

Penndel Borough Council Meeting Minutes

January 3, 2023

Council President Gary Nickerson called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the meeting

Council President Gary Nickerson
Council Vice President John Stratz
Councilwoman Barbara Heffelfinger
Councilman Joe Dudash
Councilman Joe Adams
Councilman Bud Murphy
Mayor Tom Sodano

Also present at the meeting

Geoff Thompson, Borough Manager
Police Chief Sean Perry
Marie Serota, Secretary/Treasurer
Ben Hauser, Solicitor, Hill Wallack

Mayor Tom Sodano swore in Councilman Francis P. Murphy.

Council or Borough Announcements

Joe Adams read the letter from Kory Dudash not renewing her term on the Planning Commission which is attached. Gary Nickerson thanked Kory Dudash for her time on the Planning Commission. She performed admirably, did great work and it will be a significant loss.

Joe Dudash read his statement which is attached.

Gary announced that they received Laura Germain's resignation over the weekend and was not able to get it on the agenda in time.

MOTION BY GARY NICKERSON TO AMEND THE AGENDA TO ADD THE RESIGNATION OF LAURA GERMAIN. SECONDED BY JOE ADAMS. John Stratz said he would prefer to accept her resignation at the workshop meeting. Ben Hauser said if they would like to have someone seated by the first meeting in February, they would need to move on it tonight. Barbara Heffelfinger said Laura's resignation is a great loss. She is very borough minded and she loves the people in this town, but circumstances at home prevent her from serving. She is a classy lady, and she thanks her for everything she's done.

Mike Smith asked how they can appoint a person to a council seat that is not vacant until they accept the resignation. They're not accepting the resignation for 45 days but yet they're looking to appoint someone by the February meeting. Ben said the motion that's been made is to amend the agenda to accept Mrs. Germain's resignation effective tonight. The second one would be to authorize the advertisement for the open seat. Once that resignation is accepted, council has 30 days to fill the seat. Mike said they had another resignation tonight and it was just blown off. Nobody even made a motion to accept Kory's resignation. Ben said they could

repeat the process for her. And with Mr. Murphy now being on council, he no longer is a citizen representative on the Planning Commission, so he believes there are two citizen vacancies open that would need to be filled as expeditiously as possible. After they get through this, then they can amend the agenda for that resignation and to solicit applications.

Dave Cahill asked if Laura submitted a letter of resignation and if it could be read so they could hear it. Gary said it is personal.

Timothy Weaver said according to what Mr. Stratz said at the last meeting, they have 30 days to fill a vacancy and now they just heard 45 from the resignation and they're getting different and contradictory information. Ben explained to him that council has 45 days to accept the resignation. Once they accept the resignation, they have 30 days to appoint someone. Tim asked if the 45-day clock started to run and how many days they are into it. Ben said it's been two days so they're down to 43. Once council accepts the resignation tonight, they stop worrying about the 45-day clock and they worry about the 30-day clock.

Dave Cahill asked again if there is a letter to read. Gary said it's a little personal so he's not going to. He thinks Barb kind of summarized that she has some issues.

All ayes, motion carried.

MOTION BY JOE ADAMS TO ACCEPT THE RESIGNATION OF LAURA GERMAIN.
SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY JOE ADAMS TO ADVERTISE AND ACCEPT APPLICATIONS FOR THE OPEN COUNCIL SEAT NO LATER THAN NOON ON FRIDAY JANUARY 13, 2023. SECONDED BY JOE DUDASH.

Terry McIntyre asked what the timetable was for the vacancy board if it ends up in their hands. Ben said in terms of calculating all the days, once the 30-day period of council, if they couldn't come to a consensus at the workshop meeting, it would then run into the 30-day window before the next public meeting in February. At that point it would be the six members of council plus the vacancy board chair who would chair the meeting and any ties would still be resolved by the mayor. Joe Adams asked who is on the vacancy board. Barbara said she believes it's Amanda Mieulich. Ben said to Marie that these motions must be added to the agenda and a new agenda must be posted online and posted in borough hall by the end of business tomorrow.

Timothy Weaver said he just wanted to clarify that the clock is in motion, and the date is Friday, January 13th at 12:00 o'clock to get the applications in. Ben said yes, as soon as the motion passes. Tim asked if the date could change. Ben said the date was formally fixed by council.

