

## Penndel Borough Council Workshop Minutes

August 21, 2023

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  
Councilman Joe Dudash  
Councilman Bud Murphy  
Councilman Alan Dashoff  
Councilman Gary Nickerson  
Councilman Bob Winkler  
Mayor Tom Sodano

### Also present at the meeting

Ben Hauser, Solicitor, Hill Wallack  
Marie Serota, Secretary/Treasurer

### Council or Borough Announcements

Joe Dudash read his speech which is attached.

### Public Comment on Agenda Items

Discussion on Council Meeting: Guidelines and Code of Conduct for Public Comment.  
Ben Hauser said this item is listed at the bottom of the agenda, so there would be no motion at this point and just reading the room, it doesn't sound like there's going to be much of a motion to adopt it tonight nor would he recommend that. It sounds like there may be some ideas about what council does do with these proposed guidelines and he would like the opportunity to kind of just drill down on that particular issue that's been raised. It is not the first time he's seen that in a policy, and he understands the concerns raised by those on the dais and not on the dais. He thinks there's some merit to having a little bit more discussion on this.

### Consent Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE AUGUST 7, 2023 COUNCIL MEETING. SECONDED BY BUD MURPHY. All ayes, motion carried.

### President's Report

John Stratz reported that from Monday August 21st through Friday August 25<sup>th</sup>, PennDOT advises that bridge construction is scheduled at Old Lincoln Highway and US 1 overpass as part of the ongoing reconstruction improvements of that roadway. Periodic traffic stops of up to 15 minutes will be experienced, so allow extra time if you're in that area. Rumpf Avenue is being resurfaced this week to extend the life of the road. It is only a micro surfacing of the street and will not kick in the necessity of curb and sidewalk repairs.

### New Business

#### ***Cattani Subdivision:***

Ben said Ms. Schuehler and the applicant are not here tonight. Somewhere along the process, notice was not received by the applicant, nor was it made to the public. With that in mind, his office has been in communication with the applicant's counsel who also noted that they did not get the Bucks County Planning Commission letter that was issued with respect to the lot line

change. The only action that is appropriate at this time is to continue the hearing on this to September 18, 2023, which should provide enough time for a notice to go out to the public, for the applicant to have enough time to digest Ms. Schuler's letter and the Bucks County Planning Commission letter because there are certain issues raised in both documents with respect to the lot line change. The applicant's counsel is comfortable with that procedure, so all council would need to do is just make a motion to continue it.

MOTION BY GARY NICKERSON TO CONTINUE THE LOT LINE CHANGE FOR THE PROPERTY KNOWN AS TIFFANY PLAZA, LOCATED AT 315 W. LINCOLN HIGHWAY TO SEPTEMBER 18<sup>TH</sup>. SECONDED BY ALAN DASHOFF. All ayes, motion carried.

Ben asked Marie if the ordinance was advertised in the Courier Times on July 28<sup>th</sup> & August 4<sup>th</sup> and if she received the affidavit. Marie said yes. Ben said the affidavit is exhibit A.

MOTION BY GARY NICKERSON TO ADOPT ORDINANCE #2023-2 AMENDING PROVISIONS OF CHAPTER 405 – “ZONING” ARTICLE VIII – “SIGN REGULATIONS,” TO REVIEW AND CLARIFY THE APPLICABLE REQUIREMENTS FOR LED SIGNS IN THE BOROUGH OF PENNDEL. SECONDED BY BUD MURPHY. Gary explained that they identified an issue where the ordinance is outdated, and it didn't recognize digital and LED's so council at that time voted for the Bucks County Planning Commission to draft an ordinance for them based upon current precedent in surrounding counties and surrounding of boroughs and municipalities. They presented them with a pretty good ordinance. They had a rather robust debate at the Planning Commission meeting, and they actually sent the gentleman from the Planning Commission back with homework and he came back, and they all tweaked it, and he thinks they compromised on the language in the ordinance. Right now, they don't currently have anything that kind of regulates this, and this was their best attempt at regulating this. They tried to give some descriptions and add language. There are provisions in here that allow for emergency services to use signs if directed by the chief. It's a pretty short ordinance. He knows some people are adamantly opposed to LED signs but rather than just not do anything about it, he thinks this is a good and reasonable attempt at regulating LED signs. Ben said the ordinance was also reviewed by the Bucks County Planning Commission. They issued a letter dated July 5<sup>th</sup> recommending the adoption of the ordinance. He would like that letter attached as exhibit B with exhibit A being the affidavit. When the Planning Commission was fully staffed, they had discussions late last year and there was a lot of contribution both from members of the audience and the mayor. The members of the Planning Commission had compromised at that time and that passed unanimously. As a general principle in the Commonwealth, LED signs whether you like them or not, are legal, and it is very difficult if not impossible to basically prohibit a lawful use, so the idea is rather than to prohibit is to regulate in such a matter where you kind of control the destiny for the signs in the town. In the absence of that, you can get yourself into some thick spots where you probably don't end up in a favorable position.

