45.00 for an apartment and \$80.00 for a single-family home. To do this by law, the action he is requesting from council is to direct the solicitor to draft an enabling ordinance to allow them to put together a rental dwelling inspection program. A lot of communities in Bucks County and Montgomery County are already doing this. Bristol, Falls, Middletown, Quakertown, Sellersville, Morrisville, Warminster all do rental inspections.

Jim Bampfield said what really brought this to light was in July of 2023, there was a fire in the borough at about one o'clock in the afternoon. If it were in the middle of the night, they probably would have had multiple fatalities. During the investigation, it was found that there were no working smoke detectors in this apartment building. They also had a couple of other smaller

incidents prior to this but this is why he went to Geoff and said they have to do something before they have a disaster. In common areas of the local apartment complexes, you constantly hear smoke detectors going off in the apartments because the batteries are not being changed, even though the property owner says they are changing them twice a year. This gives them the opportunity to go into the apartments and make sure they are being changed.

Gary Nickerson said he and Bud Murphy had talked about this. He thinks it makes sense because the program funds itself and it's important to make sure these properties are being kept up and not become a nuisance. Also, on the second item, getting away from carbon copy paper and going electronic, where they can quickly go through a list and check what's working and not working, will be more efficient and they can automatically send an e-mail and invoice.

Mark Moffa asked if this would be for anyone who rents, even if someone has a house and rents it, like a unit that's attached or something like that and doesn't just apply to the big apartment complexes like Mill Creek and Bellevue Court. Geoff said that is correct. Mark asked if an Airbnb or VRBO would be covered under this or if that's a separate ordinance. Geoff said it would not be covered; it would need a separate ordinance.

Mayor Sodano said he is in favor of this type of program for safety reasons. Once a U&O is done on one of these rentals, there's no reason to go back in. If somebody's in an apartment for 10 years, you don't know what may have changed in that building over that period of time and there's no instrument in place to help tenants out. So, for that reason, he's in favor of it. Some of the items on the list would appear to be structural. He asked if the fire marshal has to be certified in structural to check some of these things. Jim said if he finds something that is a problem structurally, he reports it to the third-party contractor who is qualified. Mayor Sodano said for instance, if he looks at a handrail for the stairs, if the building code inspector was there, he would probably go down to the bottom of the stairs and look at the underside to make sure it is structurally sound and they haven't been reinforced, repaired or something in a way that would be unsafe for those tenants. He doesn't think the fire marshal should be responsible for that. Also, looking for mold is another thing. There are residents that really need protection, and they have to make sure they're doing the right thing for them.

Mark asked how those types of things work in the other municipalities that already have these inspection programs in place. The checklist that was provided to them is from Middletown, so they already have this program in place. Jim said they turn what they find over to building and zoning who have engineers, electrical contractors and everybody that will go out and follow up with what the fire marshal found. Mark said for mold, they're not probing the sheetrock to see what's behind it. It's just a matter of if they see it. Jim said correct.

MOTION BY GARY NICKERSON TO AUTHORIZE THE BOROUGH SOLICITOR TO DRAFT AN ORDINANCE TO ESTABLISH RESIDENTIAL HOUSING REGISTRATION AND INSPECTION PROGRAM. SECONDED BY BOB WINKLER.

Neil Berman, asked if the fire alarms he's talking about are just battery operated and not the hard-wired fire alarms that go to a central station. Jim said the common areas do. That's the only thing that's required. Neil said they should think about updating that code. Jim said the fire department would be out four times a day with careless cooking. The common areas are connected to a fire alarm, and they automatically call 911. They're interconnected in the apartments, but they're not monitored. Neil asked what about in the houses. Jim said they just have to have battery operated. They're finding a lot of them don't have batteries in them. Barbara Kirk said the borough adopted the 2018 International Fire Code and it states that

residential buildings do not have to have hardwired smoke detectors. They can't make a rule that's more rigid than what the state already passed.

All ayes, motion carried.

