

Penndel Borough Council Meeting Minutes

August 5, 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
Councilman Mark Moffa
Councilwoman Robin Valentis
Councilman Gary Nickerson
Councilman Bud Murphy - absent
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack
Carol Schuehler, Engineer
Chief Sean Perry
Marie Serota, Secretary/Treasurer

Swearing in of Full Time Police Officer

Mayor Sodano swore in full-time Officer Hillary Kloiber.

Presentation of Sketch Plan for 201 W. Lincoln Hwy.

Bryce McGuigan, Attorney representing KIDDMA, LLC presented the sketch plan for 201 W. Lincoln Hwy.

Barbara Heffelfinger voiced concerns about the traffic, parents taking kids to school, not enough entrances and exits, fire trucks being able to fit their trucks in and get around to the back of the property, losing a landmark property.

Mark Moffa voiced concerns about the article in the newspaper that quoted Mayor Sodano with what he feels was misinformation. Mark spoke about it being a very preliminary sketch, traffic study, stormwater management, emergency services, taking a poll of the voting members of council, which would be yes or no. This is what was visioned by the Revitalization Task Force and the Bucks County Planning Commission as exactly the type of project needed to spur redevelopment and revitalization of that area. The Transit Oriented District zoning overlays specifically encourages and welcomes this type of development. They would need to go before the Bucks County Water & Sewer Authority regarding connections.

Mark read an email from Bud Murphy, who could not attend the meeting, that said he is open to the plan, but they would need to learn more before any kind of approval to move forward could be considered. Also, the EDUs and stormwater issues would need to be satisfactorily addressed and resolved.

Gary Nickerson said he is excited about the project and the impact it would have on the local economy in Penndel and that it could spur more new development. He voiced concerns about some of the vegetative buffers along the back and lighting not being directed on other people's properties, being terrified about a new industrial use for this site and that a developer could show up and park trucks on there or something like that and killing any hope of revitalizing this borough. He asked if they could incorporate some kind of reference to the carpet mill, which is historical. He said investing in this property to make it something that will actively enhance the community feel and vibrancy of the borough and transform it into a serious asset is exciting.

Mayor Sodano voiced concerns about the Neshaminy interceptor, which has been acknowledged to have a projected hydraulic overload. Data shows that the Neshaminy interceptor is operating at or close to its conveyance capacity, which means everyday sewage. He also had concerns about emergency equipment. Ladder 8, which is tall enough to handle the proposal, is over 40 feet long. They are proposing 24-foot cart ways and some of those cart ways by the pictures appear to have supports for the porticos in them effectively making them twelve feet wide for emergency vehicles to come through. He sees that much crammed into a space of that size as a potential death trap. He has concerns about parking. They mention three hundred parking spaces. Most families have two cars. Then with the EVs they mention, people that don't have EV's can't park in them and also what they need to dedicate to handicapped individuals.

Bryce McGuigan explained that they feel confident that by the time they're ready to put shovels in the ground, which will be probably about 2-3 years, they will be able to get the EDUs. As for emergency services, they know there are basic standards, and they will have to comply with whatever the fire marshal says. As for parking, the borough's ordinance has 1.75 spaces for every two-bedroom unit. They have the capacity for that and for single bedroom units and also for commercial spaces. They will make sure to design it so there's extra parking right around those commercial spaces. If they have to trim it down, that's just the reality of it. Mayor Sodano asked if he knew that the borough's sewer system is also operating at or near capacity. Bryce said from what he understands Bucks County Water and Sewer is currently videoing all the lines. Bryce said his clients are going to make a large financial investment in this property. They understand that EDUs are an issue. Despite the fact that it has been almost near capacity for a while now, development still happens that funnels through the Neshaminy interceptor and they know they have some time to work this out.

John Stratz asked if it is going to be three or four stories. Bryce said it will be three full stories and a partial fourth, which are the ones that would have a penthouse style accommodation towards the interior of the lawn.

Barbara asked how they would be supported because the interior is curved. Bryce said it will be safe. They have to go through the process of building permits and structural engineers to approve it.

Bob Winkler said he likes the concept but would want answers from the fire marshal, fire department and the police because this will put a burden on the police department. It is a small department, and any apartments put a burden on them. He can see it but has questions with the fire department.

Robin Valentis said she appreciates what everyone on council had to say. She thinks they did a fine job of addressing their questions but that they still have a long way to go and as they dig deeper, they're going to have even more questions. They are interested in hearing from the

residents so they've asked them to either e-mail or fill out forms so they can get some feedback. She is a huge proponent of mixed-use. She does not want industrial. This project could lead to help with the Permabilt property.