Joe Adams asked if someone wanted to apply that has no computer or technology and wanted to come in with a handwritten letter, if that would be acceptable by Friday the 13th at noon. Ben said there's no requirement in the borough code for a particular form of application. It's his understanding it is pretty informal but certainly the more someone puts down, the more powerful it could be. Joe Adams said the requirements to be on council is they have to be an elector and the residency requirement is they must have lived in Penndel for at least a year and sign an affidavit.

Dave Cahill asked if a letter of interest was the way it was advertised. He thinks Geoff was responsible for the advertising. He asked Geoff if they advertised an interest letter if they wanted to put your name in. Gary told Dave this is public comment. Dave said they're going to keep playing the games where they don't answer questions about what they're doing here. Gary said they don't answer questions in public comment. Ben said Mr. Cahill can ask questions however, it is public comment and whether people wish to respond to those questions is discretionary. He may ask as many questions as he likes. Sometimes questions are just rhetorical comment.

All ayes, motion carried.

Mayor Sodano asked Ben if someone applied for the previous opening, if they could simply state to the borough that they are interested in this one also and that application is valid or do they have to resubmit because it's a separate position. Ben said out of the abundance of caution, they should just resubmit to make that clear and he would imagine that depending on how that original submission was submitted, he doesn't think anyone's going to complain over a photostat copy of their previous submission, just as long as it's clear it's for the current seat. He said he would defer to Geoff Thompson. Geoff said he would be happy just that they acknowledge that they were still interested. Mayor Sodano said the reason he asked is because under borough code, they have to resubmit or ask that their original submission be considered for the next opening because this is a different seat. He just wanted to bring it up so that everybody knew the actual rule.

Ben said for the record, Mrs. Dudash did acknowledge that her term had expired as of the 31st of December. He asked if there is a desire to amend the agenda tonight to advertise the vacancy created by Mrs. Dudash's term expiring and the previous resignation of Ms. Lavenduski because the Planning Commission does not have the requisite number of citizen members which are non-borough officials. Gary said that's a good idea.

MOTION BY JOE ADAMS TO AMEND THE AGENDA TO ADD TO ADVERTISE FOR TWO MEMBERS FOR THE PLANNING COMMISSION. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOE ADAMS TO AUTHORIZE THE ADVERTISEMENT OF TWO VACANT PLANNING COMMISSION SEATS, ONE FOR A FULL TERM AND ONE FOR THE BALANCE OF A TERM. SECONDED BY JOE DUDASH. Gary said he thinks they should leave the date open because historically, it can be difficult to get people to participate. Tim Weaver asked what the law is. Ben said there is no deadline to fill a vacancy on the Planning Commission. The problem is the Planning Commission itself has five members, three of which must be citizen members. And right now, because Mr. Murphy has been elevated, he can remain on the Planning Commission but he no longer qualifies as a citizen member, so they can't meet or take any action. They are not accurately constituted at the moment. Gary said leave it open and they can put something on the website and ask for express letters of interest. Mayor Sodano said as former chair of the Planning Commission, there is no set time limit for having people apply and or join. They should keep that in the public knowledge because traditionally if they can get some standby personnel, it helps because should there be a meeting and someone is on vacation, they can have the alternates sit in. The Planning Commission's main impetus is with property development and redevelopment, and they wouldn't want to hold up a situation

because of vacations or something. If anyone is interested, they can be an alternate and not sit on the Planning Commission. That way they could learn more about it.

Timothy Weaver said they lost a very valuable member with Ms. Dudash leaving. She was holding a lot more together than anybody realizes. Hopefully the council will get this together because this MS4 is coming and they're behind because he looked at their records. He said they've been doing some dirty tricks with all these sewer systems and there's no stopping what the feds require for the MS4.

All ayes, motion carried.

Public Comment on Agenda Items

Dave Cahill asked if there are any changes to the workman's comp going from volunteer or does it involve the paid firefighters. He'd like to know if they're looking at the same workman's comp payment that they normally have every year for the fire company.

Consent Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE DECEMBER 19, 2022 WORKSHOP MEETING AND APPROVAL OF THE BILLS. SECONDED BY JOHN STRATZ.

Joe Dudash said there was some stuff that left out and needs to be added. One is the questioning of the applicants. The questions were completely left out and on page 12 of where Mrs. Heffelfinger said she's the only one on the committee and Gary said he'll come on the committee. There was like four pages of questions left out to each applicant. Gary said they are trying to get the minutes streamlined, so they're not a direct transcript so that staff isn't spending a lot of time to get them done. He thinks it's important for council to be able to get minutes as soon as possible so they can get up to date on everything. Ben said they should table the minutes until the workshop so that they can be reviewed. Minutes do not need to be a transcript. Joe asked if they could just put them in as an addendum. Ben said that would certainly be within the discretion of council whether they want to do that.