Geoff said as part of discussions for the rental program, they started looking at software to make it easier for the inspectors to keep track of all their inspections and something that's portable that they can take out like an iPad and enter all their information, which will go into the cloud. They will also be able to email the invoice directly to the property owner so they can do away with a lot of the paperwork. They looked at about five different packages and the one they both like is called First Due. They had a demonstration and talked to them twice. It is very simple to operate and is very user friendly. There will be a section for fire inspections and one for residential rentals. It works on an iPad and can generate pretty much any report and invoice they want. They are getting to the point of allowing credit card payments and they can put that link on the bottom of the invoice for anyone who wants to pay by credit card. Other municipalities who use it are Bensalem, Whiteland, Muhlenberg, Reading, Salem, and York.

Jim said he spoke to some of the fire marshals, and they think it's great. He said the best part about it is there is a pre-planned part of it that comes with the package where the local fire companies can basically look into the program but not document or change anything. Jim said he could do pre plans of the building with any kind of hazardous chemicals and where everything is located in the building that they could find when there's a true emergency at 2:00 in the morning instead of coming back to the firehouse and looking at paper, which is presently how they do it. Geoff said the first-year cost is \$4,650.00, which includes training for the software. The annual cost would be \$3,500.00. This software and annual cost would be covered by the inspection fees that they charge. Mayor Sodano asked what the approximate cost of the hardware would be and for the iPads. Geoff said he wasn't sure about the cost of an iPad, maybe around \$1,500.00. Tom said they would need two since there will be two inspectors. He asked if they would stay here. Jim said he would keep his with him for if he has an emergency, he needs that information immediately. Mayor Sodano asked if they need a third one and Jim said no, it's web based so the invoices can be looked at on the desktop. Mayor Sodano said so, they are looking at \$3,500.00 on top of the \$4,650.00 for the initial investment. He asked since this will take a couple of months to have the ordinance in place, if the \$8,000.00 will be for next year's budget. Geoff said they are hoping to have it in place by the beginning of 2025 and have at least one for Jim, who would have access to it first. They can absorb it into this year's budget.

Mark Moffa said looking at the software memo, it does appear that the \$4,650.00 includes the first year's \$3,500.00 already. Geoff said that is correct.

MOTION BY GARY NICKERSON TO PURCHASE COMPUTER SOFTWARE FOR COMMERCIAL FIRE AND RESIDENTIAL RENTAL INSPECTIONS. SECONDED BY MARK MOFFA.

Neil Berman, asked what the cost of Image Trend is. Jim said he thinks the township is paying \$4,800.00 annually. Neil asked if there was any software that the state allows them to use for free. Jim said yes, but they are saying that it eventually will not be compliant with Nfers. All ayes, motion carried.

Consent Item

MOTION BY GARY NICKERSON TO APPROVE THE MINUTES OF THE AUGUST 5, 2024 COUNCIL MEETING. SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

Reports:

President's Report

John Stratz answered the questions that Lou Carcel had written down from the last meeting. John said he asked why the taxpayers are being billed for the Smith/Darnley fence fight. John said Penndel Borough has incurred legal expenses defending in court the Darnley's appeal of the Penndel Borough Zoning Hearing Board's decision. His second question was if the EPA is involved in the demolition of the carpet mill. John said no permit has been submitted for the demolition of Langhorne Carpet Company building yet, so it is not even on the EPA's radar.

Solicitor's Report

Barbara Kirk said back in June, council asked for a draft ordinance to deal with issues concerning block parties and it was postponed for council to review and decide how to proceed. She wasn't sure how quickly that was something that council wanted to look at and act on and she was just bringing it up as a reminder.

Manager's Report

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

New Business

Barbara Kirk explained that the property owner's engineers submitted to the borough engineer an updated remediation plan last revised May 30th, 2024, along with a tree replacement plan and a stormwater analysis report as well as erosion and sediment pollution control. The borough engineer reviewed those plans and issued a letter dated July 22nd, 2024, confirming that the plans met the requirements of the borough's Stormwater Management Ordinance. However, two outstanding items needed to be addressed. One, is the property owner needed to enter into an Operations and Maintenance Agreement with the borough in order for the confirmation of the property owner maintaining upgrades to the stormwater facilities being provided. As well as giving the borough a blanket access easement to go onto the property to do periodic inspections to ensure that the stormwater management facilities are operating efficiently, as well as looking at the conveyance channel regulated floodplains wetlands or waterways to ensure that those features are being protected and not affected by any storm water flow. Those documents were drafted and submitted to the property owner through his attorney. The property owner signed both documents and returned the originals to her office. They are now in a form appropriate for council to review and approve and if approved, council would also authorize the signing of the Stormwater Management Operations and Maintenance Agreement and both documents would be recorded with the Bucks County courthouse so that it is of record that these two documents exist and are in favor of the borough.

