

Penndel Borough Council Meeting Minutes

June 5, 2023

Council Vice President Barbara Heffelfinger called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the Meeting

Council President John Stratz – via telecommunications
Council Vice President Barbara Heffelfinger
Councilman Alan Dashoff
Councilman Joe Dudash
Councilman Gary Nickerson
Councilman Bud Murphy
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

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

Council or Borough Announcements

Barbara Heffelfinger thanked everyone who participated in Community Day. It was a nice day, the kids had lots of fun and it didn't rain like it was supposed to. Barbara said the Penndel/Hulmeville Memorial Day parade was nice and she thanked Ed Preston and his crew that help out every year.

Public Comment on Agenda Items

Tim Weaver, said he's been warning council that Rumpf Ave. is going to fail no matter what is done. It needs to be resurfaced. This is just another patch job and another waste of money. It's not going to last, especially if they have a hard winter. It's a disgrace. Even if they put the cape seal or the ultra-thin wearing course down, he gives it a maximum of three years. He thinks they should move the motion on the resignation of Mr. Winkler up in the agenda before he has a chance to do anything because only one person from the Civil Service Commission is supposed to be on council, according to the solicitors. He noticed they lost another police officer with the resignation of Officer Daniel Winter. Their police force is dwindling, and it doesn't look like anybody else is coming to fill the gaps. Word on the street is that the state police are going to have to start taking over shifts. He asked if anyone could confirm or deny that. Barbara H. said not at this time. Barbara said that Bob Winkler has resigned from the civil service. Tim said there is a motion to accept his resignation. Barbara said they have to accept it, but he has already submitted his letter of resignation.

Mike Smith said Bob Winkler's resignation has not been accepted yet, so he should not be sitting up here until it is accepted by this council. Gary said he was sworn in, so he is on council. Barbara Kirk said he resigned. What council is doing is just formalizing what he's already done. He's finished. Mike asked what happens if it's not accepted. Barbara said he's still off. They can't force somebody to serve on a committee that they don't want to serve on. What council is doing is just a formality for the record that he has resigned.

Joe Dudash asked if he could have Gary on the Refuse Committee with him. He also said he didn't want to be on technology because he would be a hindrance. He's recommending that Gary be on it. Gary said it was okay with him. John Stratz also said it was okay. He warned them it was a contract year for refuse. They want the borough to get the big trash cans for their claws to grab.

Consent Items

MOTION BY GARY NICKERSON TO APPROVE THE MINUTES OF THE MAY 1, 2023 COUNCIL MEETING TABLED FROM MAY 15, 2023. SECONDED BY BUD MURPHY. All ayes, motion carried.

MOTION BY GARY NICKERSON TO APPROVE THE MINUTES OF THE MAY 15, 2023 WORKSHOP MEETING AND TO APPROVE THE FOLLOWING BILLS FOR THE MONTH OF MAY, 2023:

General Fund	\$44,102.23
Fire Tax Fund	\$34,275.19
Refuse Fund	\$ 1,028.10
Sewer Fund	\$39,078.20
Capital Reserve Fund	\$ 6,710.00
Liquid Fuel Fund	\$ 402.57
Police Pension Fund	\$ 6,100.00 (to be paid out of plan, attached to bill list)
Non-Uniform Pension Fund	\$ 5,100.00 (to be paid out of plan, attached on bill list)
Escrow Fund	\$ 1,009.00
Payroll Fund	\$ 833.84

Payroll

General Fund	\$34,319.72
Sewer Fund	<u>\$ 3,305.68</u>
Total	\$37,625.40

Escrow Fund Bills

Schoolhouse Court:

Hill Wallack, LLP	\$220.00
Value Engineering	\$373.00

Schoolhouse Court LD:

Hill Wallack, LLP	\$260.00
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Cattani Subdivision:

Value Engineering	\$156.00
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SECONDED BY BUD MURPHY. All ayes, motion carried.

Reports

President's Report

John Stratz reported that he was at the Pennsylvania State Association of Borough's annual

conference and has good news. One of the exhibitors was the Pennsylvania Treasury Unclaimed Property Bureau and it turns out that the savings from the upgrade of the streetlights were never sent to them from PECO. It ended up being sent to the Unclaimed Property Bureau instead, so they have three checks for them totaling \$6,064.50. He will work to expedite recovering those funds. Committee assignments have been returned to the way they have always been, due to sharing all the duties of council between the seven of them. There was already a statement tonight from the audience about police resignations. Police recruit loss is prevalent throughout the state and has been a topic of conversation throughout this conference and no solutions have been presented. This also affects statewide enrollment and volunteer fire departments throughout the state as per the Pennsylvania State Fire Commissioner, who gave a speech tonight. There have been no solutions offered. He is open to any suggestions to retain their part-time officers. He hopes that the committee handling this will come up with a way of possibly getting a full timer because a full-time policeman is the only way they can get someone to stay.

Joe asked John if the Environmental Committee was still in existence. John said it is still in existence. Just like every committee, they need civilians that want to join, especially the planning commission. He said Ben has warned him that they need members of the Planning Commission in two weeks so if he wants to suggest to the audience, those who wanted to be on council can put in for the Planning Commission because they need members desperately.

