

Penndel Borough Council Workshop Minutes

February 24, 2025

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
Councilman Bud Murphy
Councilwoman Robin Valentis - absent
Councilman Gary Nickerson
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack
Carol Schuehler, Value Engineering
Marie Serota, Secretary/Treasurer

Consent Item

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE FEBRUARY 3, 2025 COUNCIL MEETING. SECONDED BY BUD MURPHY. All ayes, motion carried.

ReportsPresident's Report

John Stratz reported that he attended the Borough's Association seminar regarding municipal record management to make sure Penndel always stays up to date with any changes in the laws. The state road hotline is up and running and he will use it to get the potholes on the state roads taken care of. Mayor Sodano said it would be a good idea to have the state road number posted on the website or Facebook for residents to use.

Solicitor's Report

Barbara Kirk reported that the only thing she has is the motion for Schoolhouse Court later in the agenda.

New Business

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE THE NOELAND AVENUE SIDEWALK PLAN AND PREPARE BID DOCUMENTS.

John Kross, reminded council that he voiced some objections about the sidewalk that's going in on Noeland Ave. He is requesting that instead of having that piece of lawn area between the curb and the sidewalk, he's asking for permission to install the sidewalk right up against the curb like it is across the street. He spoke to Carol, and she was concerned about the apron area and that it might be a little too steep for wheelchairs. He looked at it and their ground is actually lower than the curb, so there won't be a drastic elevation change for a ramp. The curb could be ground down and eased into that. He also reminded them that his property and the restaurant are the only two that are commercial on that side of the street. It was explained to him that the reason for that grassland was to keep it like a residential neighborhood so that it conforms with

the rest of the residential neighborhoods, but theirs is different and they could have an angle to go from that residential style to the curb style. He asked if they would consider that. John Stratz said this motion is just to authorize the engineer to do the study and see what works. Carol said the design is a sketched preliminary design work based on borough code that has the three-foot grass strip. She spoke to the property owners at the last council meeting and explained that she can't make a change to that sidewalk layout unless she was directed by council. That would actually be a waiver of that ordinance, which is cited in her memo, which is borough code 350-9C. She would need direction from council if they want the preliminary design revised to eliminate that grass strip. Right now, the project does not include any change to the curb. The design was completed with the assumption that the existing curb would remain as it is today. Mark Moffa asked John Kross why it mattered to him to put in the sidewalk. Kriss Kross, John's brother, said one of the reasons they bought it is because there were no curbs or sidewalks. If they put in sidewalks, that will add to their impervious calculations for any improvements that they may want to make in the future. If they say they have to, his only request is that the sidewalk goes up against the curb. Next door is Thai Chef & Noodle Fusion, and their blacktop goes right to the curb, just like across the street at the former Burger King. Kriss said the house next to the Burger King doesn't have a sidewalk there. Carol said that will have the three foot offset. Kriss said then they're going to have to offset it to the Burger King sign. Mayor Sodano asked John if what he's saying is it's a commercial and they want to look down the road or whatever they may want to do with the commercial property, and you want to conform to the commercial, not a residential piece. John said that was correct. Mark asked Carol if they are adding the three-foot grassland to the Thai Chef property. John said if they have that 3-foot grassland, they're parking their car there right now. The sidewalk will be very close to the building. It would make sense to him to keep the commercial properties the same and the residential ones the same and that would solve their problem. Barbara Heffelfinger asked if it would be level. John & Kris said it would be level with the curb. Their property doesn't have an elevation. It will be like the old Burger King. Carol said if the waiver was granted by council, the sidewalk would be level with the curb with the 2% slope towards the curb and the driveway is going to have to dip down to the driveway depression and back up again. Mayor Sodano suggested tabling the motion and be as amenable as they can to commercial properties if it's going to affect the long-term plans that the Kross brothers may have and also because Thai Chef would lose an overflow space.

Dave Cahill, asked if the bid plans that Carol is drawing up will affect everybody that doesn't have sidewalks in the borough like Barbara Heffelfinger. John Stratz said no, it's for Noeland Ave.

Tim Weaver, said they shouldn't have put the handicap ramp in at the intersection of Noeland Ave. and Crescent St. because it is going to have to be redesigned. He tried to inform council not to do it that way because it's one directional instead of multidirectional. So, now, it all has to be redone again, and that money will go to waste.

MOTION BY GARY NICKERSON TO AMEND THE MOTION TO APPROVE THE NOELAND AVENUE SIDEWALK PLAN AND AUTHORIZE ENGINEER TO PREPARE BID DOCUMENTS SUBJECT TO A MODIFICATION OF THE CURRENT PLAN TO ELIMINATE THE GRASS STRIP BUFFER ALONG THE THAI CHEF PROPERTY AND KROSS BROTHERS' REAL ESTATE. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO COMPLETE THE GREEN LIGHT GO GRANT APPLICATION AND EXECUTION OF THE COMMITMENT LETTER. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO DEVELOP BID SPECS AND BID PAVEMENT BASE AND PATCH REPAIR WORK FOR CRESCENT STREET (BETWEEN FAIRVIEW AND NESHAMINY) AND HIGHLAND AVENUE. SECONDED BY GARY NICKERSON.