Mayor Sodano said to Ben that he was present for much of these discussions and that he mentioned that the county did draft a letter recommending this. He asked if the Pennel Borough Planning Commission drafted such a letter. Ben said it did not. They recommended it by vote. The distinguishment relates to another ordinance, which he believes is under review by the Ordinance Committee and has been recommended by him a number of times. That had a number of changes however this ordinance was developed in part with the Planning Commission and the borough. It doesn't necessarily have to have a letter but the thing that he thinks is being referred to was a memorandum depicting all the changes on another ordinance that definitely needs substantive changes before it is reintroduced. Mayor Sodano said it does stand to the record that the Pennel Planning Commission did vote unanimously on their

revisions of the pool and fence ordinances. Since they voted unanimously, a letter is a moot issue. Ben said they voted on recommending changes to the ordinance. Mayor Sodano said they voted unanimously on that as they had finished that ordinance. The Planning Commission was comfortable that it didn't need any more revisions other than the ones they had, and they did them all. Another year has now passed, and nothing has gone on with an ordinance that this town drastically needs. They still don't have a clear plan when someone comes in for a fence of whether they can or can't put it directly on the property line. Gary said they cannot put a fence on the property line per borough code. Mayor Sodano said everybody else who has reviewed this said that that should be changed to the fence should be allowed on it. Gary said the Ordinance Committee presented that they were looking to change certain things and the Planning Commission felt the opportunity to go in there and look at everything, which was not really the intention and then with the spring being kind of tumultuous with council with a couple different presidents and it wasn't until about a month ago that somebody was put on the Ordinance Committee with him. He wasn't going to make all those changes himself. That's going to need to be debated with a fellow member of council. He respects the Planning Commission but the issues that were presented in that Planning Commission, all those issues need to go back and need to be polled for the temperature of everybody on council. There are so many new members of council. Mayor Sodano asked why the document hasn't been presented to council so they could actually read it.

Motion passes 5 yes, 2 no (Barbara Heffelfinger, Joe Dudash).

Barbara explained that she thought the signs were distracting and she didn't want a tacky entrance to the borough.

Joe Dudash explained that his reason is what the mayor was talking about. The Planning Commission did work on the signs. His wife was on it and Bud and a couple of others, and they worked really hard on it. They want the citizens to participate in these committees.


Ben said what was just passed was the ordinance that was approved by the Pennel Planning Commission. They were more or less unanimously recommended the adoption of the LED sign ordinance that went to the Bucks County Planning Commission because the MPC allows if the ordinance originates out of the local planning commission, the local planning commission doesn't have to have it come back or anything, but it still had to go up the Bucks County Planning Commission and that's what was just passed. There is a slight difference between that procedurally and the ordinance for the fence, which comes out of the council or subdivision of the council. His recollection of the local planning commission on the fence ordinance was that there was no recommendation to adopt. There was a recommendation to make a number of changes, which are separate. The Bucks County Planning Commission received from the Pennel Planning Commission the sign ordinance as was finalized by the Pennel Borough Planning Commission and approved it.