MOTION BY GARY FOR UNANIMOUS CONSENT TO SPLIT THE MINUTES FROM THE DECEMBER 22, 2022 WORKSHOP AND THE READING OF THE BILLS. Gary asked if there was any objection. There was none. So ordered.

MOTION BY GARY TO TABLE THE MINUTES OF THE DECEMBER 19TH WORKSHOP MEETING. SECONDED BY FRANCIS MURPHY. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE FOLLOWING BILLS FOR THE MONTH OF DECEMBER 2022:

General Fund	\$17,005.94
Fire Tax Fund	\$ 134.28
Refuse Fund	\$ 39.69
Sewer Fund	\$55,409.89
Capital Reserve Fund	\$ 6,311.40
Liquid Fuel Fund	\$ 3,580.75

Escrow Fund	\$ 3,740.50
Payroll Fund	\$ 2,987.30

Payroll:

General Fund	\$31,133.84
Sewer Fund	\$ 3,899.13

Total	\$35,032.97
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Escrow Fund Bills

Schoolhouse Court:

Hill Wallack, LLP	\$3,180.00
Value Engineering	\$ 560.50

SECONDED BY JOHN STRATZ. All ayes, motion carried.

Reports:Borough Manager's Report

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

Joe Dudash asked Geoff what he meant when he said mainly for the \$139,000.00. Geoff said that is what they received from the RDA grant. The estimate for all the work that was on the applications was for \$181,000.00 which was for the two doors, council room door and to make the back door and ramp ADA compliant. He contacted the engineer and asked them to give a proposal. He spoke to the Public Works Committee, and they are going to have to prioritize what improvements they want. He would like to see the two back doors done and forget about the front door for now. Joe asked about the grant that Geoff said he was working on. He asked if it included the grant they just submitted to the state for the sewer system. Geoff said Carol worked on it. Joe asked what the project consists of. Geoff said he would have to talk to Carol. It's basically storm water type stuff. Joe said everybody has been asking for it and nobody has been asking for it. He didn't see it. Geoff said he can give him a copy. Joe said because the Planning Commission dates were screwed up, they never had a meeting. He asked who signed off on it to send it up there. He thought the Planning Commission needed to sign it. Geoff said because the Planning Commission couldn't meet because of the dates, Carol contacted the grant people who were issuing the grant and asked them if there's an alternative they could do so they don't miss the deadline. And they said it's fine if they get a letter from the Bucks County Planning Commission endorsing the grant and that's what she did. Joe asked if that's circumventing. Geoff said council approved the grant. Gary said they approved it. This is an 85%/15% grant. They all voted on this. Joe said but the committee didn't sign off on it. Ben said Joe is correct. The Borough Planning Commission unfortunately, through some administrative matters, was not able to meet. However, the Bucks County Planning Commission was able to step into their shoes and do the letter. His office as well as the Bucks County Planning Commission has recommended that at the earliest possible convenience, the borough Planning Commission also sign off on the letter. As far as the submission is concerned, the Bucks County Planning Commission letter is sufficient. Joe asked if the Planning Commission has authority for the residents in the borough or not. Ben said there's two planning

commissions that really have kind of some authority over the borough: the Bucks County Planning Commission and the borough Planning Commission. In this case they tried to get the borough Planning Commission and couldn't, so the state authorities were willing to accept the grant with the county Planning Commission. This is why he was stressing earlier that the Planning Commission should be fully staffed as soon as possible. Joe asked if that means that the Planning Commission does have power. Ben said the borough Planning Commission is an advisory body and it does have to render an opinion on zoning ordinances, subdivision ordinances, land development applications and subdivision but truly ultimately that power resides with council. The reason the borough Planning Commission or any Planning Commission was involved was the state wanted some Planning Commission authority in Pennel to render an opinion. As far as he's aware of this project, that's why that submission was required. It was a request. Gary said this was done at the November 7th meeting. Joe said this thing has been talked about since October 2019. Gary said this is a grant that's pursued annually. Joe said from what he's hearing, this was going on since October 2019. He doesn't know why it took so long. It seemed like we were in a hustle and bustle in December. He asked why they weren't working on this earlier. Gary said Carol brought this to them November 7th. There's a lot of holidays in November and he's not sure if there was a Planning Commission meeting in November. Bud Murphy said there was a meeting, but this was not part of the agenda. They did not know about this. Gary said this is an 85%/15% grant and it's a pretty good deal. Joe asked if they needed to sign off on it. Gary said it's submitted electronically. Barbara said just the president signs it. Joe asked if they need to follow what the Planning Commission says. Ben said they are an advisory board, and they make recommendations. If there was an ordinance that council wanted to change, the Planning Commission says they endorse it, council can say they are not. Same with a project. They could recommend something or not and council can do the opposite. John Stratz said they needed letters of support, so he asked Tina Davis's office and Ashley Conway, District Director for Senator Elect Frank Farry for these letters. They had a December 22nd deadline, so he went to each office to get this done. Joe asked John if this grant helps with the pump station. Barbara said she recommends he get a copy of the application. Gary said he sent him the summary of what Carol provided to them. John said he didn't have his paperwork with him, and he could have asked this question a little in advance. Joe said they didn't get this till the last minute.

