

Penndel Borough Council Meeting Minutes

January 2, 2024

Mayor Sodano called the meeting to order at 7:31 p.m. with the Pledge of Allegiance.

Mayor Tom Sodano thanked everyone for taking the time to participate in local government. He said the council president sets the meeting participation rules. As this is the reorganization meeting, it is his meeting, and he will set the rules for the reorganization portion. He is a firm believer in the constitution of the United States of America and the amendments to it. Per the First Amendment, he respects the right of anyone to express their beliefs. He also believes that in expressing those beliefs, especially in a forum such as the municipal meeting, one does not have the right to breach the rights of others in the room by subjecting them to vulgarity that offends them and thus, violating their rights. He is warning everyone present that vulgarity will not be tolerated and could result in ejection from the reorganization portion of this meeting.

Mayor Sodano swore in the following newly elected council members: Barbara Heffelfinger, Mark Moffa, Bud Murphy, Gary Nickerson, Robin Valentis and Robert Winkler. Also in attendance was Secretary/Treasurer, Marie Serota, Chief Sean Perry, and Solicitor Ben Hauser.

Mayor Sodano took a nomination for Council President.

MOTION BY JOHN STRATZ TO NOMINATE HIMSELF AS COUNCIL PRESIDENT. SECONDED BY GARY NICKERSON. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Robin Valentis, yes, Barbara Heffelfinger, yes, Bud Murphy, yes, Bob Winkler, yes, John Stratz, yes. All ayes, motion carried.

Mayor Sodano took a nomination for Council Vice President.

MOTION BY JOHN STRATZ TO NOMINATE BARBARA HEFFELFINGER AS COUNCIL VICE PRESIDENT. SECONDED BY BUD MURPHY. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Robin Valentis, yes, Barbara Heffelfinger, yes, Bud Murphy, yes, Bob Winkler, yes, John Stratz, yes. All ayes, motion carried.

Mayor Sodano turned the meeting over to the council president.

Consideration of Appointments

MOTION BY MARK MOFFA TO APPOINT HIMSELF AS PRESIDENT PRO TEM. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT MARIE SEROTA AS BOROUGH COUNCIL SECRETARY/TREASURER. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT KAREN KONDRK AS ASSISTANT COUNCIL SECRETARY. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT GEOFF THOMPSON AS BOROUGH MANAGER. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT HILL WALLACK AS BOROUGH SOLICITOR. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT CAROL SCHUEHLER, VALUE ENGINEERING AS BOROUGH ENGINEER. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT CAROL SCHUEHLER, VALUE ENGINEERING AS SEWER ENGINEER. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPOINT BEE BERGVALL & CO. AS CERTIFIED PUBLIC ACCOUNTANT. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT BROWN & BROWN OF LEHIGH VALLEY AS INSURANCE BROKER. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT GEORGE KRUSHAUSKAS AS VACANCY BOARD CHAIR. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT TERRY MCINTYRE TO THE ZONING HEARING BOARD. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT MIKE SMITH AS ZONING HEARING BOARD ALTERNATE. SECONDED BY JOHN STRATZ. A roll call vote was taken. Mark Moffa, no, Gary Nickerson, no, Robin Valentis, yes, John Stratz, yes, Barbara Heffelfinger, yes, Bud Murphy, no, Bob Winkler, yes. Motion carried, 4 yes, 3 no.

John Stratz asked for a motion to appoint Neil Berman to the Planning Commission. No motion was made.

MOTION BY BARBARA HEFFELFINGER TO TABLE THE MOTION. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Mayor Sodano said that since the borough has so much trouble finding people for the Planning Commission, if Mr. Berman is present, they should ask him questions.

MOTION BY BUD MURPHY TO RECONSIDER THE PREVIOUSLY MADE MOTION TO TABLE. SECONDED BY ROBIN VALENTIS. A roll call vote was taken. Mark Moffa, no, Gary Nickerson, no, Robin Valentis, yes, John Stratz, yes, Barbara Heffelfinger, no, Bud Murphy, yes, Bob Winkler, yes. Motion passes 4-3.