Borough Manager's Report

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

Gary asked Geoff to explain the whole Boca Board of Appeals. Geoff said the borough enforces the UCC, which is the Uniform Construction Code. The borough is supposed to have a board of appeals set up to hear interpretations of the building code and to date, has not established one. The problem with the Board of Appeals is that they have to have people with credentials like an architect or engineer or somebody who works in the construction field. It's very difficult to get these people but state law does allow you to join other municipalities. Middletown Township has offered to allow Pennel to join their board. They have an established board which under state law, they're allowed to do. Gary said they've been trying to put together one of these boards and soliciting people to apply and they haven't yet, at least his time on council. They have never been able to get anybody to apply who meets the criteria. People want to have people from the borough be a part of that, but they simply have never had anybody apply that meets those criteria. Joe asked if Middletown would charge them. Geoff said no. Joe said they can use Sally's corporation. Hulmeville and Langhorne does. Geoff said he ran that by the solicitors and they're telling him no. Joe said they're incorrect because Hulmeville and two other boroughs are doing it. Geoff said he read the law too and he doesn't think they're correct. Gary said they would charge them. Joe said they're fighting; they don't want Middletown for police. He asked why he would send his stuff to Middletown. Gary said there's only been one or two situations where it would be beneficial to have this sort of board of appeals. This is a very infrequently used board. Joe said they're paying for a civil service board. He doesn't want Middletown. Gary said then he can vote no. He told Joe to tell his neighbors to apply. In the three years that he's been here, they've never been able to get anybody. Middletown is offering it for free. Joe asked why they are paying for civil service when they don't need it, since they have part time police. Gary said that has nothing to do with what they're talking about. If they can somehow get three people to apply and they were with Middletown, they could end the contract with Middletown and they could have their own board of appeals. They can still

advertise and try to have their own but if they don't have one and a situation comes up, they're not in a good position.

MOTION BY GARY NICKERSON TO AMEND THE AGENDA TO MOVE THE ITEM UP ON THE AGENDA AUTHORIZING THE BOROUGH SOLICITOR TO PREPARE DOCUMENTS FOR PENNDEL BOROUGH TO BE APPROVED AS PART OF MIDDLETOWN TOWNSHIP'S BOCA BOARD OF APPEALS. SECONDED BY BARBARA HEFFELFINGER.

Barbara Kirk explained that the Boca Code of Appeals Board is similar to the Zoning Hearing Board except they handle issues arising under uniform construction code, electrical code, plumbing code and building regulations. If somebody is denied a building permit for one of those reasons or is issued a citation for a violation, that person needs to have the ability to appeal. If the board does not exist, there's no recourse for that person to appeal and it could then be construed that what their appeal requesting is automatically approved, so they need this board established in order to deal with those issues. Pennsylvania Municipalities Planning Code does allow municipalities to create joint boards for lack of having appropriate volunteers to serve on them and use those joint boards to deal with the issues that arise. Barbara H. asked if a person in Penn del could serve on more than one committee. Barbara K. said it depends on the committee. You typically cannot accept somebody who's serving as a member of the Zoning Hearing Board to sit on The Planning Commission. They're two different functions and they're supposed to be independent. For the BOCA Board of Appeals, there are very specific requirements. They need an architect, somebody in construction, an engineer. It cannot just be open to the general public without those qualifications being met. John said if Penn del gets enough qualified members to form their own board, they can rescind the agreement with Middletown, but he does not see that happening. They need Middletown for their qualified people.

Tim Weaver, asked how long Penn del has been without an appeals board. Someone from the audience said 2017. He asked how many issues have arisen that they are going to sell out to Middletown. They might as well get Middletown cops here. They're just going to keep subbing this out one little step at a time. He doesn't want some guy from Middletown telling him how to do his wiring. They have a zoning guy and code enforcement. Barbara H. said they did have two people. The only thing that they're looking for is an architect. But right now, they need that board.

Terry McIntyre, asked if Middletown will make their decisions. Barbara K. said they will interpret the codes that apply and render the decision.

Barbara K. said if your code enforcement agency is supposed to be enforcing the regulations, they cannot sit in the seat of being the decision maker in interpreting those regulations because that's a direct conflict of interest. Joe said so, she's telling him their solicitors are doing an illegal action. Barbara K. said she cannot answer what the other boroughs are doing, it's just you cannot use your code enforcement group also as the interpreters and decision makers of issues arising as to those regulations.

Joe said they should use Gilmore. Barbara K. said their engineers are here to interpret the decisions and the application of the ordinances to certain matters coming before council. In order to make them as the decision makers as to an appeal again would be a conflict. Joe said he disagrees.

A roll call vote was taken. Bob Winkler, yes, Alan Dashoff, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Bud Murphy, yes, Joe Dudash, no, John Stratz, yes. Motion passes 6-1.

