

Penndel Borough Council Workshop Minutes

June 17, 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 - absent
Councilman Bud Murphy
Councilwoman Robin Valentis
Councilman Gary Nickerson
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack
Marie Serota, Secretary/Treasurer
Carol Schuehler, Borough Engineer

Council or Borough Announcements

Mayor Sodano reported that this year's Community Day was a success, with nice weather and great attendance, and was an enjoyable day for everyone. This event is funded by donations from borough businesses, so please continue to support them. Mayor Sodano expressed his gratitude to Barbara Heffelfinger, who despite enduring a difficult rehab, handled all the paperwork as usual and participated representing the Heritage Society and showcasing some of Penndel's rich history. He also thanked borough secretary Karen Kondrk who gives generously of her personal time for any help he may need, Councilman John Stratz who again generously provided music and vocals, and Councilman and Mayor Emeritus Bob Winkler, who always attends nearly every borough event. Community Day was originated by Bob and the blueprint he left him makes for a successful event. Mayor Sodano said he had mentioned previously that meeting minutes were not being posted on the borough website in a timely fashion. Since then, borough secretary Marie Serota has assumed responsibility for posting the minutes and is doing a great job of keeping them up to date. This is especially good as it allows council persons Moffa and Nickerson to know what is going on, since they don't bother to attend.

Consent Item

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE JUNE 3, 2024 COUNCIL MEETING. SECONDED BY BUD MURPHY. All ayes, motion carried.

ReportsPresident's Report

John Stratz reported that he was not at the last meeting because he was at the Pennsylvania State Association of Boroughs annual conference in Hershey. He brought back a lot of information that they will be getting into throughout the next couple of months. One of them was social media policies, which he will be working on. Penndel does very well with the social media

policy. They have to make sure that Penndel has an official site and there must be approval of who posts and what gets posted on it. Penndel must have full control and put out disclaimers over any other site out there that may start with the word Penndel, so that people see the official site and do not mistake other sites as belonging to the borough.

Solicitor's Report

Barbara Kirk reported that she has provided Mr. Thompson with a draft of provisions for events and block parties, to address the issues that were raised by council a couple of weeks ago. It sets out a process for obtaining a permit in order for a block party, non-block party to occur, how many residents have to sign a petition in support of either event, and how things should be processed. Application fees can be determined by the borough by resolution, and it sets out that an event of a block party needs to have a request submitted within 45 days prior to the event, so that all the appropriate arrangements can be made. She did this in a draft form without all of the ordinance provisions to enable council to look it over and then let her know of corrections that are needed. If council still wants to move forward, she can then take action and draft a final ordinance that can be presented for council to advertise and then render a decision.

Unfinished Business

Discussion on the sidewalks and curbs along Noeland Ave.

Robin Valentis said she thinks the conversation was that it would be unfair that when this process was done in other areas, people had to install or replace sidewalks. John said the other side of Lincoln Hwy. is mostly driveway. Robin asked if there has ever been a street done similar to this situation. John said this is quite unique and there is some gray area regarding the ordinance book. There is no ordinance on the books saying that sidewalks have to be done when they do a street. It is customary, but there is nothing there.