MOTION BY BUD MURPHY TO APPOINT NEIL BERMAN TO THE PLANNING COMMISSION. SECONDED BY ROBIN VALENTIS. Neil answered questions from the mayor and members of council. Ben Hauser asked Neil if he was related to any member of council or borough

government and asked him, while serving on the Planning Commission, if he should find himself having a conflict of interest with any particular project, as advised to him by the solicitor of the borough would he then recuse himself from any kind of debate on that subject. Neil said yes. Gary asked who is on the Planning Commission. Mayor Sodano said Leo Campbell, Hugh Campbell, Barbara Sodano, and council liaison Bud Murphy. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Robin Valentis, yes, John Stratz, yes, Barbara Heffelfinger, yes, Bud Murphy, yes, Bob Winkler, yes. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT BOB WINKLER TO THE CIVIL SERVICE COMMISSION. SECONDED BY GARY NICKERSON. All ayes, motion carried.

There was unanimous consent to table the motion to appoint a borough planner.

MOTION BY GARY NICKERSON TO APPOINT BUILDING INSPECTION UNDERWRITERS AS ZONING/CODE ENFORCEMENT. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT MARIE SEROTA AS THE OPEN RECORDS OFFICER. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT JIM BAMPFIELD AS FIRE MARSHAL/INSPECTOR. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT JIM BAMPFIELD AS EMERGENCY MANAGEMENT COORDINATOR. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT JOHN STRATZ AS PSAB ANNUAL CONFERENCE DELEGATE. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Consent Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE DECEMBER 4, 2023 COUNCIL MEETING. SECONDED BY BUD MURPHY.

Mike Smith, asked if they are going to leave public comment to where the public can speak as each item comes up. John Stratz said some people do not have agendas and don't know what they are talking about, so they are leaving it the way it is.

Motion carried 4-0-3 (Mark Moffa, Gary Nickerson, Robin Valentis abstained. They weren't present at the meeting).

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING BILLS FOR THE MONTH OF DECEMBER 2023:

General Fund	\$23,611.80
Fire Tax Fund	\$ 46.20
Refuse Fund	\$ 1,022.50
Sewer Fund	\$ 6,807.77
Capital Reserve Fund	\$ 1,859.50
Liquid Fuel Fund	\$ 1,948.71
Escrow Fund	\$ 560.00
Payroll Fund	\$ 1,329.65

Payroll

General Fund	\$37,716.74
Sewer Fund	\$ 3,990.28
Total	\$41,707.02

Escrow Fund Bill

Schoolhouse Court: Hill Wallack, LLP	\$560.00
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SECONDED BY BUD MURPHY. All ayes, motion carried.

Reports:

President's Report

John Stratz thanked Fire Marshal James Bampfield for his hard work and long hours he put in with the fuel spill that got into the creek. He worked hand in hand with the DEP to rectify the problem as quickly as they could.

John reported that Pennel has received an ARPA PA Small Water and Sewer grant for \$136,187.00 for sewer repairs and I & I investigations.

Also, the borough was informed by Jeff Darwak of the RDA that they are receiving a grant for a police patrol vehicle for \$90,341.00 to purchase a new police vehicle. The Pennel/Middletown Emergency Squad received \$23,421.00 for CPR chest compression devices. Pennel Public Works Department received \$51,180.00 for a new truck. The fire company received \$24,000.00 for milling, paving, and seal coating of their facility. Barbara said the borough manager and engineer worked hard on these grants and deserve a big thank you.

Police Chief's Report

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

Mayor Sodano said at the beginning of his tenure, one of the things that he requested of the chief and that he did, was arrange a regular schedule so that every street in the borough was patrolled on a regular basis, hopefully, at least once in every shift. He asked the chief if this has been a positive program. Chief Perry said absolutely, and they get a lot of positive feedback from the residents. Mayor Sodano asked if they have had any instances of what's commonly referred to as "porch piracy" in the past year. Chief Perry said they have not had any.

Solicitor's Report - none

New Business

MOTION BY BARBARA HEFFELFINGER TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

PECO Payment Processing invoice dated 11/8/23 in the amount of \$47.51 for traffic lights' electric
Bucks County Law Library invoice dated 12/6/23 in the amount of \$10.00 for Ordinance #2023-3 filing fee
Informant Technologies, Inc. Invoice #995167 in the amount of \$2,544.00 for 13-seat subscription renewal

Comcast invoice dated 11/26/23 in the amount of \$214.71 for internet & voice services at 37 W. Woodland Ave.

