

Penndel Borough Council Workshop Minutes

May 15, 2023

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 Joe Dudash
Councilman Bud Murphy
Councilman Alan Dashoff
Councilman Gary Nickerson
Mayor Tom Sodano

Also present at the meeting

Ben Hauser, Solicitor, Hill Wallack
Carol Schuehler, Value Engineering
Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Barbara Heffelfinger announced the Penndel/Hulmeville Memorial Day Parade will be held on May 27th and June 3rd is Community Day. Please come out and support them.

Mayor Sodano said there will be inflatables, balloon animals, face painting, etc. for the kids on Community Day. The Boy Scouts as well as Redeemer Lutheran Church will have food. Emergency Services will be in attendance so the kids can see the equipment and learn about what's going on as well as the Penndel Police. Borough wide yard sale is the same day.

Public Comment on Agenda Items

Terry McIntyre, asked if they will have a chance to comment before a vote as per Robert's Rules, on a new council member. He does not know who they are. Ben Hauser said there's nothing under Robert's Rules that requires public comment on each of those but since there is no list of potential candidates under the motion, his advice would be to allow public comment.

Consent Item

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE MAY 1, 2023 COUNCIL MEETING. SECONDED BY GARY NICKERSON. Joe Dudash said he felt the minutes were incomplete because there was an incident that night and there was a break in time with the council. He was outside when the council continued to have a meeting afterwards so, he thinks that should be reflected in the minutes. Barbara said it happened in the back of the room. It was very hard for that to be recorded and anything that would have been put down in the minutes would have been kind of like hearsay. There was a comment that Mr. Cahill was asked to leave. Karen has talked about this many times that she can't put it in the minutes if she can't hear what's being said. Barbara answered someone who was inaudible. She said maybe it was loud enough but that doesn't mean it comes out on the recording. If she's not correct, she'll stand corrected, but she knows she's had a really rough time putting things in the minutes because she can't hear. John said to try to alleviate that problem, at the top of the

agenda it says to keep the meeting respectful to all in attendance, please come to the podium for all public comments and there will be no calling out from the seats. If it's called out from the seats, it's not going to be in the minutes. Joe said there was an incident, and he doesn't think you need the names. Just say there was an altercation in borough hall. They always list it when council people are leaving the board up here and just put down that there was an incident and that it's documented on audio if someone wants to have it. It should not just be Mr. Cahill because there were two people involved in this, plus a councilman. Gary said he does not like the way the minutes are. They are too long and are not minutes, they're transcripts. He would like these minutes to be way shorter. They should reflect Mr. Dudash did leave. He thinks they could just amend the meeting minutes to have said Mr. Dudash left in the middle of Mr. Keller's comment. He asked if Joe remembered when he came back in. Joe said when Mr. Keller was finishing up on his briefing. He thinks it should say there was an altercation between two individuals, and he asked why they are listing one individual. They could leave them both out. Ben said minutes are not necessarily a transcript. If council wants to insert into the minutes the time the councilman returned, they can amend the minutes. If council wants to put the incident in there, that is within their discretion. He would advise that it not be fully editorialized nor get too detailed into that. They can amend it or table it so they can go back and review it. If they have the data to do it now, they can do it now and also, council would decide what exactly it wants to put in. Joe said as long as it indicates there was an incident and that the councilman had to leave to assist. As long as it's on record because it sounds like it was a playhouse thing here and he was thrown out because of that, which wasn't the case. Ben said whatever term they want to use that's as minimally editorializing as possible. He didn't know whether it would be helpful to get an idea what time that happened. They can say during this comment, an incident occurred. Mr. Dudash left the room along with the individuals involved and Mr. Dudash subsequently returned. That seems like the cleanest way of doing it unless someone on council has a better solution.

Alan said they should get the time off of the tape and document that it occurred between such and such a time the best they can figure it out.

MOTION BY ALAN DASHOFF TO TABLE THE MOTION. SECONDED BY JOE DUDASH. All ayes, motion carried.