Mayor Sodano said a guy from the Bucks County Planning Commission was at their Planning Commission meeting. The Pennel Borough Planning Commission was happy with their ordinance. He took it back to the county. They made a couple of grammatical changes that were not changes to any of the actual ordinance but grammatical clarifications that came back to the Pennel Planning Commission and they were okay with the grammatical changes. Ultimately, it was their ordinance with a couple of clarifications, probably for legal reasons, and it did get passed that way.

Discussion continued on the Council Meeting: Guidelines and Code of Conduct for Public Comment, with the option to approve. Ben said he appreciates both the proponents and the present objectors, but it might be productive while they're identifying issues, if there are any

other issues on here that council would like an opinion on so that when this is brought up again at another meeting, it would be helpful. It would be advisable to make it available for people to see before the meeting.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:15 P.M.  
SECONDED BY JOHN STRATZ. All ayes, motion carried.

Submitted by:   
Marie Serota, Secretary/Treasurer

8/21/23

**People of Penndel:**

**Tonight's agenda has a discussion on the Guidelines and Code of Conduct with the option to approve. Everyone participating in council debate and discussion should understand that the majority will rule, that the minority have rights that must be respected. All members have a right to information to help make decisions, that courtesy and respect are required, that all members have equal rights, privileges and obligations, and that members have a right to an efficient meeting.**

**The smart way to keep people passive and orderly is to allow very lively debate, and even encourage the more critical views. That gives people the sense that there's free thinking going on.**

**A good meeting is one that is well prepared; where the people feel involved, where they feel their attendance and participation make a difference on something substantive. Where important decisions are made with the fullest possible discussion.**

**If there is nothing important on the agenda, nothing can save meetings. But even worse are meetings where important decisions need to be made and the meeting does not deal with them. People stop coming to repeated bad meetings.**

**Instead of fighting over interpretations of the rules or changing the formal rules, we should argue for the Chair and the Counsel having the flexibility to do what seems reasonable for the immediate situation. A simplified Robert's Rules, combined with hints on running a meeting, both for counsel members dealing with Bad Chairs and for Chairs trying to run a democratic meeting.**

**Are we fast approaching the stage where the borough government is free to do anything it pleases, while the resident's of Penndel may act only by permission; which will be the stage of the darkest periods of borough history!**

**Joe Dudash, Councilman**

EXHIBIT A



Erie Times-News | The Intelligencer  
Bucks County Courier Times  
The Daily American | Beaver County Times  
Pocono Record | Burlington County Times

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**PROOF OF PUBLICATION**

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**STATE OF PENNSYLVANIA, COUNTY OF BUCKS**

The Bucks County Courier Times, a newspaper of general circulation, published and having its place of business at Levittown, Bucks County, PA; that said newspaper was established in 1910; that attached hereto is a facsimile of the printed notice which is exactly as printed and published in said newspaper issue dated on:

07/28/2023, 08/04/2023

That said newspaper was regularly issued and circulated on those dates.

Sworn to and subscribed before on 08/04/2023

Legal Clerk

Notary, State of WI, County of Brown

My commission expires

Publication Cost: \$934.76

Order No: 9095650

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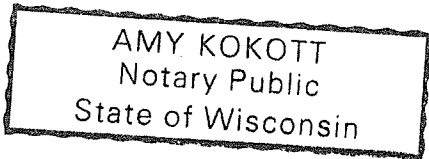
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NOTICE

TO THE RESIDENTS OF PENNDEL BOROUGH:  
NOTICE is hereby given that the Borough Council of the Borough of Penn del, Bucks County, Commonwealth of Pennsylvania, intends to adopt, at its regularly scheduled meeting, also known as a workshop meeting, on Monday, August 21, 2023, at 7:30 P.M. at Borough Hall, located at 300 Bellevue Avenue, Penn del, Pennsylvania the following Ordinance:  
AN ORDINANCE OF THE BOROUGH OF PENNDEL, BUCKS COUNTY, PENNSYLVANIA AMENDING PROVISIONS OF CHAPTER 405 - "ZONING," ARTICLE VIII - "SIGN REGULATIONS," TO REVISE AND CLARIFY THE APPLICABLE REQUIREMENTS FOR LED SIGNS IN THE BOROUGH OF PENNDEL.