MOTION BY JOHN STRATZ TO AUTHORIZE THE BOROUGH SOLICITOR TO PREPARE THE APPROPRIATE DOCUMENTS FOR PENNDEL BOROUGH TO BE APPROVED AS PART OF THE MIDDLETOWN TOWNSHIP BOCA BOARD OF APPEALS. SECONDED BY GARY NICKERSON.

Barbara K. said at this point, Middletown Township has indicated interest but has not taken any affirmative action to agree. This would be a matter of preparing what needs to be done in order to join Middletown Township to have the appeals board, which would then have to come back to council in the form of a resolution for approval. Mayor Sodano said Barbara mentioned that they had two of the three positions that they could fill for a BOCA board and all they need is an architect. The residents of our town are uncomfortable with another township making decisions for them. Maybe they could hire an architect that is not going to be an exorbitant amount of money as compared to for instance, hiring someone like BIU, which was suggested by Joe and might satisfy the concerns of the residents who are uncomfortable with another township making decisions for them.

A roll call vote was taken. Bob Winkler, yes, Alan Dashoff, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Bud Murphy, yes, Joe Dudash, no, John Stratz, yes. Motion passes 6-1.

Barbara H. said she will try to contact the people she talked to before and see if she can get them to do it. Until then, they will be using Middletown for appeals. Barbara K. said unless something is appealed, there is no reason to use them.

Joe asked Geoff about the regionalization of the fire departments and if he had been communicating with the new fire chief and Middletown manager. Geoff said he spoke to the manager. She said they're waiting on the new fire chief's report regarding what he sees things are. Joe asked if they are going to have continuous meetings. Geoff said he's sure they will once he gets his feet wet. Joe said he would like him to push on them because Fitzpatrick, Hogan and Farry were saying they could be getting hit with a six to seven percent increase on the fire tax. Joe asked Geoff how they were doing with painting the fire lanes. Geoff said Lou has been working on them. He has done the most vital ones. He talked to Rich Schramm, and he wants the ones done on Centre St. Lou has them mostly completed all the way down to Dehaven and Rich wants to see how that works out for him before they go expanding them in any way. Joe asked Geoff if the borough received \$17,000 and change what all the boroughs' got. Geoff said it was for Roundup in the Monsanto suit. They had to figure out what it was for. They got it about three weeks ago. Joe asked how they are doing on the police battery replacements for the hand radios. Mayor Sodano said they have mentioned the batteries at multiple meetings. They are not on the schedule to be replaced this year. They have more than enough batteries. Joe said he heard they're not working and they're dying. Mayor Sodano said he heard incorrectly. They have multiple batteries and if the guys have to carry an extra one in the vehicle with them and change it during shift, that happens. They have more than enough. Joe asked if the batteries were due. Alan said a good battery that's been conditioned should last a 12-hour shift. It doesn't mean he ran them that way as a medic. He's done jobs as a squad operator, and they've gone 12-14 hours and had the radio on the whole time and did not have to swap out. Mayor Sodano said they have approximately three full sets of batteries so they're not on this year's budget to be replaced. There will likely be a request for them for next

year but they're not on this year's budget to be replaced. They weren't put in there for this year because they had so many of them. Alan said they need to figure out which ones are bad, which ones are good and mark them so they would only take the good ones on the street. Maybe the radio room can do something because they have a conditioner. It kind of massages the batteries capability of holding a charge, it's a little technically above what he knows about the radios. They should last at least 8-9 hours because they don't want something going south and they can't get back to their cars. Barbara said she would speak to the chief about it. Joe asked Geoff about 21 Joyce Ave. and the grass. This is going on for years and nothing gets done. They should get Kevin Burcz to cut it and then fine them and make them pay for it. The neighbors are cutting the front, so it looks okay, but the back is the problem. Geoff said a letter went out and she has until June 7th to cut it. Barbara K. said to ensure that the borough can collect its money from paying somebody to cut the grass, as a matter of course, have somebody go down there every week or every two weeks and issue the notice of violation. If there's no response, then send somebody out to cut the grass on a regular basis. Then they lien the property for what it is costing the borough in order to pay to cut the grass. In order to ensure that it's done following the proper procedure, it should have a notice of violation issued and give the deadline. It could be a five-day deadline. When there's no response, send somebody out and then the borough should automatically send the paperwork to get filed for a municipal lien up in Doylestown. It's done in other municipalities, and it can be done in the normal course. This way if and when the property ever sells, the first thing that gets paid off are all the municipal liens owed to the borough. Gary said it seems like these people have no interest in cutting the lawn and it sounds like they have until Wednesday and after Wednesday, presumably they can move on. He asked if this process has to start all over again or can they simply mow the lawn every week. Barbara K. said it has to go through the process because unfortunately, the way the codes are issued by the state, they have to give the property owner notice of the violation and time to cure the defect. Mayor Sodano said he knows that code enforcement has cited that homeowner at least once within the last week or week and a half. He asked Geoff if he knew how many times he had cited them previous to that. If they have two or three documented notices of violations, then they can move forward. They have to be careful. They don't want to be in violation of trespass. Geoff said he wasn't sure how many times this year Charlie cited them. He knows he did it multiple times last year. Barbara K. said in the packet, this property shows up under door hanger warning, then a warning notice, then a complaint, then a violation notice was issued. It appears that there was a compliance inspection that was not done. Gary said after Wednesday, they can cut it. Barbara said Mr. Thompson should inform the code enforcement officer to keep this property on their radar and go out there every so often and issue a notice of violation. If there is no response, hire somebody and then they proceed with filing liens against the property. Eventually, the property will be sold, and they'll collect all the money.