Engineer's Report

Carol Schuehler read her report which is attached.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE ADVERTISEMENT OF ORDINANCE #2023-3 AMENDING NUMEROUS PROVISIONS CHAPTER 345 – "STORMWATER MANAGEMENT" OF THE PENNDEL BOROUGH CODE OF ORDINANCES. SECONDED BY ALAN DASHOFF. Mayor Sodano said it doesn't indicate that there was any input from an environmental action committee. There was much talk about that over the course of the past few months. He asked if there will be input. Carol said these ordinance amendments were actually drafted at least a year and a half ago. This has been waiting to get through council. The Environmental Action Committee would absolutely be welcome to make comments if the council goes forward with advertising this, but it has not been before them. Joe asked if they are meeting with the owner. Carol said the County Conservation District is involved as a representative of DEP. They performed the inspection, and they issued a notice, and they demanded that the property owner reach out to schedule a meeting with the borough and the Conservation District. She doesn't think that happened yet and if the property owner

does not respond to that notice, the Conservation District will up that to a violation. She prepares the report for Penndel Borough. Technically, there would be some avenues for them to pursue under the Storm Water Management ordinance. If DEP and the conservation district are chasing this down, it will be up to the borough whether they want to chase it down at the same time. She would be happy to help to draft correspondence and notices to the property owner, but he's got DEP and the Conservation District on him right now and the Conservation District knows that they're extremely concerned about it. She's waiting to hear about a meeting. Joe asked if there is an environmental covenant down there. Carol said she's not aware of any, but she really hasn't been involved with the history of that property to that extent. Joe asked if they have an attorney set up for all this stuff that's going on. Carol said there's a report on file from her to the borough. To her knowledge, the borough is not issuing enforcement notices because the DEP is pursuing it at this time. It's up to the borough if they want to also pursue something parallel and involve an attorney. But at this point, they're tracking it by paralleling the Conservation District and keeping track of what happens. They've got a bigger authority on it. She's happy to get involved in any way they want but she's also conscious of the dollars involved when they start chasing something like this down and if another agency is doing it right now, she would wait for direction from the manager or council to do more. Joe asked if there is a timeline when she thinks they'll finally clamp down on them. Carol said in the letter there was a timeline by which he had to respond after which things would escalate and it was a relatively short time, less than a month. Joe asked if she has seen any more damage down there. Carol said she hasn't been back down. Mayor Sodano said to Carol when she spoke about 50 Hulmeville at the last meeting that Ben was here, he was explicit when he asked him a question that she and the manager would be the persons to report to or someone here if they see something going on in a place like that along the Chubb Run on a property like that, which was the second week of February. He notified her that the soil had been moved that there were tires and pieces of telephone poles, etc. that had been pushed into the area where it was draining into Chubb Run at 50 Hulmeville. He also questioned her about the storm damage on the banks of Chubb Run. He said she told him that she spoke to Steve Torres from Road Con, and he said he hadn't moved any dirt there. He gave Geoff pictures of everything down there and if she recalls the conversation, he even mentioned to her that he and the resident that gave him the tour saw an eagle down there. She knew about it for three months, but it wasn't until after the last meeting that she contacted state agencies or DEP or anyone like that about it. Carol said the only recollection she has is that she recalls hearing that trees were being cut down there and simply cutting down trees is not necessarily a violation of the ordinance. She does not go looking at private properties or investigate things unless she's directed to by the borough manager or a borough council member. She doesn't independently go searching for things because that's not in their budget. Mayor Sodano said she did tell him that she spoke to Steve Torres back then in regard to what he had said to her, but she didn't take it any further. Carol said the only thing she recalls is the discussion of trees being removed and he had some questions about some things Road Con was doing. Mayor Sodano said he questioned the fact that the dirt that was moved as well as the debris that Road Con removed, the concrete from the old curbing. It's sitting on top of Middletown's feed for the Neshaminy Interceptor, which runs parallel to Chubb Run about maybe 8 yards or so to the east of it, and then all that extra weight was on there. Carol said Road Con has some storage materials back there and she did speak with Steve Torres about the disturbance back there and he said that was not him and whatever was happening back there was done by the property owner. She was not aware of the extent of it. Mayor Sodano said to his knowledge, so far, the borough's only response has been to fine the property owner for the debris and mattresses etc. that are discarded back there. Carol said she is not code enforcement, and she doesn't go looking for things. On May 1st, she spoke to

the manager, and he authorized her to go investigate and they've got a report on it. She's been in communication with the Conservation District, who is out there at the behest of DEP investigating the complaint and pursuing the violation notice. John asked why code enforcement was not sent out there. Mayor Sodano said they eventually were. That's how he was cited for the debris, but it didn't happen when he first notified Geoff. He has no idea why it didn't happen immediately, but Geoff was given pictures.

All ayes, motion carried.