Comcast invoice dated 11/26/23 in the amount of \$193.23 for internet and voice services at 300 Bellevue Avenue

Gettysburg Benefits Administrators, Inc. invoice dated 11/30/23 in the amount of 169.59 for dental insurance premium installment

Lou Carcel invoice dated 12/8/23 in the amount of \$250.00 for tools

State Workers' Insurance Fund invoice dated 12/1/23 in the amount of \$1,555 for fire department insurance premium installment

Ready Refresh Invoice #13K0431953892 in the amount of \$134.93 for spring water and cooler rent

Waste Management Invoice #6219-2448-9 in the amount of \$17,976.25 for November service

Burlington County Fire Marshals' Association invoice dated 12/12/23 in the amount of \$100.00 for training

Comcast invoice dated 12/2/23 in the amount of \$244.89 for internet at 790 Neshaminy Street

Comcast Invoice #188831380 in the amount of \$379.10 for Business Voice Edge Service

Independence Blue Cross Invoice #231208178152 in the amount of \$6,248.83 for medical insurance installment

PECO Payment Processing invoice dated 12/12/23 in the amount of \$1,408.54 for streetlights' electric

Selective Insurance Co. of America invoice dated 12/12/23 in the amount of \$1,571.00 for workers' compensation insurance installment

SECONDED BY GARY NICKERSON.

Terry McIntyre, asked about the invoices for Informant Technologies. Chief Perry explained it was their records management system which they pay for every year. Terry said for the tools for Lou, they should make sure they put them in inventory because they belong to the borough. He asked if Ready Refresh was every month. Marie said it is every few months.

All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT ORDINANCE #2023-3 AMENDING CHAPTER 322 – "SEWERS" ARTICLE II – "SEWER RENTS" OF THE PENNDEL BOROUGH CODE OF ORDINANCES; AMENDING SEWER RENT RATES, REPEALING PRIOR INCONSISTENT ORDINANCE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. SECONDED BY BUD MURPHY.

Ben Hauser asked Marie if the ordinance was properly advertised in the Bucks County Courier Times and if she received an affidavit of publication. Marie said yes. Ben asked that the affidavit be placed in the minutes.

Tim Weaver, said he had a sheet from the Work Session agenda from July 22, 2019, about a motion to approve the revised agreement with the Bucks County Water and Sewer Authority accepting the sanitary sewage waste from the Penn Hill section of Middletown Township. He asked if Penn Hill is still utilizing the borough's sewer system and if so, are they paying the same rate as the residents of Pennel.

Mike Smith, explained that he investigated it and there are 77 units. For years, they were collecting \$30.00 per unit. They had to renegotiate with Bucks County Water and Sewer, and they now get \$79.00. There is a meter on that flow coming from Penn Hill into the system at manhole 41. What goes through the system from Penn Hill gets deducted from the borough's

amount. If the borough has 300,000 gallons and 70,000 gallons coming from Penn Hill, the borough's bill is based on 230,000 gallons.

Tim Weaver, asked John to get back to him because it seems that the Penn del residents may be paying more than the Penn Hill section of Middletown Township's residents to dispose of their sewage.

All ayes, motion carried.

Public Comment

Steve Lowe, Penn del Fire Company, thanked the borough for their sponsorship of the RDA grant. Sometime at the end of February or March, they will be invited to the firehouse for a presentation, so that they understand what they do and how they are funded. In October, he made borough council aware of a hazard with the ADA ramp on the corner of Crescent and Centre Streets. He asked council to look into that and get back to him, but he hasn't heard a word. Someone put three reflective orange posts there, one of which is missing, but they don't know who did it. The fire company has turned it over to their insurance agent with pictures and it is now in the Loss Prevention Department.

Tim Weaver, spoke about Barbara knowing Bob White from way back, an email from Mark Moffa claiming rumors in Penn del that was sent to Donna Caracappa that states Bob White is involved with the project at 50 Hulmeville Ave., and Barbara lying to him about Bob White not being involved with the project. Barbara responded she had nothing to do with any of that. Tim said Tilak Singh bought the carpet mill and the TOD should have never been taken out of its original footprint because it's causing the history of Penn del to diminish. They are losing Permabilt and the mill. Barbara said it takes money to buy those properties, along with the lawyer's office. She is opposed to both of those projects, and she thinks it wrecks the historical image. Tim said the contribution list for Mr. Moffa, when he was running against Joe Hogan, shows he received two donations from Tilak Singh and also a donation from David Truelove and Hill Wallack. Barbara said she asked the Morrow family if they could put it on the National Register and they said no.