MOTION BY GARY NICKERSON TO APPROVE AND ACCEPT STORMWATER OPERATIONS AND MANAGEMENT AGREEMENT AND DEED OF EASEMENT FROM OWNERS OF 50 HULMEVILLE AVENUE AS REQUIRED FOR APPROVED STORMWATER REMEDIATION PLAN FOR THE PROPERTY AND ADOPT RESOLUTION 2024-14 APPROVING AND ACCEPTING STORMWATER OPERATIONS AND MANAGEMENT AGREEMENT AND DEED OF EASEMENT FROM OWNERS OF 50 HULMEVILLE AVENUE FOR APPROVED STORMWATER REMEDIATION PLAN FOR PROPERTY. SECONDED BY MARK MOFFA.

Barbara Kirk said the resolution is a document that she also prepared so that there's something of record for the borough that all these agreements and instruments were accepted and approved by borough council on this date, so there will be a separate recorded resolution in the record.

Mayor Sodano said he understands that the engineer had all of this dating back to May and that the property owner's engineer addressed her concerns. He said he didn't see it until Friday and didn't know if all of council reviewed and understood it. The engineer is not here to answer if they have questions. He said when the initial silt fence was put up by the property owner and his engineer, it was nowhere near the end of where the original wetlands were. It was much farther from the building than the original wetlands. It was back well into the area that the property owner had decimated what originally was the wetlands. So, unless they're all familiar with reading the topographical map that was provided, he asked if they are all comfortable with where this new boundary is or is it the old boundary or is it the original wetlands boundary or is it a compromised boundary. He wants to know if everyone understands it enough to vote on it.

John Stratz said any one of them could have called Carol like he did after receiving it.

Robin Valentis said she has to put her trust in Carol, and she approved of this, and she did advise that if anyone had any questions, they could reach out to her.

Tim Weaver, said he has the Penndel Borough Stormwater Management Ordinance Section 345-15.1 Section B that says - except as required by Chapter 102, the riparian buffer easement shall be measured to be the greater of the limit of the 100-year floodplain or a minimum of 35 feet from the top of the stream bank on each side. He asked if they are going by the 100-year floodplain or by the 30-foot minimum onto 50 Hulmeville Avenue's property. He asked if this resolution is going to transfer to possibly the next property owner and then the next property owner and be forever. Barbara said yes, and that's why it's being recorded because it will then run with the land until such time as the borough releases it by the filing of a document to release it. Barbara explained that the document refers to the property owner as well as its successors and assigns. Tim said he has complained about this problem and brought it to light with the Bucks County Conservation District because nobody would do anything to help him. He said he has questions about if it is going to go back to anywhere near that original footprint and there's nobody here to answer. Someone was good enough to leave the information at his back door. Nobody here knows what's happening in this town. He's the head of the Environmental Commission and no one gave him a copy. Barbara said the plans went directly to the borough who submitted it to the engineer to review. Apparently, there's a meeting scheduled with the Bucks County Conservation District to deal with the thirteen violations that were issued by them for the property owner to appear on Thursday August 22nd. Tim said he kept quiet for John so that the borough wouldn't have to pay for anything and to let the Bucks County Conservation District handle it. John said that is what they are doing, according to the paperwork. Tim asked if he could have a copy without having to go through RTK. John said it's not in his hands.

John Lopiccicolo, asked if they are putting this through because they have a hearing in a few days. Barbara Kirk said she got a copy of the letter from Value Engineering stating that she reviewed the plans, and everything was acceptable, but it could not be finalized until an easement was conveyed to the borough to allow borough officials on site to look at what's going on. As well as an Operations and Maintenance Agreement for the stormwater facilities that are to be implemented for the flow of the stormwater. She drafted the paperwork and sent it to the attorney stating this is still required, once it's signed, and it can't be recorded unless council accepts it and that's what's in front of council today, to accept the deed of easement as well as the Operations Agreement making the property owner and their successors, whoever they sell

to in the future, responsible for maintaining the stormwater management facilities that are to be put on the property per the approved plan. John said he wishes the engineer were here because he has questions.