Unfinished Business

Tabled from the 5/1/23 meeting – Information Technology website update

Alan explained the website can be improved and cleaned up but has a really bad engine in the back end of it. It's been pieced and cobbled together over the years. There's things called plugins, which is how different pieces of the web talk to each other. It's got something like 40 something plugins. If they want to change anything, they can't and anytime they do something minor with it, they basically tell him a 15-minute change is equal to about an hour's worth of billing. They did a mockup and they sent it out to council. They have two options to go with. Upgrading the website for \$1,500.00 and that will give them the ability later to add things like being able to pay on it. It will improve the document handling, the calendar functions, the agenda and minutes storage, that kind of thing. Or, they just keep going with what they have. Barbara said when they negotiated with the guy for the website, he was the least expensive and the other guys were not good. The person who did the website and handled that also used another program that she used to put the whole thing together. Alan said it's a good idea to look at the cosmetic looks and update it from the current technologies every 3-5 years.

The price from the guy that did it originally is around \$75.00 an hour for service and it is the same price from the people that he's talking to. It is Course Vector, which is recommended by the Pennsylvania State Association of Boroughs. They are actually hosting and supporting it now. So, basically, they're cutting the other guy out of the loop so there is one less finger in the pie. He's worked with a lot of tech folks and these guys are decent and easy to work with.

Option A. Update website not to exceed \$1,500.00.

Option B. Do nothing but improvements.

MOTION BY JOHN STRATZ TO CHOOSE OPTION A FOR WEBSITE MAINTENANCE THROUGH COURSE VECTOR. SECONDED BY BUD MURPHY. All ayes, motion carried.

New Business

MOTION BY BARBARA HEFFELFINGER TO APPROVE AND SIGN THE CONTRACT AMENDMENT FOR THE MEMORIAL PARK BLEACHERS PROJECT EXTENDING THE CONTRACT TERM BY FIVE (5) MONTHS ENDING DECEMBER 31, 2023. SECONDED BY BUD MURPHY. Mayor Sodano explained that council had decided in lieu of the exorbitant expense, to try to do an A-frame or any other sort of framing to lift the roof, they would go with a hot patch type or asphalt roof. The newest technology that's out there, which is a synthetic product and it's warranted in different ways by different manufacturers. They received three qualified bids. Dennis Roofing, who did the borough hall roof was \$12,915.00 with a 10-year warranty. C&C Family Roofing was \$16,850.00 with a 20-year warranty. A third came in who declined to guarantee their pricing any longer, so they withdrew. They were the highest bidder of the three, so they wouldn't have been in the running. From his experience even with the newer synthetic products, that doesn't necessarily mean that they're not going to have a

problem. It just means they're going to come back and fix it if they do. The roof that is on there now, had a 10-year warranty and it failed in much shorter time than that and has been repaired a number of times. From his experience of having seen the roof up close and personal and being up there and seeing what the drain issues are, which is where the trouble really exists in that roof with the drains themselves deteriorating with age. He doesn't think that a 20-year warranty is in their best interest with the extra money for the simple reason that they're likely going to have to address something that wouldn't be covered. They would cover the product itself but if in fact, in that 20-year span of time the drains themselves do completely fail, that won't be warranted. Only the product that they put up there is the warranted product. His recommendation would be for the best price with the 10-year warranty. Alan said Dennis Roofing says they have to do maintenance every four months and then once every five years. He asked if he knew what that cost was. Mayor Sodano said he didn't know but all of the warranties include that and with the maintenance, what they normally want is them to call them back so they can go up there and look at it and generally, that's a relatively minimal charge. The last time they had somebody out for that purpose on the current roof, it cost them under \$200.00 to have the person here and they went up with a bucket of this stuff and put it in a few spots and that's pretty much what happens. Gary asked if it is still a flat roof. Mayor Sodano said yes, it is a recoat of the roof, which is what council had been in favor of. Gary said they had an opportunity to apply for a grant to get the police roof fixed and somewhere along the line that process fell apart for various different reasons. He understands the situation in the police department is serious, but he can't see spending \$13,000.00 for a flat roof on the existing police department. He would be in favor of trying to do some sort of temporary fix and then apply for another RDA grant that would actually give them something much like the picture that he showed them that they would get a little bit more use out of. Barbara said she thinks it was patch and it didn't hold up. Gary said rather than fixing the flat roof, they should apply for a grant to redo the roof. He'd be in favor of some sort of temporary stopgap and then apply for a grant. If they were to scale it down and get it for half the price, they could put together an application that's similar to that and make their case to the RDA and hopefully, it doesn't get sabotaged during the meeting. Barbara said they don't send out notices about the grant until May or June and it's usually due by September and they announce it in November. If they got it, it would be another 6-7 months before they would award the bid. Mayor Sodano said they would have the winter months to contend with. By the time they get a contractor and everything else, they would be looking at approximately a year until it's done. They have records and evidence storage in the area where the leaks are. They could lose a lot of evidence that can affect current and past cases. If they want to be progressive, and look down the road, they should sell it and this building. Kolman's building just went on the market for \$849,000.00. If they got \$600,000.00 plus for this building and repurpose the \$139,000.00, they already have for ADA, they only need to go to the RDA for \$150,000.00 to make the swap. They thought nothing of giving two or three times that money to both Hulmeville and Langhorne Manor for their buildings because they're historical. That would be 6,000 square feet, which is enough room for the offices and the police department. Everything in one place and six times the parking. That would be better than throwing money away on these buildings and in today's market, this building and the police building are easily worth \$600,000.00, possibly more. It's up to council. He doesn't get to vote. He just doesn't want to lose evidence over this amount of money. Alan asked if he knew how much a patch job would cost. Mayor Sodano said the people that we talked to were hesitant because the roof that's up there, in order for them to put on the new synthetic material, which is kind of like the rubberized material they have but it's all synthetic, a lot of what's up there would have to come off because it's deteriorated and cracked, so they don't want to go over top of it. What they showed them, what was up there was scary.