Police Chief's Report

Mayor Sodano read the chief's report which is on file in the secretary's office.

Solicitor's Report

Barbara Kirk reported that the Zoning Hearing Board issued its formal decision with findings of fact regarding the Darnley fence situation. The decision was issued on May 31st and the Darnley's have until June 30th to file an appeal with the common pleas court if they so choose. An application for lot line change or a minor subdivision was submitted by Cattani Brothers for property at 315 W. Lincoln Highway. The application was submitted on May 1st and under the MPC, this borough has 90 days in order to review the lot line application, which includes prior

reviews by Bucks County Planning Commission as well as the borough's Planning Commission. She understands that the borough's Planning Commission is short at least one or two citizen members. She suggested that the administration at least submit the application to the Bucks County Planning Commission so they can conduct their review and that this matter be scheduled in front of council for early July so that there's not a deemed approval of the lot line change. Council really needs to seek out at least one if not two volunteer members to serve on the Planning Commission because applications of this sort will be coming in and it needs to be resolved. Gary said they only have Bud Murphy, Leo Campbell, and Hugh Campbell. Barbara K. said they need three citizen members. If they appoint one, they will have four members which can create a tie vote, so that's why there was a recommendation of trying to find two, so you have a full board.

Engineer's Report

Carol Schuehler read her report which is attached.

MOTION BY JOHN STRATZ TO AWARD THE RUMPF AVENUE ULTRA-THIN WEARING COURSE SEAL PROJECT TO ASPHALT MAINTENANCE SOLUTIONS, LLC, TOTAL BASE BID OF \$64,526.00 AS RECOMMENDED BY THE BOROUGH ENGINEER. SECONDED BY GARY NICKERSON. Alan asked what it would cost to repave it instead. Carol said micro surfacing is what they did on a number of roads back in 1999. That's a very thin seal. The ultra-thin asphalt overlay is a wearing course about 3/4 of an inch thick, so that's a specialized wearing course. They did this up on a road by her and it's beautiful. She's really impressed with the product. It's heavier than just a seal and it's smoother than the cape seal that was done on Oak and Holly. That was not the same process. That was like a chip seal with a slurry layer. This is actually an ultra-thin layer of wearing course that goes over everything and because it's such a thin layer, they can take advantage of the structure that's there today and simply add to it. And it's thin enough that they're not losing curb reveal and changing the profile of that road. That is going to be less than half the cost of milling and repaving the street. That's the advantage. They do have some areas that are problematic in the block between Julie and Cynthia and those are the ones that are being repaired by Haines Paving. They're going to take out three inches deep and bring that back up with all asphalt in those areas that have some concerns, so they have a good base under there before the ultra-thin asphalt wearing course comes through. Most sealing jobs you assume are going to give you an extension of life, a minimum of seven years. This is a little heavier duty type of sealant, so she would hope that they would get more than that. When they put down the micro-surfacing back in 1999, she can still today drive down those roads and see that they stayed in better shape than the ones that they didn't do. Anything they do in pavement maintenance is a way to save on paving. If they can maintain the pavement they have today, and do that on the cyclical basis, then they don't have to come back and completely repave the road. You don't let it degrade. Ultimately that's saving your budget over the years. Gary said this is Liquid Fuels' money. He asked Carol to explain what that is for the newer council people. Carol said the borough receives this from the state. A lot of that comes from the taxes you pay on your gasoline. It's based on the mileage of roads that they have. It never covers all the costs of the things that involve the roads. They can use it for some things, but not for others. They can use it for maintenance activities and sealing a street, which is actually considered a maintenance activity. They can use it for salting and plowing the roads. There are some things that they have to get approval from the state in advance of using that money. Where Haines Paving is going to be doing pavement patches, they had to submit that to the Department of Transportation and get that approved as a project before they could do it. When you're paving and adding more than an inch of material, they

need to get that approved as a project from the state, but maintenance projects do not require that pre-approval. The Liquid Fuels' monies are audited each year by the state, so they watch very carefully how they're spending that money and Marie does a really good job of keeping those books in order because you get through that audit year after year. Alan asked if it is use it or lose it money. Carol said no, they can roll it over to the next year. A lot of municipalities if they want to do a paving project, because paving is so much more expensive than sealing, they need to roll a couple of years together to start accumulating the money to do a paving project.