Tim Weaver, asked if Carol reached out to Bucks County Water & Sewer Authority to see if they were going to be doing any water lines because they always have water main breaks there. Carol said she would reach out to them.

All ayes, motion carried.

MOTION BY GARY NICKERSON TO DEVELOP BID SPECS AND BID CRACK SEAL AND ULTRA-THIN BONDED WEARING COURSE WORK FOR CRESCENT STREET (BETWEEN FAIRVIEW AND NESHAMINY), HIGHLAND AVENUE AND MANOR AVENUE. SECONDED BY MARK MOFFA.

Tim Weaver, said the intersection of Woodland and Highland Ave. on the west side, has had multiple water main breaks and the road has heaved in front of 240 Highland Ave. In order to get Highland Ave. done right, there's going to be some extensive work needed in the area of the sidewalk apron where it transitions to the road where the heaving has begun. The pavement is already flaking. Some areas are sinking and some are rising. He asked if they were going to put that ultra-thin wearing course on Highland from Crescent over Woodland to Dehaven. Carol said they were planning to stop at the intersection and not cross over Woodland Ave. This is why they need the first motion for the pavement repairs contract, so they'd be repairing the pavement in places where it's degraded before they place the thin asphalt.

All ayes, motion carried.

MOTION BY MARK MOFFA TO INSPECT THE CURB AND SIDEWALK ON MONROE AND CRESCENT (EAST OF BELLEVUE). SECONDED BY BARBARA HEFFELFINGER.

Carol explained, before the actual resurfacing where the pavement is in poor condition to just seal, the borough's policy is to evaluate curbs and sidewalks prior to the roads being resurfaced. She saw some areas where depressed curbs were in very poor condition and also noted some areas where the church had curb and driveway aprons in poor condition. She spoke to them, and they have a project planned to redo those areas this year. She just needs council approval to do those inspections this spring so that they can notify property owners.

Gary Nickerson said he thinks it's a bad policy for the borough to be inspecting curbs as part of paving projects. He believes it's impeded them from resurfacing many of the roads, including Holly Ave. He doesn't think they have to continue this policy that's failed and has negatively impacted them. They should separate curbs and sidewalks from street paving, like other municipalities. If someone is selling their house, that would trigger an inspection of the sidewalks. He's seen other municipalities where they divide the town into quadrants and the engineer would inspect those maybe every four years. Mark said they should vote against this motion if they want to make a change, otherwise, they would be voting to initiate the process. That will end up with residents getting notices about having to do curbs and they're looking to try to change this. John said the church is going to do this anyway and that's some major sidewalk. Mark said this doesn't preclude people from having to maintain their properties. It's been a long-standing policy, but residents have complained and said how unfair it is and it's something

that they should probably look at. Barbara Heffelfinger asked Carol if it would impede the work on the other two if they said yes or no. Carol said it would not, it is completely separate.

Tim Weaver, said it makes sense if they're going to properly pave a road with milling and a proper base coat and topcoat on any residential street, which would be the time to take care of the curbs. They need to tie the curbs in because that's going to be part of the road.

Mike Smith, said before they do Monroe Ave., they have to stop the overflow from the mechanical triangle parking lot. Until it's stopped, he wouldn't do the road. There are days you can't even get through. He said Gary had some great suggestions about what could be done with this issue that has been going on for many years.

Dave Cahill, said he remembers George Krushauskas coming to this microphone and saying that the curb and sidewalks being done for road repaving was a gentlemen's agreement. So, when it was done, the big trucks didn't have to come back down the road and do it later and it would protect the roads. He asked Bob when he was the inspector if curbs and sidewalk inspections were part of the checklist. He has a copy of it. He's not sure why they keep kicking this around. All these years, every time a road was paved, they made everybody do their curbs and sidewalks and then all of a sudden, they want to make changes.

Mayor Sodano said they have a system similar to what was discussed in Yardley in which every four years, somebody comes around and inspects the sidewalks and the residents hate it. He doesn't have a problem with what Mr. Weaver said, which is since it's about a 10-to-12-year swing for their roads how often any one of them gets paved, that that's a reasonable amount of time between inspections. Gary said there are streets in the borough that have never been paved like Oak and Holly Avenues. Mayor Sodano said there have been at least three properties that he knows of that their code enforcement went to because there were tripping hazards and those people did end up having to repair their sidewalks. It's not like they never inspect for safety issues. He doesn't think every four years telling people that they are around to inspect, so make sure their sidewalks are good. Mark said when they sell a property, the sidewalks are supposed to be inspected, but he doesn't know if curbs have ever been part of that. He thinks that's the difference and the curbs are what really is hammered by some of the residents with the cost. They've had people complain and it's actually more because they have a block, and they just need to fix it because one is a little higher than the other or they may get it shaved down or they put a little patch in. Mayor Sodano said they need specifications for curb repairs because if someone just has a chip, they end up having to replace the curb. That might help to alleviate part of the problem. Gary said there is also the problem of metal forms for curbs. Mayor Sodano said if Carol goes by PennDOT specs, then they have to use metal forms. If not, they can use anything they want. Mark said height factors into that as well because PennDOT specs require that it is at eight inches but some municipalities on their residential streets only have four. The other thing that that is related to this is what happened on Holly and Oak. His understanding is because council wanted to avoid the issue of having fireworks down on Holly and Oak, they didn't properly do Holly and Oak. Holly was not done well. He doesn't want them to make decisions like they don't want to have to address the issue of curbs and sidewalks, so they make poor road decisions.