Mayor's Report

Mayor Sodano said before he begins his report, there's a small town in western Pennsylvania called Breckenridge. It's a suburb of Pittsburgh much in the way that we are a suburb of Philadelphia. Yesterday the police chief Justin McIntyre was shot and killed. He asked for a moment of silence for Chief McIntyre and his family.

Mayor Sodano read his report which is attached.

Barbara added to the mayor's report that the tree lighting and all the arrangements to get the lights on the tree, the refreshments and goodies for the kids, were all done by the Activities Committee. They appreciate everyone who participated. It was a great event and something that they've done for close to 30 years. They need more people to be interested in their community and do their part. It's what makes their town great, not just from a couple of people, but everyone. She doesn't care whether someone is green from Mars or whatever, please come out and help and make this town, as the mayor said, a wonderful place.

Joe Dudash said to Mayor Sodano that at the October 3rd, 2022, council meeting he kind of had a fierce conversation with the solicitor over the investigation by his office and questioning the officers and not following the chain of command. He asked if he was satisfied with it and if he got an answer. He sees in the minutes they didn't have PBA representation. Mayor Sodano said he was not satisfied, and he was denied his request. Joe asked if he got any correspondence, computer readouts or phone calls from the solicitor's office. Mayor Sodano said not from the solicitor's office. Joe asked if he had to go to the Mayor's Association for help or to a lawyer. Mayor Sodano said he did not enlist an attorney on the matter. Joe said so it's been unresolved, that they don't know what the investigation was about. Mayor Sodano said he is not at liberty to discuss it in public. Joe said on December 19th he was kind of mad and he confronted Mr. Truelove and the president of council again about authority going over him as far as with the police with an investigation. He thought he said he had representation. Mayor Sodano said he's really not at liberty to discuss in public that situation. There was a question of whether or not there was a violation of criminal history statutes. Joe said so, it appears to be that they have a problem with the solicitor's office jumping over his authority.

Police Chief's Report

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

Joe Adams said at the last meeting they asked for whatever information could be shared on the drug overdose incident. He understands there may be an active investigation going, so he was trying to think of a way to ask that and get information. He asked if they have a public information officer that's trained and knows the difference between what they can and can't give to the public like a press release. Chief Perry said they just completed training on that. He briefed council on that through e-mail as to what occurred. But due to Act 33 Title 18 and HIPPA laws and several other civil statutes, there's limited stuff they can say at council meetings because there are sections of the law, specifically Act 33, which protects people who have chemical dependencies even further than what their rights are. So, he's always limited in saying anything along those lines. He briefed council through e-mail with what he could release and he's not going to discuss it at a public meeting because he doesn't want the borough to be opened up to a lawsuit. Joe said that's why he asked about a public information officer. Several people were asked if they could even get a public briefing and even if the public briefing was three sentences, like something happened and here's five reasons why they can't talk about it. There's 2500 people in this town and when lights and sirens go off, they hear about it pretty quick. He asked if there is a way moving forward that they can address the public with information. Briefing council is one thing but briefing the public when something like that happens in these reports in these times is another thing. He asked if there is a way to have a community focused policy. He knows there's rules, but he thinks they could have gotten out in front of that and given at least something to the people. Chief Perry said he disagrees with him. Under Act 33 there is a limited amount of information they can say regarding those kinds of incidents, not to mention the anonymity of the residents involved in these kinds of situations. It's counterproductive to have them not feel comfortable coming forward to report something because it's going to be brought up at a council meeting. There is limited information they can release and even when they don't release it, there are some people that bring it up and he's not going to be the one who gets sued for it. If somebody brings up information that they're not allowed to bring up, they can deal with the consequences. He wants the community to feel safe coming forward to report issues. When they're publicly scrutinized for every single call that they respond to and information is released at the meetings that they didn't release, that makes our