Tim Weaver, said he's not sure if it's the same coating but a friend of his lives in Pine Grove, PA and they had a road done in 2001 and it's already started showing signs of failure. He asked if there was a guarantee. He said she's saying seven years minimum. He asked if there is a chance that this might wear even sooner than seven years, depending on the weather. He asked if it would be better to just put the money aside and repave the road. They keep fixing them and it doesn't seem to be lasting too long. Carol said the borough has been lacking a good maintenance program and the point of one is to seal the roads on a cycle so that they don't degrade to the point where you need to be repaving because repaving is the most expensive thing they can do. This product is visually and texturally as good and even a little better than a wearing course paving because it's really tight and smooth and the best bang for the buck. Tim said it seems like even with the crack sealing, the amount of linear footage of the cracks that were sealed, some of them weren't sealed properly prior to this coating and it may cause some problems down the road with water infiltration. He's looking at how they are going to save money in the long run and if it's just a little bit more than double to repave the road, to him that makes more sense than putting a patch on it that's going to last for a max of seven years. Carol said the borough cannot afford to just repave all its roads every 15 years. A roll call vote was taken. Bob Winkler, yes, Alan Dashoff, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Bud Murphy, yes, Joe Dudash, abstain, John Stratz, yes. Motion passes 6-0-1 (Joe Dudash).

MOTION BY JOHN STRATZ TO APPROVE AND SIGN THE SUB-RECIPIENT AGREEMENT WITH THE BUCKS COUNTY DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR THE ADA CURB RAMP PROGRAM: PROJECT #B-23-13 AND AUTHORIZE ADVERTISEMENT FOR BIDS. SECONDED BY GARY NICKERSON. Carol explained that this is the CDBG grant, and that money comes from the county. They applied for a grant to do twelve accessible ramps. They said if they can get them done this year, they'll fund more. She put together a list and did priorities. She did the first dozen ramps and then she did a subsection after that like an alternate bid and a subsection after that. She finished the designs, and the bid package sent it over to the county. This is where the county pays for the construction and the borough pays for the design. They can do a limit when they get to the point of award, which is a month and a half away. They cannot award more than the grant amount. All ayes, motion carried.

Tim Weaver, said he saw in the minutes that they were going to have to put \$22,000.00 up against this thing. Carol said on the borough application, the borough commits to paying for the design and the construction of the contract administrator, which was in that range.

Mayor's Report

He was going to wait until next month to bring up Community Day but since Mrs. Heffelfinger brought it up, he wanted to thank her and Karen Kondrk for helping. Those two and himself are

the only people who work on that particular item, and he couldn't have made it happen without them. Mrs. Heffelfinger takes care of all of the bill paying et cetera so that he doesn't have to worry about that, and Karen was kind enough to remind him of all the things that he had forgotten time and again during the month. It was a great day, and the most important thing is that the kids had a good time. Thanks to the generosity of some local businesses, they had some great inflatables, face painting and balloon animals.

Mayor Sodano read his report which is attached.

Barbara H. said she had to reiterate what the mayor said. There are lots of kids, so everyone please be aware. They are the future, so they need to make sure they protect them instead of going like a bat out of hell down all these side streets.

John said it sounds as if there were only two people besides the mayor involved in Community Day. He would like to point out one other member of council who provided live music. Mayor Sodano said he was talking about the administrative part. He thanked John and said everybody appreciated that he came out and performed.

Committee Business

Civil Service Commission

MOTION BY BOB WINKLER TO APPROVE THE CIVIL SERVICE COMMISSION RULES AND REGULATIONS DATED APRIL 2023 AS RECOMMENDED BY THE CIVIL SERVICE COMMISSION. SECONDED BY GARY NICKERSON. Alan said if they approve the ordinance and they never use it or do anything with it, they at least have it in the pocket if they need it. If they don't approve the ordinance, they're taking the money they've invested in the lawyer and will kind of throw it away because they still have to pay him and if they want to reactivate it, they're going to be starting over from scratch. They should approve the ordinance and then worry about it when they look to hire a second full time officer because they don't need it unless it's going to be for a full timer. At least they have it in their pocket.

Mayor Sodano said to Alan's point, Councilman Dudash has pointed out multiple times that they're going to eventually get into the situation of the possibility of contributing, if not paying firefighters directly and the civil service being in place will be there to protect them in event of that happening. Alan said this is something that addresses police. Mayor Sodano said but having the civil service in place, it only requires at that point addendums to their current civil service, so they don't have to start from scratch.

Tim Weaver, said he agrees with Alan. The money has already been spent. Pass this thing and have it in their back pocket in case they need it.

Motion passes 6 yes, 1 no (Joe Dudash).

MOTION BY JOHN STRATZ TO ACCEPT THE RESIGNATION OF BOB WINKLER FROM THE CIVIL SERVICE COMMISSION EFFECTIVE 5/23/23. SECONDED BY BUD MURPHY. Gary thanked Bob for his time on the Civil Service Commission. All ayes, motion carried.