Tim Weaver, said the MS-4 program things are changing very rapidly with stormwater runoff, especially from residential areas, and a lot of towns are not even recommending any curbs be put in because it's increasing the velocity of the water heading into the storm drain. Things are supposed to be naturally running off onto people's properties in low lying areas. Middletown Township is issuing a stormwater tax. They need to take everything into account. Curbs will

end up being a thing of the past. If they're forced to put in curbs, in a couple of years, they may end up needing to rip them out.

Carol said there is some benefit to a curb inspection in advance of a paving operation because the curb is essentially the structural edge of the pavement and if replaced at a later time, could damage the new pavement. Also, there are cases where they feel like there could be sufficient epoxy type repair to a chipped curb. If there's a crack within two feet of an existing joint, that's problematic, they could saw cut that crack and leave it in place so there is some leeway in the curb inspection.

MOTION BY MARK MOFFA TO AMEND THE MOTION TO HAVE THE ENGINEER INSPECT JUST THE CURBS ON MONROE AVENUE AND CRESCENT STREET (EAST OF BELLEVUE AVENUE). SECONDED BY BARBARA HEFFELFINGER. 5 yes, 1 no (Gary Nickerson). Motion carried 5-1.

Barbara Kirk explained that the final approval for the Schoolhouse Court development required the homeowner's association to provide a blanket utility easement for the benefit of the borough regarding the lines for water, sewer, telephone, cable, and electric services. The association has signed that easement and has presented it to the council to approve. An additional easement is a blanket easement, which allows the borough to go on to the properties and inspect that the stormwater management facilities are continuing to be maintained and up and running by the homeowner's association, as required, and that is in a form appropriate as well for council to approve.

MOTION BY MARK MOFFA TO APPROVE RESOLUTION #2025-04 TO ACCEPT DEEDS OF BLANKET STORMWATER AND UTILITY EASEMENTS FROM HOMEOWNERS' ASSOCIATION FOR SCHOOLHOUSE COURT DEVELOPMENT. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY GARY NICKERSON TO TABLE THE APPROVAL OF THE BOROUGH HALL RENTAL REQUEST BY RINISHABEN PATEL ON 9/28/25 FROM 1:00 P.M. TO 9:00 P.M. SECONDED BY MARK MOFFA. All ayes, motion carried.

Public Comment


Dave Cahill, asked what was happening with 51 Centre St. He understands the job has been shut down. Barbara Kirk explained that occupancy in the building has gone to a structural engineer for approval for people to be in there. The plan by the new owner is to remove things from the interior. Dave said the borough manager said that they were renovating the building. Barbara said they're not renovating; they were in there removing things. The fire marshal asked for approval from a structural engineer. Dave said the borough already has that from 2014. He asked if the borough disclosed that engineer's report for the safety of the building. Barbara said they have the right to inspect the property. Dave said he understands the borough has a document that a former council member says that he saw about contamination in the building. He asked if that was disclosed to the buyer. Barbara explained that the borough has no obligation to disclose any of that to a property owner. It wasn't a sale by the borough, it was a sale by a private property owner to another private property owner. Dave asked if real estate agents called the borough office for information on properties. Barbara said only if there is a request to look at a file. Dave asked if a fence in the middle of the street protecting people from a possible wall collapse wouldn't be enough of a reason for the buyer to ask questions about what's going on at the property. Barbara said she had no idea what was going through the new owner's head. She was represented by counsel and a realtor who had all the right to come in

and ask to review the property file. There's no obligation on the borough to provide any information. Dave asked why the project was shut down. Barbara said because there was a complaint about a wall collapsing.

Timothy Weaver, said Ordinance #2023-1 has to do with the provisions updated for the Neshaminy Creek Watershed Act. He asked if the borough is still following this as they move along with development and reconstruction of other properties, especially the Kross brothers' sidewalks, as they're trying to eliminate impervious surface but then they're forcing people to put in more impervious surface. He has some MS-4 documents that also address this, so there's some long-term consequences to everything going on currently with the MS-4 program. They're trying to eliminate impervious surfaces and to properly get the stormwater to percolate back into the aquifer. The more impervious surface they're currently putting in, the less water is going to percolate back into the aquifer. The borough is going to be forced to manage the stormwater because they don't want it going into the Neshaminy Creek anymore, especially with the turbidity, velocity, and the pollutant load that's currently dumping in there through the tributary of Mill Creek and Chubb Run. He understands about ADA but the borough cannot capitulate and bend to everyone that has a disability. Not every road is meant for a disabled person to walk on.

MOTION BY MARK MOFFA TO ADJOURN THE MEETING AT 8:45 P.M. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Submitted by:



Marie Serota, Secretary/Treasurer