residents not want to call the police because why call the police if they're going to be the target. It's counterproductive to what he thinks they're trying to accomplish here. The officers are trained to handle these kinds of situations. Everyone has to have faith in the police department that they're going to do their job. They do a great job. They have a lot of officers that work really hard and put their lives on the line every day for this community, and they get nothing. It's unfair to the officers who come in and risk their lives and who don't know they're going to go home at the end of their shift to have to literally be worried about the rumor mill running around who's saying what about who and who's spreading false information. It's completely counterproductive to what they're trying to accomplish if they want the residents to feel safe coming to them. They want the residents to be confident that they're going to show up and do their job right. There are certain people who don't believe that, and it really upsets him because he knows how hard the officers and himself work. If everyone knew what he and the officers do on a daily basis, they would sit here and not say anything negative. They are scrutinized for every little thing they do. He likes to be transparent but when they release information, even if it's good information, it's turned around and weaponized against them and he's tired of it. He's tired of having to sit at these meetings and be scrutinized for every little thing they do. There are specific sections of the law, and he literally goes through every incident, and he puts a monthly report out of what he can release. He's sorry to say that there are going to be times when you don't know the answers and in a small group like this where everybody knows everybody and everybody knows everybody's business, they don't play into that rumor so they're not going to release information they can't release. Unfortunately, there are people who feed the rumor mill and continue to spread that information. They are creating more of an issue and making it a political issue and it's unfair to the rest of the residents who are affected by that and who they did show up for and handle these cases for and treat everybody the way they treat them. The complaints that are brought up at every council meeting, in his opinion, in the grand scheme of things, are very minimal. They have the same five people that show up and claim the same five things. They're very minor things that they can fix. They've taken action to try to combat them and they've taken proactive steps to try to prevent it and they get no recognition for it. He is just sick of it. Joe Adams said he just said that he couldn't release a public statement because it would discourage people from bringing in evidence to him. Chief Perry said that's not what he said. What he said was by him explaining and putting together a huge paragraph on something that occurred and that occurs every day in every municipality nationwide, and putting together a huge paragraph of what happened and then putting it out to the residents, it discourages other people from calling because if they feel if they call for whatever reason that they could become subject to that scrutiny from council or it coming up at meetings. It just discourages the community from feeling confident that their information is not going to be released if they come forward and be pressured by certain people coming to meetings and then pressuring the police to release information that they can't release. It really discourages the community from collaborating with them because they don't want to fall into this public scrutiny and have their names or addresses released at public meetings. Joe Adams said he's losing the connection between the logic because what he was asking for is two or three sentences on what's happening with everything or whatever he can't say and he's saying that'll prevent people from wanting to call the cops if he gives a two or three sentence brief. Chief Perry said that's two different points. He does not want to discuss these things in public because the same people that it affects, their family members, loved ones or friends could be in this crowd and by him bringing up that information, it gets back to the people that are involved and it discourages them from trusting them that they're not going to release their information again. The police department and every police department has dirt on everybody. They see

people at their worst. They see people in crisis moments, and they want that officer to keep that within the police department and not spread around town. They don't spread that information. The incident that he's referring to was a medical issue. The officers administered life saving techniques and the person is here today. Joe said that was a wonderful explanation of the incident and that's all he was asking for. Chief Perry said he doesn't mind being descriptive in the monthly report. He thinks he gives more information than the previous chief gave at meetings. That's something that he tried to change from day one and he thinks he gives a decent report but they're not going to report on every fire call or domestic call they go to. They report on the arrests and anything that is of a more substantive nature. He is aware of every incident that goes on and he skims through them and gives what he's allowed to release and what is important. A medical call is not necessarily one of them, in his opinion. Joe Dudash said he answered what they've been trying to get for months. He doesn't need the email. The taxpayers are the ones that pay him. They need to connect with their police department. He asked, if there is a suspect breaking in a house in town and he's trying to locate this individual, can he put out a description like he's 5 feet 9 inches, white male, breaking in at 10 Oak Ave. Penn del, PA, etc. He asked if that is legitimate. Chief Perry said if they had the description of a suspect, then possibly. But again, it depends on the type of incident, the development of the incident, if it's a multi-jurisdictional incident, which he thinks is what Joe is referring to. Joe said no he's not. Chief Perry said it depends on the jurisdiction if there are other points of contact. Joe said he disagrees with him because on the DA's website, they're working with other townships on suspects. They even give photographs, and they give enough information to the community. This is the problem they've been having with him. He keeps quoting these laws that don't even fit with what they're asking. Chief Perry said they absolutely do. Joe said then they better prosecute the DA's office. He can show him what they gave him.