Unfinished Business

MOTION BY JOHN STRATZ TO APPROVE THE GILMORE & ASSOCIATES PROPOSAL

DATED 3/15/23 IN THE AMOUNT OF \$25,943.50 FOR THE BOROUGH HALL ADA PROJECT. SECONDED BY GARY NICKERSON. Geoff Thompson said a few meetings ago, he brought up the Gilmore proposal to do the ADA improvements with the RDA grant money. Council requested that he put out an RFP to see if they could get a better proposal. He sent it out to six separate architectural firms to see if they could give him another proposal and he got no response from all of his solicitations. He contacted Gilmore & Associates to see if they would be willing to honor their original proposal which they are, which is what they have in front of them today. The proposal to do the design, bidding and all the construction inspections for the RDA grant which is all the ADA doors, the ramp and the three doors, and make them all ADA compliant.

John said grants are tax money given to the government that is returned to our specific borough in order to help the citizens. If they do not accept spending this \$25,000, and they have no other recourse besides Gilmore to go to, if they do not approve this, they lose all that money, and it goes to somebody else. Gary asked Geoff if the grant was around \$140,000.00. Geoff said \$139,000 and some change. Gary said it was an RDA grant from the casino money. If they turn that down, it will look bad. They would like to apply for another grant and the RDA probably wouldn't give it to them if they didn't do anything with this grant. They tried to save some money and it was unfortunate they didn't get anything back, but he thinks this is an important investment in borough hall.

Tim Weaver, said word on the street is that is going to cover the front door. He said he thought that was already paid for. So, they're going to do the front doors ADA compliant, keyless entry and the back door done with new concrete and new railings. They have to watch spending money. It's rolling out of here quicker than its coming in. Barbara said she understands where he's coming from but one thing they have to keep in mind is that if they keep turning down these grants, they'll never get them again and then they're going to end up paying for them anyway. Tim said they got the ADA ramp out front, so the peasants didn't have to come in the back door. Now the peasants are going to have to come in the back door because they want to keep the front door locked. First, they can use the front door, then they can't use the front door.

Terry McIntyre, said he appreciates as a taxpayer, that it's part of the process and they did try to see if somebody else would put a bid in. It's never a waste like that because you just never know the climate and if somebody is going to jump in and save money. It does take longer but it's part of the process and it's appreciated.

John Stratz said if the requirements have changed by the federal government and that ramp is no longer ADA compliant, they are forced to do it. If someone gets hurt on that ramp, they can call it Mr. Jonestown because the person who gets hurt will own the town.

All ayes, motion carried.

MOTION BY GARY NICKERSON TO ACCEPT THE RESIGNATION OF POLICE OFFICER DANIEL WINTER II. SECONDED BY BUD MURPHY. Gary asked the mayor how long Dan worked for the borough. Mayor Sodano said he thought about six years. Gary said he is sure everyone on council would like to thank him for his service and good work for the borough. John said he heard that Officer Winter did offer if they were ever in a bind, that he would help out occasionally. Considering he's been trained and has had six years' experience with Penndel and has the uniform, maybe they can take him up on his offer. Mayor Sodano said that he did

say that once he gets his business more established, if he has time, he will let them know and make himself available but at this point, his commitment is to his business that he started.

Jeff Jones, asked if it would be a liability for him to come back to the borough. He asked if he would be paid as an employee of the borough, or would he charge them like he has his own company. Mayor Sodano said he would have to either maintain his certifications, which he is allowed to do under Pennsylvania law, or he would have to get recertified. He couldn't just come back and that's why it was suggested that he should at this point tender the resignation because obviously, they wouldn't want to accept any liability. This way he's severed and if he comes back, the amount of paperwork that the state requires, they have to make sure that it's all current again before he can be in uniform, and he would become an employee again and he would have to swear him back in. Once the resignation is accepted, he can't work here again until he meets the qualifications, and he gets sworn in.

All ayes, motion carried.

New Business

MOTION BY GARY NICKERSON TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

- Amazon Capital Services Invoice #19P9-LTQL-3GT9 in the amount of \$144.96 for an APC UPS battery backup and surge protector
- AT & T Mobility Invoice #X04262023 in the amount of \$157.28 for police department wireless service
- Comcast invoice dated 4/26/23 in the amount of \$236.49 for internet and voice services at 37 W. Woodland Avenue
- Comcast invoice dated 4/26/23 in the amount of \$216.94 for internet and voice services at 300 Bellevue Avenue
- Deer Park Invoice #13D0431953892 in the amount of \$21.16 for cooler rent
- Gettysburg Premium Account invoice dated 4/28/23 in the amount of \$169.59 for dental insurance installment.
- Office of Labor & Industry invoice dated 5/2/23 in the amount of \$5,182.00 for down payment for fire department workers' compensation insurance policy.
- Pitney Bowes Invoice #3317395829 dated 4/29/23 in the amount of \$121.65 for postage meter lease payment.
- The Hartford Invoice #357521453035 in the amount of \$732.93 for life insurance premium installment
- Waste Management Invoice #0005162-2448-2 in the amount of \$17,976.25 for April service
- Comcast invoice dated 5/2/23 in the amount of \$244.89 for internet at 790 Neshaminy St.
- Verizon Wireless Invoice #9933849827 in the amount of \$25.02 for M2M Account Share 1 GB
- Comcast Invoice #172241541 dated 5/1/23 in the amount of \$564.09 for Business VoiceEdge Service
- Independence Blue Cross Invoice #230508052724 dated 5/8/23 in the amount of \$5,958.90 for medical insurance installment.
- Dennis & Sons' Contracting., Inc. Proposal #1432 dated 2/21/2023 for deposit on PD roof replacement \$6,457.50.
- PECO invoice dated 5/12/2023 in the amount of \$1,530.42 for streetlights' electric
- Selective Insurance Co. invoice dated 5/12/23 in the amount of \$4,089.00 for workers' compensation and commercial package insurance installment
- Burcz Landscaping LLC Invoice #878 in the amount of \$1,300.00 for mulching, topsoil and overseeding at Borough Hall

SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION AND SECOND TO ADOPT ORDINANCE #2023-1 AMENDING NUMEROUS PROVISIONS CHAPTER 345 – “STORM WATER MANAGEMENT,” OF THE PENNDEL BOROUGH CODE OF ORDINANCES TO COMPLY WITH AND IMPLEMENT UPDATED PROVISIONS OF THE NESHAMINY CREEK WATERSHED ACT 167 STORMWATER MANAGEMENT PLAN. All ayes, motion carried.

Barbara Kirk said this is an ordinance and the borough was under an obligation to ensure that it was duly advertised, which it was in the Bucks County Courier Times on May 26, 2023, as required. Ms. Serota can verify that it was also posted on the website. The ordinance was appropriately advertised for council's consideration tonight.

Tim Weaver, read the following: Federal laws provide EPA and authorized state regulatory agencies with various methods of taking enforcement action against violators of permit requirements. For example, EPA and state regulatory agencies may issue administrative orders, which require facilities to correct violations and that assess monetary penalties. The law also allows EPA and state agencies to pursue civil and criminal actions that may include mandatory injunctions or penalties as well as jail sentence for persons found willfully violating requirements and endangering the health and welfare of the public or the environment. Equally important is how the general public can enforce permit conditions. The facility monitoring reports are public documents and the general public can review them. If any member of the general public finds that a facility is violating its NPDES permit, that member can independently start legal action unless EPA or state regulatory agency has taken an enforcement action. Tim said he wanted to make sure everybody understands that they all have the power as citizens to keep an eye on this.

Motion passes 6-0-1 (Joe Dudash).

MOTION AND SECOND TO ADOPT RESOLUTION #2023-6 REQUESTING THAT THE STATE LEGISLATURE APPROVE AN AMENDMENT TO THE STERLING ACT. All ayes, motion carried.

Geoff Thompson explained that this request is coming from the Bucks County Tax Collection Committee, of which Pennel Borough is a member. This committee was set up by a state law for all municipalities in Bucks County that collect an earned income tax. The Sterling Act was adopted back in the 30's and is where Philadelphia can collect 3.448% of a person's wages if they work in the city of Philadelphia. If a Pennel resident works in Philly, they are paying their earned income tax. Since Pennel adopted the earned income tax, the normal way would be if they work in Bensalem Township, that earned income tax comes back to Pennel. Under the Sterling Act, that doesn't happen. Philadelphia collects all the earned income tax from that Pennel resident. This resolution is requesting that the Pennsylvania State legislature amend the Sterling Act to allow municipalities like Pennel to get its 1% from that person who works in Philadelphia.

Bud Murphy asked if it would be coming from the worker. Gary said it's not in addition, it's 1% back from what was collected by Philadelphia. This is just a resolution that tells their

representatives in Harrisburg to do this. It doesn't change anything. This is just voicing support for this.

John Stratz said practically all municipalities in Bucks County have been working on this for the last five years and it is finally ready to go to state. They are all very happy because Philadelphia has taken advantage of them for far too long.

Tim Weaver, said the Sterling Act was adopted by the Pennsylvania legislature in 1932 and requires that all non-residents working in the city of Philadelphia pay an earned income tax to the city for the privilege of working there. The act was intended to be in place for one year. In nine years, it'll be there for 100 years. It was designed to help the city with the cost of municipal services during the Great Depression.

All ayes, motion carried.

Public Comment

Terry McIntyre, said for 414 Hulmeville Ave. which is for sale, Mr. Kolman said they're under a usage variance. Terry said he went to that meeting and that's Mr. Kolman's usage variance. He sits in R1, which is low density residential, the softest zoning they have in this town in that neighborhood down Hulmeville Ave., except for when you hit down by the ball field and you hit Route 1. It's mostly single-family homes and open space. They already have major legal problems with something that left the station with the alcohol rehabilitation center that was going to go in under the same premise that the children and youth were there and it's not apples to apples. Anybody who goes into this building is going to, before buying the property, seek to make sure that the zoning is appropriate for what they want to put in there. There's a lot of families of very young children around that building, so it's not apples to apples. If there is a lawyer that's in there, and another comes in and does criminal or things of that nature that are heavy and they're bringing people into town, he doesn't want them to end up with the same issues they had on Bellevue Ave. They would have to go through the proper channels to make sure they can get that. At this time of year, a lot of people are doing work and getting permits which are necessary evil and they protect the borough, they protect the homeowner, and they protect the homeowner's neighbors as well on their property values. He hopes that the borough checks these permits instead of having a neighbor that has to turn in a neighbor. He hopes when people are doing major work, especially outside, that they are getting permits, and having the proper inspections when they are done but he doesn't think that is the case. Barbara H. said she wants to preserve 414 Hulmeville Ave. People should get out their history book and read what contribution Frederick Rumpf made to this borough. That was the Joyce Farm when he bought it for \$10,000 plus. That building is very important to our borough, and they should try everything they can to save it.