John reminded everyone that this is a presentation and that no motions are being put forth tonight and no decisions are being made. The public has time on this agenda to make comments. They will need to come up to the podium and speak into the microphone. There are extra sheets to fill out to put their questions on. Bryce said he would speak to the residents outside.

Public Hearing – Solicitation of comments on the renewal of the Comcast Agreement

Barbara Kirk explained that the borough has an agreement with Comcast to provide cable services to borough residents and businesses, which will expire November of 2024. Comcast wishes to continue with the current agreement for an additional 10-year term, which has been prepared and submitted to council for review. The franchise fees for this agreement will be 5% of Comcast's gross revenues, which are defined in the agreement. The ordinance that was prepared is the general model ordinance that's used with other municipalities for the extension of this agreement with Comcast which, if approved, will have a 10-year term.

MOTION BY MARK MOFFA TO ADOPT ORDINANCE #2024-2 AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND COMCAST OF LEVITTOWN, LLC. SECONDED BY BARBARA HEFFELFINGER.

Barbara Heffelfinger asked if there was an increase. Barbara Kirk said it didn't increase but whatever the revenues are that Comcast generates, the borough gets 5 percent.

Barbara Sodano, asked if there were any negotiations with Verizon. John said there will be. Barbara Kirk explained that Comcast has asked for the right to lay cable lines in public rights of way or other areas under the borough's jurisdiction. In order to do that because they're not technically a public utility, they've negotiated a fee to pay for the right to have those lines and that's where 5% of their gross revenues is paid. This is an extension of the existing agreement.

Terry McIntyre, asked if they have seen a decrease because people are getting away from cable. Barbara said that Geoff Thomson provided at the end of May, that in 2020 it was about \$21,950.00 that was paid. In 2021, it was \$21,930.00, in 2022 it was \$21,753.00 and in 2023 it was down to \$19,550.00.

Mike Smith, asked if it was for wired connections only. John said that was correct. It's from pole to pole. Mike said everything's going to air from cell phones now. Sooner or later, they will be taking the wires out. John said it is a technicality. They have to approve it and at the same time it confirms what Comcast has to pay to the borough for having those lines.

All ayes, motion carried.

Council or Borough Announcements

John Stratz reported that they will be working in the future on a social media policy that has become very important at the Borough's Association meeting, which an entire class was devoted to on the new rules for social media. This weekend, there were quite a few things that were not accurate put on social media. They will be working on that in the next few weeks.

Barbara Heffelfinger said the borough is 125 years old and they are going to have a very small celebration on Friday September 6th from 7:00 to 9:00 at night and then on Saturday from 12:00 to 5:00. They will have different memorabilia out and a freebie that everyone can keep. They'll have light refreshments and all of the things in the back on the tables will be hung. They'll have little activities for the kids. They invited state, county, and local officials to come. Council will be here and hopefully many of the police officers. It will be nice if all the residents can come out for this.

Consent Items

MOTION BY ROBIN VALENTIS TO APPROVE THE MINUTES OF THE JULY 15, 2024 WORKSHOP MEETING AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF JULY 2024:

General Fund	\$41,444.65
Fire Tax Fund	\$ 2,282.55
Refuse Fund	\$22,960.49
Sewer Fund	\$29,470.85
Capital Reserve Fund	\$18,188.90
Liquid Fuel Fund	\$ 348.84
Payroll Fund	\$ 974.67

Payroll

General Fund	\$29,393.62
Sewer Fund	\$ 3,450.04
Total	\$32,843.66

SECONDED BY BARBARA HEFFELFINGER.

Jay Moser, questioned the workman's comp insurance for the fire department and asked why the department is still paying that. Middletown Township is ultimately responsible as well and he wanted to know why they are still paying for the full ticket. Barbara Heffelfinger said the manager is on vacation and she will speak to him when he gets back.

All ayes, motion carried.

Reports

Mayor's Report

Mayor Sodano read his report which is attached.

Police Chief's Report

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

Solicitor's Report

The fence ordinance is further down on the agenda.

Engineer's Report

Carol Schuehler read her report which is attached.

MOTION BY BARBARA HEFFELFINGER TO SEND A NOTICE LETTER TO NOELAND AVENUE PROPERTY OWNERS INFORMING THEM OF THE UPCOMING SIDEWALK REPAIR/REPLACEMENT PROJECT. SECONDED BY ROBIN VALENTIS.

Gary Nickerson asked if Geoff would be sending them out and to make sure there is information on where to find out what will need to be done.