Solicitor's Report

Ben Hauser said at the conclusion of tonight's meeting, council will be meeting in an Executive Session to discuss confidential and privileged matters potentially touching upon employment, among other things. There will be a full report at the work session meeting.

Committee Business:

New Business

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

Waste Management Invoice #4078-2448-1 in the amount of \$17,431.50 for November service

Comcast Invoice #160665767 in the amount of \$550.30 for business voice edge service

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Deer Park Invoice #22K0431953892 in the amount of \$99.95 for spring water

Gettysburg Benefit Administrators, Inc. invoice dated 11/1/2022 in the amount of \$169.59 for dental insurance installment

Office of Labor and Industry invoice dated 12/1/2022 in the amount of \$1,499.00 for fire department workers' compensation installment

Comcast invoice dated 12/2/2022 in the amount of \$189.89 for internet at 790 Neshaminy Street

Independence Blue Cross Invoice #221208070862 in the amount of \$5,958.90 for medical premium installment

Selective Insurance Co. invoice dated 12/12/2022 in the amount of \$2,903.00 workers' compensation installment

SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO REAPPOINT RICH KELLER TO THE ZONING HEARING BOARD WITH TERM EXPIRING 12/31/25. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE RESIGNATION OF FIRE MARSHAL/EMERGENCY MANAGEMENT COORDINATOR NICK FOUFAS EFFECTIVE 1/31/2023. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Ben said the next motion is really two in one. He asked Geoff if he would recommend the permanent appointment or the interim appointment. Geoff said he is comfortable with appointing Mr. Bampffield as fire marshal and emergency management coordinator. He was the previous fire marshal and EMC up until 2018. He has a very extensive background and he's currently working with Middletown Township in the same capacity. He put that on there in case council was not comfortable just supporting somebody and they wanted to do a search. He's fine with that too but just so council is aware, he is very comfortable, and staff is very comfortable with Mr. Bampffield. Gary said he doesn't have any objections. Barbara said she's known Mr. Bampffield for years and he is excellent. He's very experienced and he worked very well with everyone here in the borough and she highly recommends him. Joe Adams said that usually sours him, but he has no objections.

MOTION BY BARBARA HEFFELFINGER TO APPOINT JIM BAMPFIELD AS FIRE MARSHAL AND EMERGENCY MANAGEMENT COORDINATOR AS RECOMMENDED BY THE BOROUGH MANAGER. SECONDED BY JOE ADAMS. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO PRELIMINARILY APPROVE THE WORKERS' COMPENSATION FUNDING FRAMEWORK FOR THE PENNDEL FIRE COMPANY'S WORKERS' COMPENSATION PREMIUM. SECONDED BY JOE ADAMS. Joe Dudash said in the past, the fire department paid the borough and then the borough paid the workmans' comp. He asked if with his meeting with Middletown, they're going to have their own truck and fire chief and if this is the deal where they deduct the population and then the cost is the borough's instead of the fire department paying and Middletown will contribute the part of the funds. Geoff said Middletown has agreed to pay a good portion of Penndel's. They've agreed to pay a portion of the workers' comp for all of these fire companies in their service area, based upon a formula in their service area of each fire department. In the case of Penndel, Middletown Township has agreed to pay 75.32% of their workers' compensation premium. The leftover would be 24.68%, which is about \$5,300.00. The fire company is requesting that the borough pick up that cost, so that the Penndel Fire Company will not have to pay the premium of any of their workers' compensation. It's a good deal for the fire company and he thinks council should pay for it. Those are 2022 numbers. He's not sure about the 2023 numbers yet. They would be responsible for 24.68% of the fire company's workers' compensation premium. They would have to memorialize this in an agreement, which hasn't been done yet, but this is the framework

if they like the idea. They will put in writing sometime in the short-term future. Joe said they just paid 2022. He asked if they will get a refund. Geoff said no, that this is going forward. Joe asked if there was any discussion about going full time because he doesn't know how they are going to do it with Penndel, Hulmeville and Langhorne fire departments. Geoff said right now it's his understanding that Middletown takes most of the calls during the day for all four service areas. That's why they're picking up some workers' compensation because they have full time people, and the volunteer companies would basically take care of anything that goes on in the evenings. That's the tentative agreement right now. Eventually, years down the road they might get into that and having to fund some full-time guys but that's not part of this agreement. All eyes, motion carried.