MOTION BY BOB WINKLER TO TABLE THE MOTION. SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

MOTION BY ROBIN VALENTIS TO APPROVE AND SIGN THE ENGAGEMENT LETTER OF COHEN LAW GROUP TO PERFORM VERIZON CABLE FRANCHISE RENEWAL SERVICES. SECONDED BY MARK MOFFA. All ayes, motion carried.

Barbara Kirk explained that Schoolhouse Court was developed in two phases. They have completed both phases and as part of the final land development approval, certain improvements had to be made. Those improvements included a blanket stormwater easement to go to the borough, which permits borough officials to enter onto any of the properties to ensure the stormwater management facilities are operating. A general utility easement dealing with any sewer lines or water lines that are owned by the borough in addition to making sure that the homeowners association has received the road right of way. As well as stormwater easements, which have been done and recorded. The additional item was to have the sanitary sewer easement dedicated to the Bucks County Water and Sewer Authority, which has also been done and accepted by Bucks County Water and Sewer Authority. The project attorney has sent all of the signed documents to her office to verify compliance with completing what was necessary for the dedication. And the developer has also had his assurity company issue the required maintenance bond, which will run for a period of 18 months from the date of August 14th, 2024, which the borough can use to ensure that all of those public improvements are in good operating order. After looking through the documents and asking the borough engineer to review and verify her approval, these documents are in a form that can be accepted by council for the closeout of the project. And the developer's attorney will record the two easements being conveyed to the borough at their cost, so that it runs perpetually with the properties.

MOTION BY ROBIN VALENTIS TO ADOPT RESOLUTION #2024-15 AUTHORIZING AND ACCEPTING CERTAIN DEEDS OF EASEMENT FOR STORMWATER AND FOR INSTALLATION OF UTILITY LINES WITHIN THE TERRITORIAL BOUNDARIES OF THE BOROUGH AS A PART OF THE FINAL LAND DEVELOPMENT APPROVAL FOR SCHOOLHOUSE COURT, PHASES I & II. SECONDED BY MARK MOFFA.

All ayes, motion carried.

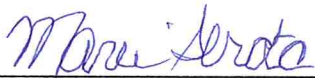
Public Comment

Mike Smith, asked if there is a double standard in this borough for replacing sidewalks if a street is done or when the building inspector goes around and deems that the sidewalks need to be done. When Dehaven Ave. was paved, he along with most of his neighbors had to replace all the sidewalks and now there's a resident on Dehaven Ave. who was told to replace his sidewalks, but they just took out little corners here and there. John said he would get back to him because he couldn't answer that right now. Mike asked if any member of this board has any personal relationship to a property owner, should they be voting on anything to do with that property or should they abstain from voting. Barbara Kirk said to avoid any appearance of impropriety, they would abstain from voting but again, it doesn't necessarily preclude them because they can voice an opinion that their relationship will not impact their objective ability to vote.

Tim Weaver, said they were led to believe that everybody on council got information only the week of regarding the apartment complex at the old rug mill. That's not entirely true because he possesses something that will debunk all those statements, and he doesn't like being lied to. Also, the engineer lied about 239 Highland Ave. and the kind of stone, the amount of stone and the receipts on the property. He has those in his possession. There are a couple receipts from a certain type of stone, but the rest of that stone is three quarter modified compacted and on top of that three-quarter modified compacted. He bought a sample to go with the astroturf that they had at the last meeting. This membrane is on top of that and is also covered by two inches of crushed stone that's also compacted before the astroturf is down. He asked when they are going to be required to comply with what they're supposed to do. John said he goes by what the experts tell him. That's why they hire experts. Tim thanked Jim Bampfield for pushing the initiative to do something about these rental properties because most people in this room did not realize that 58% of the properties in this town were rentals.

Kathleen Pfender, asked Geoff about using credit cards for the sewer bills. She asked if all of the residents would be charged to offset the cost or just the ones who use a credit card. Geoff said it would be up to borough council if there is a transaction fee with anybody using a credit card. Anyone who pays by cash or check will not.

MOTION BY GARY NICKERSON TO ADJOURN THE MEETING AT 8:37 P.M. SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

Submitted by: 
Marie Serota, Secretary/Treasurer