Mike Smith said that John is correct. There is nothing in the books. It has been an unwritten rule in this town that when a street is done by the borough, curbs and sidewalks need to be done. Bob Winkler said that's probably since the early 1970's. He gave a little history on Noeland Ave. about Mayor John Smith getting a grant from the federal government for between the railroad and Lincoln Highway. The other side was done too but that was with borough funds. The curbs were put in before his time. Mike said they make the borough residents put in curbs and sidewalks. He took a look and there's only one little section of curb that has to be put in that is broken down towards Thai Chef & Noodle Fusion. They're asking for them to be consistent. If not, they are going to make the residents mad that had to put in curbs and sidewalks in this borough. If they do not enforce it on that street, he will put a class action lawsuit together because he had to do it. There are other people who had to pull money out of their retirement because they were told a lien would be filed against their property. Bob said it's a touchy subject for him because when he built his house in 1976, he had to put curbs and sidewalks in even though he knew the borough was going to be putting in a storm sewer the next year. He asked if he could wait, and he'd pay for it, but they said he couldn't move in without them. A year later, the borough ripped out what he had put in and it cost the borough a couple thousand dollars for no reason. Bud Murphy asked what their rationale would be for not requiring curbs and sidewalks if they've required them consistently in the past. Gary Nickerson said the last time they did this was when they did Bellevue Ave. He said he thinks the ordinance says it's at the discretion of council. His concern with this is that there's a reason why a borough that's this small has such terrible streets and that is because of this particular situation. Hulmeville just paved their whole town, they didn't get into this whole topic of curbs and sidewalks. He thinks it should be divorced from street paving because this is what happens, and it bogs them down and they never get anything done. He thinks they should have a curb

and sidewalk inspection program, but it shouldn't be tied to streets. People are going to complain about their curb requirement being 8 inches tall and having to use metal forms when everyone uses wood.

Robin asked what other townships are doing when they pave their streets. Gary said they're not letting this issue get in the way. John said sidewalks can be put in anytime without disturbing the streets. The curbs there are acceptable. They are above six inches.

Kathleen Pfender, read a few letters she received from the borough about repairing her sidewalks, curbs and apron for the reconstruction of Rumpf Ave. in 2008. If they decide that Noeland Ave. doesn't have to do anything, she is going to turn her bill into the borough for \$4,244.00 to be reimbursed to her and her husband.

Mayor Sodano said at the rear of Thai Chef & Noodle Fusion, their section is cracked and spalled and is much worse than ones that they required to be repaired and or replaced. John said they can revisit that particular one. Mayor Sodano said on the other side of the highway, The property owner of 138 and 140 W. Lincoln Hwy. rents out a garage, which the address is 36 Noeland Ave. His curb has completely disintegrated.

John LoPiccolo, said if it's disintegrating or nonexistent or extremely cracked, then it should be replaced. Other boroughs that he used to speak to would tell him that they would apply for grants and try to at least help with the cost or completely take over the cost of sidewalks and curbs, when they would do street projects. Also, they are trying to make a walkable downtown. At that corner, there's a dumpster on the sidewalk in the right of way but somehow, it's not in the triangle of the view. And people blow that stop sign all the time. He walks with his kids, and they have to walk in the street because there's no sidewalks, so they are imperative for that block. They also have a huge ponding problem at the corner of Noeland and Crescent. The furthest drain is all the way at the end of the street and then there isn't another one until Crescent St. It's not a very safe block to walk on. They should hold off voting on it. Mayor Sodano agreed that the dumpster doesn't help. He was on Noeland Ave. and a lady in a gray Escape came around that corner and he couldn't see her because he was still back where the dumpster was, and she only missed him by about a foot coming from Crescent onto Noeland.

Dave Cahill, thanked John for his statement about there not being an ordinance for the program sidewalk replacement. There is a silk screen business on Noeland Ave. between Lincoln Highway and the railroad. He asked why they wouldn't be doing curbs and sidewalks in front of that business. John explained they are not doing reconstruction on that section. They are repairing it. Dave said that people are going to be lining up at District Court wanting their money back that they made them spend back when they paved the streets.

Tim Weaver, said he spoke about the handicap ramp that was pointed in one direction at the intersection of Crescent and Noeland Ave. at one of the meetings. Anybody could see the writing on the wall that the sidewalk wasn't going to go the other way. It seems coincidental that the Burger King building just sold and now it's going to get a waiver that they don't have to do anything unless it's going to go through with the U&O. They need to talk to Bucks County Water & Sewer to see if they have to dig up the road to put in any new pipes before destroying the roads after they're put down. For once, he sort of agrees with Gary that this shouldn't be tied to the roads. Maybe the curbs but even according to the MS-4 program, he read these curbs aren't needed anyway. All they're doing is channeling water and increasing the velocity by the time it hits the streams.