Mike Smith, thanked Geoff for attempting to get the other quotes. The sad state of it is one or two problems. Either everybody's busy or they don't want to work for Penndel. They need to change that. That's a problem.

Tim Weaver, said he did a little bit of mathematical calculations during the meeting. The expenditure came to a whopping \$328,593.51. They can burn through some capital. Hopefully, they have enough EIT money to keep this rolling. He asked Barbara H. if 50 Hulmeville Ave. was approved for the environmental covenant. Barbara said she didn't get a chance because

she had some minor surgery. She said she would look into it for him. Tim said Aqua Terra Technologies issued a 430-page report to Ms. Schuehler and let her know if that property was eligible for the environmental covenant. This has already been litigated after the Aqua Terra Technologies report to determine the pollutants in that ground. This information was supposed to be available to the public. Barbara Kirk said Tim can go online to the Bucks County Recorder of Deeds and put the address into the computer and it will pull up the screen and tell him everything that's been recorded against that property.

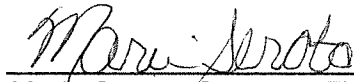
Council Members to be Heard

Alan Dashoff said they've been throwing a number around of about 1.2 million for how much they're in debt. It's actually not that far off. There is a general obligation note that was taken out in 2006 for \$1,000,000.00. That has a \$314,000.00 budget balance on it. In 2012, \$500,000.00 was taken out and there's 287K on it and in 2020, they took another 500 K. Gary said that was a refinance. Alan said that's the way it shows up on the state reports. Either way, the bottom number is \$1,059,000 as of the filing with the state. That is a load of debt. Barbara H. said part of that was for repaving and part was for working on the sewers and roads. Alan said that's a hefty debt ratio to what they have for income and for what this borough can afford.

Joe Dudash asked Carol how they were doing with the stormwater inlets from the Covid money. Carol said the first step in that was the storm sewer cleaning. She was trying to bring them that tonight, but she didn't get that last quote from a contractor, so she hopes to have that for them at the next meeting. What they're talking about is actually repairing. The first step is cleaning them and then the second step is the bid to repair them.

MOTION BY GARY NICKERSON TO ADJOURN THE MEETING AT 9:38 P.M. SECONDED BY ALAN DASHOFF. All ayes, motion carried.

Submitted by:



Marie Serota, Secretary/Treasurer

Mayors's Report, April 2023

In April I attended all Council meetings and executive sessions.
Attended Safety Committee Meeting April 28th.

Reminders:

Summer is fast approaching. Please remember all swimming pools, whether above or in-ground, require a permit.

And remember Community Day, Saturday June 3rd, is also our Borough Wide Yard Sale Day.

A correction to our Community Day schedule. Due to responses from many Borough residents, start time will be 9AM as in previous years, but I will keep any amusements such as the Bounce House open for the kids until 4PM.

June 5, 2023 Engineers Report
Pennel Borough, Bucks County

➤ Stormwater Management Ordinance Update

A condition of the MS4 permit is that the Borough SWM ordinance be updated to include components of the 2022 DEP Model Ordinance. Presented to Council this evening is a proposed ordinance that incorporates those changes.

➤ CDBG Grant for ADA Ramps on local streets

The County has issued a contract funding the construction of ADA curb maps that must be accepted by the Borough. Meanwhile, we have prepared designs for ramps in locations approved by Council and drafted bid documents for the project. The grant requires work to be complete by March of 2024. Ideally, such work would be done before the end of October, as PennDOT rules limit placement of asphalt during the winter months. Authorization of advertisement this evening will allow the project to go out for bid next week, with the possibility of bid award at the July 17 Council meeting.

➤ Storm Sewer cleaning

In recent weeks we have worked to gather quotes from companies for removing debris that reduces the capacity of the storm sewers in the Borough. Our intent was present three quotes to Council this evening, but as of this morning we are still waiting for the 3rd quote. We respectfully request this item be tabled for the next meeting.

➤ Rumpf Avenue Seal

A bid for Ultra-Thin Wearing Course Seal was electronically opened on May 30, 2023. The bid prices and related documents have been reviewed and tabulated. We recommend award to Asphalt Maintenance Solutions, LLC with a total bid of \$64,526.00.

Rumpf Avenue Repairs

Areas marked for pavement repair on Rumpf Avenue are on the Haines Paving schedule for late this week.

Memorial Park Phase 2 lighting

New field light installation has been completed. We await the final invoice, payroll documents and other paperwork from the contractor.

Memorial Park Bleachers

The old bleachers were removed, and new bleacher installation is scheduled to begin this week.



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