Public Comment

Steve Lowe, Penndel Fire Company said he's Chairman of the Executive Board. Their workmans' comp bill is about \$35,000.00 - \$36,000.00. There is a fire tax in Penndel Borough that generates in the area of about \$54,000.00. When they pay \$35,000.00-\$36,000.00 in workers' comp, that doesn't leave much to work with. They have a paid crew supplementing them because they all know the volunteers are desperately going down. They are looking for help. They're struggling with volunteers and with money and they don't want to see the tax rate go up but anything they can do to help, and this is one way to help them. They're not changing the rules. He said not to quote him on this, but he believes as the municipality, they are responsible for fire protection. The fire company does the job, but the borough is responsible to pay for the workmans' comp. They've taken that money from the fire tax, and they've paid the bill back to the borough. Nothing's changed. The tax rate has not changed. They've gotten that money and it's going back. Now they are saying they don't want to give it back. It is essentially a little bit of a raise but it's the borough's job to figure out where to get that from.

Mike Smith said he's known Bud for 40 years and this has nothing to do with him. He hopes he has an open mind. He said to John Stratz that he made the statement that they wanted someone with experience and then they turn around and put somebody on council who has no experience in what was going on here. He made that statement, and he thinks it's in the minutes. Now Laura resigns. He asked if they have any idea why. Gary said for personal reasons. Mike said he wouldn't read it, but they read Beverly's that called them all goons. Gary said there was personal medical information in her letter. Mike said they all know about her mother. There were three republicans who applied for that job. They discriminated against the three of them. Discrimination is a big word when you start using it like this. They politically discriminated against the three republicans in this town and they're not going to get away with it again. Gary said it's a political entity. Mike asked Gary if he walked home or did he drive home from the Hulmeville Inn. They all know what he did down there, and they all know how bad he was. He said keep laughing to Gary. That's why everybody thinks he's a joke. Gary said Mike is the funny man.

Terry McIntyre asked if they had any information on that meeting from about a month or so ago with PennDOT when they made that presentation to a room full of people saying how this is going to be a backup of epic proportions. Gary said they are in the process of scheduling a meeting to discuss the issues with them and hope to be able to provide further updates. Terry said getting squeezed down to one lane is going to make everyone go crazy. He asked if there were any updates on Schoolhouse Court. They brought trash cans in and they're still waiting on one house to get a U&O. Ben said he has about as much information as he does at this point.

Terry said he should have more. Ben said unfortunately, their dealings with the developer have been difficult.

Jeff Jones asked if they knew what was going on with the Burger King, the Armstrong place and the old Rover. It seems like they started work and everything has stopped. He asked if they are going to be vacant forever. Boston Market was supposed to move into Burger King. Gary said he doesn't have any information on what the owners of those parcels are doing. He would love to see them developed as much as he would. Jeff asked if the Zoning Hearing Board would know. Gary said they wouldn't be aware of what's going on with their development. Jeff asked if the inspector Charlie could look into it to find out what's going on. It looks like crap.

Alan Dashoff said to Chief Perry so that they understand your rules, engagement Title 33 is a mess to read and so is another part of the drug and alcohol code along with other titles. There are a couple that he's thinking of but maybe if he documents his rules of engagement, it might take some of the load off of them and also, he doesn't think police departments are subject to the rules and regulations of HIPAA. Chief Perry said they definitely are. Alan said things have changed over the last couple of years because it came up with COVID. They weren't sharing information at that point between EMS and the police with that one with the exception of the contacts who people who had positive tests, so that's why he's not sure how it played out. He said council has a basic communication issue here in his mind and it was brought up during the interviews and people were offered suggestions. One of his quick and dirty ideas is they have a link for this mail server on the website, which happens to be broken, it goes to MailChimp. He asked why they don't fix it, but suggested surveys use that and feed some surveys off the MailChimp, and they can maybe get some feedback from the residents and at the same time when they're applying for grants and that kind of thing they can put it up on the website. People can go look and while they're doing that, they should put the borough newsletters on as well.