Alan Dashoff, said this is the kind of thing that divides people around here because there's so much inconsistency in what council does. They need to come up with a plan in a document with what's going to constitute when they need to do the curb and when they need to do the sidewalk when they're doing roads. They need to be consistent. Inconsistencies cause division and with division they don't get cooperation.

Bud asked John again, what is the rationale for changing it this time around. He said Gary expressed some thoughts and they're worth listening to. John said he was going to call for a motion to approve putting in sidewalks. John LoPiccolo said he's talking between Lincoln Highway and Crescent Street. Mayor Sodano said from Lincoln Highway to the railroad will just be micro surfacing and from Lincoln Highway to Crescent St. is being reconstructed.

MOTION BY ROBIN VALENTIS TO TABLE THE SIDEWALK REPAIR MOTION TO THE NEXT MEETING FOR FINAL DECISION. SECONDED BY BUD MURPHY. All ayes, motion carried.

Barbara Heffelfinger said they have to put it down in black and white and say this is what it is going to be from this moment forward. They need to sit down and hash it out and figure out what they want to do.

Mike Smith, said he agrees with Barbara, but it will take forever to put the ordinance together. He said look how long it's taking for the fence ordinance.

Alan Dashoff, said this ordinance shouldn't be rocket science. They need to sit down and discuss it and put it together. Carol Schuehler said it's in the code.

New Business

MOTION BY BUD MURPHY TO APPROVE PAYMENT #4 TO PREMIER BUILDERS, INC. AS RECOMMENDED BY GILMORE & ASSOCIATES, INC. IN THE AMOUNT OF \$19,267.00 CONTINGENT UPON COMPLETION OF THE PUNCH LIST ITEMS. SECONDED BY ROBIN VALENTIS.

Mike Smith, asked if they noticed what's under the painted handrails. They are rusting already. John said that's part of the punch items. Mike asked how they were going to fix that. Barbara Kirk said council is approving the final payment in order to submit the documents required for the expiration of the grant funds, but payment is going to be held until all punch items have been completed. Mr. Thompson can have them included as a punch list item to be resolved before they get their last check. Mike said since the rails are not sandblasted and epoxy painted, they're going to have that rust forever. They're going to be replacing them in a couple of years.

Tim Weaver, asked if there were any other items on that punch list. John said the borough manager wasn't there tonight, so he can't answer the question. Tim said if you run your fingers along the bottom edge, it's starting to get sharp. The rust is coming off. Things definitely need to be addressed. Mike has been saying from the beginning that it's going to fail, and it has already started to fail and it's going to continue failing.

The vote was 4 ayes, 1 no (Bob Winkler) Motion carried 4-1.

MOTION BY BARBARA HEFFELFINGER TO APPROVE PAYMENT #1 TO HYDE ELECTRIC CORPORATION AS RECOMMENDED BY GILMORE & ASSOCIATES, INC. IN THE AMOUNT OF \$10,699.00. SECONDED BY BUD MURPHY. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION 2024-12 AUTHORIZING DISPOSITION OF UNNECESSARY PERSONAL PROPERTY AS DISCUSSED AT THE 6/3/24 COUNCIL MEETING. SECONDED BY JOHN STRATZ. (A VOTE WAS TAKEN BUT NO MOTION AND SECOND).

Tim Weaver, asked if it was some stuff down at the public works department. John said the old pickup and backhoe. They will be putting it on the government listing. Tim said there is some value in spare parts. Maybe they could take that money and fix the fence down there.

All ayes, motion carried.

MOTION BY TO AWARD THE NOELAND AVENUE PAVEMENT REPAIR PROJECT TO GORECON IN THE AMOUNT OF \$54,415.00. SECONDED BY.