Kris Kross, asked if putting in sidewalks was part of the street being redone because it was his understanding that when there are curbs that need to be done, that's when the sidewalks had to be done but there weren't any curbs done. He doesn't want to be singled out. He is okay with it as long as others in the borough who don't have sidewalks have to put them in.

John Kross, said he objects to having to do the sidewalks. That's one of the reasons why they bought that property. There are no sidewalks so there's no snow to remove. He feels that they are being singled out.

Tim Weaver, said a while ago a handicap accessible ramp was installed at the corner of Noeland and Crescent St. He had voiced concerns that there wasn't a ramp at the other end. He believes there was no intention of ever putting a sidewalk on Noeland because of all the disputes with the dumpster. He asked if there is no sidewalk ordinance, how they can force these people to put in sidewalks. Robin said in the meeting notes it says that there was a conversation that they felt that every time you do sidewalks, you're saying it's up to the council. She said they need to have an ordinance no matter who is on the board so it's fair to everyone. Tim asked if they had gotten this ordinance in motion. Barbara Heffelfinger said they have until next year to put the sidewalks in.

Gary said they need to put it on the agenda to write the ordinance and council has to pass it. Kris said they didn't pass it. He was reminded that there is a second meeting every month. John said the citizens demanded that they do the sidewalks. Kris said the motion was not passed. That's why he came to this month's meeting. Barbara Kirk explained that at the workshop on July 15th is when they passed it.

Joe Dudash, said when he was on council he fought with the rest of council about the sidewalks and curbs on Bellevue Ave. Then they found out there is no such ordinance and PennDOT didn't make them do it. He asked how they can tell these people they have to do it when there is no such ordinance and PennDOT doesn't want it there. Nobody researches anything. Barbara said she has 140 feet across that she will have to do.

Gary said there's two different issues here, there's curbs and there's sidewalks. If they're just talking about sidewalks, ways to address this is they could say when they sell their house, they have to put in sidewalks. This is a major issue, and he thinks they should discuss it. They should discuss this at a workshop meeting. He and Bud are not going to write something like this in the dark. There is an existing ordinance that says at council's discretion, they can require sidewalks at any time. The letter that goes out should cite that section of the code and it says per the section of code, they are requiring for them to put in sidewalks.

Pat Donahue, said when he had to put his sidewalk in, Penndel would not give his contractor a permit. They tore up his sidewalk and charged him more because they wouldn't allow his contractor to do it.

Jeff Jones, asked if this ordinance is going to go the same way that the fence ordinance is going, forever. They need to get that one straightened out too. Barbara Kirk said it's on the agenda.

Alan Dashoff, said the ordinance they are talking about isn't rocket science. If Gary and Bud can't handle it, give it to the lawyer. If this takes anything past December, they all should resign.

Motion carried 5 yes, 1 no (Barbara Heffelfinger).

MOTION BY BARBARA HEFFELFINGER TO AWARD THE MEMORIAL PARK BALL COURT IMPROVEMENTS TO LB/DB CONSTRUCTION AT THE TOTAL COST OF \$163,780.00 FOR ASPHALT. SECONDED BY ROBIN VALENTIS.

Tim Weaver, asked why they could get Noeland Ave. paved for less than they're doing the basketball court for. Carol said it isn't just the paving of the court, it's actually replacing the fence as well. One of the reasons that doing this basketball court costs more than doing a road, in addition to some of the unknowns of what's under it, is the contractor's concerns about access. They're going to be held responsible for any damage they do to the park facilities trying to get their equipment and the materials to that basketball court. They received three bids, and this was the lowest. This is being done as a Community Development Block Grant project. Noeland Ave. was under a threshold that required prevailing wage rates. This is a Community Development Block Grant, which is being done with federal money. The contractor has a lot more requirements to address for that grant program than GoreCon did for Noeland Ave. Tim asked if there was any chance it would come in under budget if there's no damage with it involving the ingress and egress of the equipment. Carol said she hopes that it would come in at budget. Noeland Ave. is coming under budget because the quantities were less than bid. She hopes that's the case with this. Tim asked if there is a rebate. John said they can't keep the extra.

Celeste Idell, said the swings are terrible there. She asked if they could use leftover money to replace or fix the swings. Carol said they can't. The grant money was specifically for the ball court so they can't apply the federal funding to the swings.

All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO PAY GORECON \$44,515.50 FOR NOELAND AVENUE PAVING PROJECT. SECONDED BY ROBIN VALENTIS.

Kevin Konski, asked if they are going to line the street with a center line. John said it's too narrow to do that.

All ayes, motion carried.