David Brill said he knows the exact incident that Chief Perry couldn't talk about, and he just wants to say thank you to everybody. His sister-in-law is in the PPD in the city, and he would not want that job and he would not want this job either. He again said thank you to everyone. Initially, he was so angry with his neighbor that he wanted to come in here and scream and do this and that and then as he's watching all this unfold, he thought what legal right they have to evict somebody or to change something. They can't even tell somebody to cut down a tree. He asked who he is to tell them what to do about his neighbors. So, he thinks what he needs to do is maybe join up with the Activities Committee or anything else to try to help because he loves it here. He grew up in the city his entire life. When he first moved here, he couldn't sleep because of how quiet it was. There wasn't any traffic. There were no sirens. So instead of complaining, he'd rather just do something about it. And if he has an issue, maybe he should be more vocal to them about it instead of just yelling at his wife because his son can't sleep because of a problem neighbor. It's good that he came down here. Again, he does not want their job but if they want him to help, he could probably do that.


Timothy Weaver said to John Stratz that he knows they don't have to answer these questions but it's always good practice to communicate with the constituents. He said he mentioned that he was already in motion with the grant for the stormwater and that he reached out to Tina Davis and Frank Farry's office. He asked if he could give him the date of when he started to do that. John said he would have that information for him at the work session. Barbara Heffelfinger said something to Tim and he said he loves her too. He said he knows how

crooked she's been with all of these grants all these years and this is the time that she's going to pay. He can't wait to take her job. It's coming. They are going to oust her as quick as they possibly can. He knows they don't like him but he's doing a favor to the residents because they are not transparent enough for everybody. He said just answer the questions and be honest with everybody. He's the vanguard for their part of their neighborhood and he's coming out here and addressing the issues that need to be addressed, but nobody wants to answer the questions. He said let's just do things the right way. He asked why everything has to be hidden. He asked if everybody knows they're going to get \$70,000.00 - \$80,000.00 African mahogany doors for the castle. He said let's put a drawbridge and a moat out there. Get the kingdom rocking. The peasants will gladly come in and out if this is what they want to do. Run a kingdom here and they're all just a bunch of surfs. Things don't always have to be like this. Everybody can be honest. They all have to live together, whether they hate each other or not. They can watch their back one minute and kiss their backside the next. That's what they do all the time. He asked why they need an ADA ramp out back. He asked why they need an ADA ramp out front. He asked what the heck happened to civility where someone could hold the door open for someone. Since COVID started, everything's been hidden. They're going to do this, they're going to pass this EIT, they're going to pass this new TOD. They didn't tell anybody. They already voted this stuff down. We're going to have to come back and do it again.

Dave Cahill asked how they delivered the grant application for the DCED when it was incomplete. He said the Planning Commission never met. There was supposed to be a letter signed by the chair of the committee to deliver that grant. He has an email here that says that the borough council recently authorized preparation of a grant application to support investigation and repairs of inflow and infiltration in the borough sanitary sewer system. The application requires a letter from the borough Planning Commission stating that the proposed project complies with the comprehensive land use plans. The meeting was cancelled on the 20th of December. He asked how they delivered the grant on the 21st when they didn't have the signed letter. John said the Bucks County Planning Commission did it for them. Dave said he made some phone calls. He asked if John got an email. John said no. Dave said the gentleman from the DCED told him that the grant application is incomplete because they don't have the letter from the borough and the letter from the Bucks County Planning Commission doesn't count. They want a copy of this email that says the grant application is due on December 21st and they cannot wait for the January meeting of the borough Planning Commission. A special meeting is required before December 21st 2022 if they are to complete the grant application. Dave said he spoke to borough staff, and they directed him to reach out to the person that this email was sent to. Attached is a copy of a letter from 2019, which was a grant application so that they had a draft letter. He asked why they would bypass the borough Planning Commission and go to the Bucks County Planning Commission when according to the DCED, it doesn't count. He asked who's playing games and if John was involved. He asked if Laura Germain ran away scared and if she was involved in Beverly's RDA scandal. Dave asked if they are having a Zoning Hearing on the 18th of this month. Mike Smith said no. Dave said to Gary he doesn't think he will be getting his grant from the DCED.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:14 P.M.
 SECONDED BY JOHN STRATZ. All ayes, motion carried.

Submitted by:



Marie Serota, Secretary/Treasurer