Carol Schuehler explained that the project was put out for bid. It consists of milling, base repair and resurfacing of Noeland Ave. between Lincoln Highway and Crescent St. She has the same concerns as John Lo Piccolo about the intersection of Noeland & Crescent. They went out there with the level and took some elevations and shared with all the prospective bidders how they want that graded for positive drainage along the gutter line on Crescent St. That pothole would get repaired as part of this project. On the other side of the road, they are not repaving the whole road. They identified potholes or failed pavement below the area that currently has sidewalk on the north side of Lincoln Highway on Noeland Ave. and are looking at large base repairs on those pothole areas. That means they cut out four inches deep and then we're putting back in 19 millimeters. It's not finished wearing course pavement but it's filling the holes that are back there. They received four bids for this project and the lowest responsible bidder GoreCon, Inc. If the borough goes forward with this project and they decide they also want to do some sort of sidewalks along Noeland Ave., they could come back and have them done under a separate contract or by the residents. The curbing on Noeland Ave. between Lincoln Highway and Crescent St. is in good condition to provide a structural edge for that pavement.

Robin said they're saying the curbing is good but then the mayor and someone else disputed that. She asked if that could be looked at again. Carol said yes.

John Lo Piccolo, said where the dumpster at Thai Chef Noodle Fusion is down to the Natural Food Store is a problem because they get a lot of water, and they have an apron but no driveway. That's where she needs to look again.

All ayes, motion carried. There was no motion or second made. This motion will need to be ratified at the 7/1/24 meeting.

Unnamed Tributary to Neshaminy Creek Stream Restoration Feasibility Study – July Presentation.

John said that this was going to be a presentation in July. Carol explained that the unnamed tributary to the Neshaminy Creek is on the property where the sewer treatment plant is, even though it is technically in Middletown Township. She would like Mr. Uhler, who prepared the feasibility report, to come and present it at the July 1st meeting. With council's acquiescence, she'd like to reach out to Middletown Township's engineer and borough manager and let them know they're having this conversation so they are not surprised. They would be presenting this as a potential change order to the pollutant reduction plan for the Neshaminy Creek watershed. If it's viewed favorably, then they would reach out to or meet with DEP regarding the Growing

Greener Grant or other grant opportunities and the process of modifying the PRP plan, if those funding opportunities are available. They should get feedback first from borough residents before going to Middletown.

Tim Weaver, asked if he would be privy to that information from the land studies report and could have a paper copy or if he needed to fill out a right to know request. Barbara Kirk said he should do the right to know request, so there's no issue as to somebody handing out paperwork.

MOTION BY BARBARA HEFFELFINGER TO APPROVE AND SIGN THE SUB-RECIPIENT AGREEMENT BETWEEN COUNTY OF BUCKS AND PENNDEL BOROUGH FOR MEMORIAL PARK BALL COURT IMPROVEMENTS; PROJECT #B-24-10. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Barbara Heffelfinger said almost everything done at the field has been done with CDBG grants. They have a very good relationship with the lady who is in charge of all the grants, and she's been down looking at the field and they are very pleased with what they're doing down there. She commends them for helping them really make the field something that they can be very proud of.

MOTION BY GARY NICKERSON TO AUTHORIZE ADVERTISEMENT OF THE BASKETBALL COURT UPGRADE PROJECT. SECONDED BY BUD MURPHY. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2024-13 AUTHORIZING AND APPROVING THE EXECUTION AND SUBMISSION OF TRAFFIC SIGNAL MAINTENANCE AGREEMENT FOR THE INTERSECTION OF LINCOLN HWY. AND DURHAM ROAD AS REQUIRED BY THE PA DEPARTMENT OF TRANSPORTATION FOR THE ARLE GRANT APPLICATION. SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO EXECUTE A WORKER PROTECTION FORM AS REQUIRED FOR THE ARLE GRANT APPLICATION. SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