New Business

MOTION BY GARY NICKERSON TO AUTHORIZE ADVERTISEMENT OF THE FENCE ORDINANCE. SECONDED BY JOHN STRATZ.

Barbara Kirk explained that as discussed at the last council meeting work session, a red line version of the proposed ordinance went before the Planning Commission and comments were provided by them. Comments were provided by the borough engineer, which were outlined in

red. The ordinance committees are outlined in green and the zoning officer in blue and then the purple ones are what the Planning Commission recommended. They have a red line version of all the proposed changes to this ordinance and after everybody has had a chance to review it, a clean version has been prepared and circulated, which incorporates all of the revisions that were previously discussed and rotated among the various members. This ordinance is now in a form appropriate for council to authorize advertisement. It will need a 30-day review by the Bucks County Planning Commission. If council intends to have a hearing date, she recommends the hearing date either be at the mid-September meeting or the first meeting in October to ensure that the Bucks County Planning Commission has had enough opportunity to review and provide comments.

Elizabeth Fox, asked if there was an ordinance for when a neighbor puts a stockade fence up are they permitted to leave the old fence up as well. Barbara Kirk said that would fall under either the zoning regulations and generally speaking, she has not heard of that situation. She would recommend that she contact either the zoning officer or the code enforcement officer with that question because when you get a permit, it's to take down an old fence and put up a new one.

Joe Dudash, asked if the Mike Smith debacle with the fence is settled yet. Barbara Kirk explained that it's in the hands of a judge and they're waiting for his decision. She wrote a letter to the judge about 45 days ago indicating that everything was submitted to the court, and they would like the judge to issue his decision and now they're just waiting for his decision.

Motion carried 5 yes, 1 abstention (Barbara Heffelfinger).

MOTION BY MARK MOFFA TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

Langhorne Postmaster invoice dated 7/1/2024 in the amount of \$235.89 for quarterly sewer/refuse billing postage

AT&T Mobility Invoice #X06262024 in the amount of \$156.62 for police department's wireless service

Comcast invoice dated June 26, 2024 in the amount of \$196.50 for internet and voice services at 300 Bellevue Avenue

Leck Waste Services Invoice #476141 in the amount of \$22,218.00 for July trash removal service

State Workers' Insurance Fund invoice dated 7/1/2024 in the amount of \$1,953.00 for fire department workers' compensation insurance premium installment

PA Turnpike Commission Invoice #134429229-1 in the amount of \$9.70 for turnpike bridge toll 6/17/2024

The Hartford Invoice #357522977851 in the amount of \$695.43 for life insurance premium installment

Langhorne Postmaster invoice dated 7/9/2024 in the amount of \$167.22 for annual first-class permit fee

Comcast invoice dated June 26, 2024 in the amount of \$218.52 for internet and voice service at 37 W. Woodland Avenue

Gettysburg Benefit Administrators invoice dated 6/28/2024 in the amount of \$169.59 for dental insurance premium installment

Independence Blue Cross Invoice #240708184292 in the amount of \$4,569.94 for medical insurance premium installment

Ready Refresh Invoice #24E0431953892 dated 7/2/2024 in the amount of \$96.95 for spring water, cooler rent, and delivery fee
Lower Makefield Police Department invoice dated 6/21/24 in the amount of \$423.75 for the borough's portion of SERT team Axon body cameras, accessories and licenses
Comcast invoice dated 7/2/2024 in the amount of \$297.89 for internet at 790 Neshaminy Street
Verizon Wireless Invoice #9967998572 in the amount of \$25.02 for M2M Account Share 1 GB
Guardian Protection Services invoice dated 7/2/2024 in the amount of \$220.68 for the annual repair agreement for the alarm at 790 Neshaminy Street
Selective Insurance Co. of America dated 7/12/2024 in the amount of \$4,793.00 for commercial package and workers' compensation insurance premium installment
Selective Insurance Co. of America invoice dated 7/12/2024 in the amount to \$30.00 for reinstatement fee for pension plans' crime policy (to be reimbursed from the pension funds)
Comcast Invoice #903759387 in the amount of \$380.49 for Business Voice Edge service
PECO invoice dated 7/17/2024 in the amount of \$1,429.10 for streetlights' electric

SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Public Comment

Tim Weaver, said he spoke to the developers who were outside, and they could not guarantee any of them outside of this building that it would definitely be luxury apartments. At the Revitalization Task Force meeting in 2021 which Mr. Moffa attended, Tilak Singh was there, and he did mention 300-unit high-density low-income housing. Since in the letter Mr. Moffa called this a low housing income conspiracy theorist, he may want to retract that statement from his letter because they were all here and heard it. Since then, they've been lied to and obfuscated and deflected from every member of council about Bob White's involvement in this project.