Alan Dashoff, spoke about John needing to respect people's right to speak and getting back to people who had questions. John said he will spell out the process at the next meeting.

Mike Smith, spoke about the agreement when Bucks County Water and Sewer purchased the system from Middletown Township, that they would maintain their rates at a certain level. He and Terry McIntyre tried to sell the system, but nobody wanted it because it needs to be fixed. He heard that the project was rumors but there is an escrow account set up for 50 Hulmeville Ave., so that the engineer and attorneys could start looking into the project. The carpet mill owner is one of Mark's best friends and he has an agenda. He hopes the new members of council and some of the old ones know what this town is and what it could be again without what his friends are trying to put there.

Mark Kervick, spoke about meetings regarding Permabilt, which Barbara lied about and said there weren't any, even though it came out that they met with Manny and Geoff. He also spoke about transparency, which they all talk about, but are never transparent, a policy or procedures for delinquent sewer and refuse, Geoff Thompson not being here to ask him questions, Geoff's contract and how much he is paid and what his hours are. Mark spoke about if Mark Moffa met

with Tilak Singh before the TOD was voted on because if he did, it's very unethical. He asked the chief and mayor how many shifts were missed in 2023 and the hiring process and training of new police officers and policies. He asked how many officers have left in the last 12 months and why. Mayor Sodano explained that some of them use Penndel as their second job and others start in Penndel and are looking for full-time. Mark asked about a subsidy for sewer that they were supposed to get a break on that was in the minutes. Mayor Sodano explained that in 2022, there was a 16 percent increase and council voted to only implement half of it at 8 percent and in 2023, was the other 8 percent.

Dave Cahill, spoke about at the December 5, 2022 meeting council voting to split that 16.6 up to 8.3 percent in 2023 and 8.3 percent in 2024. He spoke about Mark Moffa and the Holocaust. He asked Chief Perry about his timesheet from February of 2023 and getting paid to attend council meetings. John said no questions, this is public comment. Ben Hauser said while Dave is welcome to ask as many questions as he wishes rhetorically, in his three minutes, it does not require a response. Dave spoke about a copy of a confidential letter he has about a teleconference meeting on 6/19/19 that he, David Truelove, Mike Italia, and Beverly Wolfe were part of regarding the purchase of the old Wawa site.

Council Members to be Heard

Mayor Sodano reported that they are working to get basketball backboards off of the streets and we will be enforcing the parking ordinances should they get snow this year. He explained more about the snow ordinance. There is some confusion about the new trash hauler. Whenever there's a holiday, it backs the pickup day up one day. Due to the holiday this week, trash will be on Friday. Mayor Sodano explained the even, odd side parking during snow to a resident who did not come up to the podium.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT APPROXIMATELY 9:20 P.M. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Submitted by: 
Marie Serota, Secretary/Treasurer

LOCALiQ

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

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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:

12/10/2023

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

Sworn to and subscribed before on 12/10/2023

Legal Clerk *[Signature]*
Notary, State of WI, County of Brown *[Signature]*
My commission expires 6/30/2025

Publication Cost: \$313.20
Order No: 9611229 # of Copies: 1
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AMY KOKOTT
Notary Public
State of Wisconsin

NOTICE

TO THE RESIDENTS OF PENNDEL BOROUGH:

NOTICE is hereby given that the Borough Council of the Borough of Pennel, Bucks County, Commonwealth of Pennsylvania, intends to adapt, of a council meeting on Tuesday, January 2, 2024 at 7:30 PM at Borough Hall, located at 300 Bellevue Avenue, Pennel, PA the following Ordinance:

AN ORDINANCE OF THE BOROUGH OF PENNDEL, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 322 "SEWERS," ARTICLE II - "SEWER RENTS" OF THE PENNDEL BOROUGH CODE OF ORDINANCES; AMENDING SEWER RENT RATES; REPEALING PRIOR INCONSISTENT ORDINANCES; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

The Ordinance amends Chapter 322 - "Sewers," Article II - "Sewer Rents" by revising the applicable quarterly flat rates for residential, industrial, and commercial properties.

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 under consideration may be examined or obtained at Borough Hall, 300 Bellevue Avenue, Pennel, PA, or at the offices of The Intelligencer, c/o Bucks County Courthouse, located at 8400 North Bristol Pike, Levittown, Pennsylvania, Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. 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
Pennel, PA