Carol said they are in the process of preparing the grant application for the ARLE grant, which is due at the end of this month. It is for replacement of the traffic signals at Lincoln Highway and Durham Rd. You cannot submit an ARLE application if you don't have a traffic signal maintenance agreement executed and submitted to PennDOT. This has to be done for the borough to be able to apply for the grant. She thanked the borough solicitor for getting this together so quickly. She was kind of shocked that they didn't have it already as a borough, but this is a necessary document to be executed, which just essentially says that they'll do all the things that they're currently doing like getting the signals inspected regularly and getting them repaired when they need to be repaired.

Public Comment

Tim Weaver, said a few meetings back, they were discussing some parking issues at the intersection of Highland Ave. and Woodland Ave., regarding the daycare center. There's been some more issues since then in regard to that and he's already spoken with the police. He just wanted to let everyone know at the same intersection there's going to be a problem occurring. It is about the impervious surface on that property. There are over 3,200 square feet of compressed three quarter modified 5 inches deep in the middle. They are going to put screenings on top of that and sand on top of that and then astroturf on top of that. Friday, they had approximately a 1/2 inch of rain. The amount of runoff was doubled from the property.

There is a cease-and-desist order, so they're not fully done with the work. He wanted to bring it to their attention because others have been turned down for things because of impervious surface requirements. The stop sign gets blown 30-40 times a day. The residents here are sick of it. He wants it on the audio minutes in case there is a problem that ever occurs there, everybody knows he's been barking about this, and he has asked the police for help. Barbara Heffelfinger said when they come out of Highland Ave., they zoom out of there and are a real traffic hazard. Tim said it's getting worse as the summer months are moving along. He's bringing it to their attention because it's going to get ugly down there at the corner of Highland Ave. and Woodland Ave. because the residents are going to be putting up a fight. They're not dealing with this any longer. They will do whatever they have to do to slow this down and they will do it legally and civilly.

Alan Dashoff, said it's not just Highland & Woodland. They fly down Crescent & Dehaven and it's not just the daycare. It's Our Lady of Grace folks and kids with their nice Chargers. You have to be realistic. The chief has one car at a time, he cannot cover everywhere. He needs assistance from council. They should look at Pennsylvania Traffic Calming Guide, which allows them to put in traffic humps. Humps are different than bumps. They're wider, lower and longer and not that expensive. Mayor Sodano said he was just looking at some that are temporary. A lot of municipalities have them and to avoid the snowplow issue that everybody claims is an issue, they have them now that you can take them up in the winter, if you want so they can plow. Alan said they're lower so they can get a plow over them without a problem. They can't depend on the chief because he's only one person. They can put a second car on periodically at the intersection. Mayor Sodano said those parents apparently have a pretty good communication network because no matter where they put a car, they drive slow there and everywhere else they're still racing around. As far as the impervious surface goes, they need to look at it and enforce it. He asked for a 1% increase several years ago to widen his front steps and he was denied. Mayor Sodano said that was a definite attempt to make that happen on a weekend knowing that they have no way of enforcing it on a weekend, but they were able to with help from certain residents and by Monday, they had a stop order in place.

John Lo Piccolo, asked when the paving on Noeland will happen. Carol said they won't know until they meet with the contractor. John asked what the ball court improvements are. Carol said the grant is for \$175,000.00 and they will be removing old pavement and replacing it with asphalt. Removing the fence is in the bid and they want to surface the court with concrete, but she expects it might be too high. John said everyone should complain about the Milnik's because their place is a disgrace. Everyone thinks it's in Penndel but it's in Middletown. Everyone should complain to them because you can't walk from the train station into Penndel because the sidewalk is so overgrown and it's disgusting. They should be made to clean it up.

MOTION BY ROBIN VALENTIS TO ADJOURN THE MEETING AT 9:03 P.M. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Submitted by: 
Marie Serota, Secretary/Treasurer