Alan Dashoff, asked what the deal was with the daycare center at Highland and Woodland Aves. Carol said what they have put down right now is a clean open graded stone surfaced with porous geotextile and then topped with artificial turf that has twelve holes in every square foot to let water through. They received a violation notice because their impervious surface area exceeds zoning. Barbara Kirk said if they do not file an application for zoning relief with the Zoning Hearing Board within the 30 days of the violation notice, then the borough can file a civil complaint as a matter of law in District Court and they can be fined as a matter of law for not taking care of the violation.

Kris Kross, said he's all for people coming into the borough and making it better for everybody to live in and fixing it up and creating more revenue. The gentleman said this is not their first rodeo, but they didn't come with any preliminary anything that would impact the borough. They want to put in 150 units. They didn't say how much water consumption that is or how much sewer exposure that is going to be and what the flow of traffic will be. Before council even thinks about the nice little picture drawn there, they should ask if they have ever done a project like this in another borough that they could go and look at. He doesn't think there was enough information.

Patrick Donahue, asked if it possible to get the sidewalk open on the next block because there's telephone poles there and the mulch washed down the hill onto the sidewalk.

Joe Dudash, said he heard that the cleaning lady, Michelle has been dismissed from the PD cleaning. He praised Michelle for all she did during Covid and all the messes she had to clean up from drug addicts, etc., that have been in there. She was only making \$54.00, and she gets dismissed. Barbara Heffelfinger replied that Michelle did not get dismissed. Joe said this is in retaliation because this is the second time they had a go around on this. There are issues over there in that department that need to be straightened out. He is appalled that she has been here all these years, and they don't back her up. Joe said now that they've hired this full-time officer, it was supposed to resolve the officers leaving but he heard one of their officers is going to Hulmeville and it's because it's the same issue with management problems. They're still leaving and they're going to Hulmeville, Langhorne and Langhorne Manor.

Terry McIntyre, asked if they are considering waiving the permit fee for the people on Noeland Ave. who are going to have to put in sidewalks, since they did not see this coming. John said they haven't yet discussed it, but they can.

MOTION BY GARY NICKERSON TO ADJOURN THE MEETING AT 9:47 P.M. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Submitted by: 
Marie Serota, Secretary/Treasurer

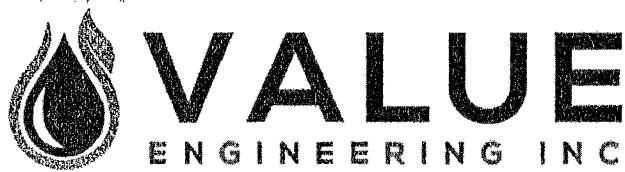
Mayors Report, July 2023

In June I attended all Council meetings and executive sessions.

Attended Planning Commission Meeting.

Attended the Home Repair Workshop here at Borough Hall, sponsored by State Representative Joe Hogan.

Tuesday August 6th is National Night out. Thanks to Chief Perry and our Penn del Borough Police Department for putting on this event here in our Borough Hall parking lot. I would also like to thank Jay Green of Jay's Steak and Hagie Joint for his generosity in supplying his delicious food at his expense. Please remember to support local businesses like Jay's who continue to support our community.



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August 5, 2024 Engineers Report Pennel Borough, Bucks County

Noeland Avenue

GoreCon completed pavement repair work on Noeland Avenue in recent weeks. A recommendation for payment is presented this evening.

Survey is scheduled to support design of sidewalks and driveway aprons where none exist today. We anticipate this work would be planned for spring or summer of 2025.

Memorial Park Ball Court Restoration funded by a CDBG grant

Bids were opened on July 24th. LB Construction is the lowest responsible bidder with a price of \$163,780 to remove and replace the fence, ball court pavement, and backboards, then stripe the new court surface.

We did accept alternate bids for installation of a concrete court instead of an asphalt court. The bid for a concrete court was \$210,700. The CDBG grant is \$175,004, so concrete would only be selected if the Borough wishes to pay the additional cost of \$35,696.

50 Hulmeville Avenue

The applicant's engineer has submitted revised plans depicting restoration and stabilization of the waterway at the back of this property. The plans were reviewed by the County Conservation District, who issued a letter declaring the plans to be adequate. Value Engineering reviewed the plans and issued a report on July 22 accepting the plan and a supplemental tree replacement plan, contingent upon execution of certain easement and Operations and Maintenance Agreements.