Pursuant to the requirements of the Borough Code, the following is a brief summary of the proposed Ordinance:

Preliminarily, the Ordinance amends Chapter 405 - "Zoning" of the Penn del Borough Code of Ordinances ("Code"). All references are to this Chapter.

First, the Ordinance adds new images to Section 40 - "Definitions and General Sign Regulations," Subsection A, is at the term "Area of Signs," to depict the area of LED signs permitted under the proposed Ordinance.

Second, Section 40 - "Definitions and General Sign Regulations," Subsection A, at the term "Illumination of Signs" is hereby amended to include a new Part 6 entitled "ELECTRONIC MESSAGE SIGN (EMS)" as set forth in the proposed Ordinance.

Third, the proposed Ordinance amends Section 40 - "Definitions and General Sign Regulations," Subsection B - "General Sign Regulations," to include a new Part (17) entitled "Electronic Message Signs," with the contents set forth in Exhibit "A" to the proposed Ordinance.

Fourth, the proposed Ordinance amends Section 42 - "Signs in Commercial and Professional Districts," Subsection A - "On-Premises Signs," and Subsection B - "Off-Premises Signs" to provide for Electronic message signs subject to the provisions of §405-40.B.17.

Fifth, the proposed Ordinance amends Section 43 - "Signs in Industrial Districts," Subsection A - "On-Premises Signs," and Subsection B - "Off-Premises Signs" to provide for Electronic message signs subject to the provisions of §405-40.B.17.

Finally, the Ordinance repeals ordinances or parts of ordinances inconsistent with the Ordinance, contains a savings clause and establishes an effective date.

A copy of the full text of the ordinance is available for review at Borough Hall, 300 Bellevue Avenue, Penn del, PA, during regular business hours, or available via electronic mail from the Bucks County Courier Times, by contacting the office by telephone at (920)365-3691 or (833)790-0905 or via electronic mail at [legals@theintel.com](mailto:legals@theintel.com). Additionally, an electronic copy of the proposed Ordinance is available on the Penn del Borough website at <https://www.penn del boro.com>. This notice is published in accordance with the Pennsylvania Borough Code, 8 Pa.C.S. § 101 et seq. and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101 et seq.

Marie Serota  
Borough Secretary/Treasurer  
300 Bellevue Avenue  
Penn del, PA



# BCPC

## Bucks County Planning Commission

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EXHIBIT B

PLANNING COMMISSION:  
Edward J. Tokmajian, *Chairman*  
James E. Miller Jr., *Vice Chairman*  
James J. Keenan, *Secretary*

Richard Donovan  
Thomas J. Jennings, Esq.  
Ann Marie Mitchell  
David R. Nyman  
Judith J. Reiss  
Tom Tosti

Evan J. Stone  
*Executive Director*

### MEMORANDUM

To: Penndel Borough Council  
Penndel Borough Planning Commission

From: Bucks County Planning Commission

Date: July 5, 2023

Subject: BCPC # 32-23-1  
Proposal to Amend the Zoning Ordinance—Electronic Message Sign Regulations  
Applicant: Borough Council  
Date Received: June 8, 2023  
Hearing Date: Not indicated

In accordance with the provisions of Section 304 and 609 of the Pennsylvania Municipalities Planning Code, this proposal was sent to the Bucks County Planning Commission for review. The following review has been prepared by the staff and endorsed by the Bucks County Planning Commission at a meeting held on July 5, 2023.

### GENERAL INFORMATION

Proposed Action: Amend provisions of the zoning ordinance related to signs to regulate electronic message signs within the borough.

#### Proposed Zoning Provisions:

Add two images clarifying the definition of “Area of Signs.”

Amend definition of the term “Illumination of Signs” to include language describing “Electronic Message Signs (EMS),” “Message Center Signs,” and “Digital Displays.”

Insert language regulating “Electronic Message Signs” to include provisions related to sign type, location, height, area, maximum number per property, message display, and public service announcements.

Allow “Electronic Message Signs (EMS),” subject to the provisions proposed, as both on- and off-premises signs in “Commercial and Professional Districts” and “Industrial Districts.”