Alan said they can patch it again before they circle back to either the RDA or whatever else happens. John said if they put on a pitched roof, that totally alleviates the problems of the drains in the corners of the roof up there that are on their way to total deterioration. They would be replaced by gutters and downspouts. Mayor Sodano said he was wrong on the price. There was more on the second page. It's \$22,932.00 for the 20-year roof not \$16,000.00 and C&C family roofing was 20 years at \$16,850.00. Dennis and Sons had two numbers. The recommendation is for \$12,915 for the 10-year warranty.

MOTION BY ALAN DASHOFF TO AMEND THE AGENDA UNDER SECTION 712.1 SUBPARAGRAPH E OF THE SUNSHINE ACT. SECONDED BY JOHN STRATZ.

Terry McIntyre, said flat roofs aren't the best option. He's owned several garages in his time. His big thing is maintenance. People need to go up there three times a year and get the leaves out of the drains. They go bad because nobody cleans the drains out and they become a swimming pool. If somebody goes up there at least a couple times a year, between the change of seasons for the leaves, they can maintain it. He's had roofs that lasted 20-25 years that are flat. They have to be resealed sometimes. It sounds like it is going to be a short-term thing anyway. The way things move around here, it'll be a couple years before that A-frame comes into play. At this point, he thinks patching will just be more problems and he thinks they owe more to the police department than to try to patch it.

John Lo Piccolo asked if Dennis recommends any type of fix for the drainage as it stands now. Mayor Sodano said they're recommending this synthetic roof replacement because the old material is cracked around the drains, so they want to remove that and put this new synthetic material up. John asked if there's anything to fix the current drains themselves. Mayor Sodano said this fixes the problem that the roof that's up there has cracked from age, so the roof wouldn't leak anymore but they would still have the old drains coming down through the walls. Dennis is confident that the current leak situation is coming around the drains more than it is anything else because of those cracks in whatever that material is that's up there on the flat roof. John said he's a good roofer. He did his roof, and he charges around \$175.00 a year to inspect it.

All ayes, motion carried.

MOTION BY JOE DUDASH TO AWARD REPLACEMENT OF THE POLICE DEPARTMENT ROOF TO DENNIS AND SONS FOR A TEN-YEAR ROOF IN AN AMOUNT NOT TO EXCEED \$12,915.00. SECONDED BY JOHN STRATZ. A roll call vote was taken. Bud Murphy, yes, Joe Dudash, yes, Gary Nickerson, no, Alan Dashoff, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion carried 5-1.

John said they received four applicants for the vacancy. They were Mike Smith, Gian Lo Piccolo, Robert Winkler and Dave Cahill.

MOTION BY BARBARA HEFFELFINGER TO APPOINT ROBERT WINKLER AS A NEW MEMBER TO BOROUGH COUNCIL FILLING THE VACANCY LEFT BY JOE ADAMS. SECONDED BY JOHN STRATZ.

Mike Smith, said three or four meetings ago they had applicants up for Planning Commission and John said he wasn't going to vote on anybody until he had a chance to talk to him. Mayor Sodano said it was Hugh Campbell and he wasn't here, and John said he was not going to vote

on somebody for the Planning Commission if he couldn't ask him questions first. John said he never said that. Gary said people should make their applications in writing and they should put it in an application form but for Planning Commission he doesn't think there should be a lot of a debate. Mike said this council is a load of crap sitting here and pulling this political BS. That man did nothing but cause problems when he was here. Go to the Zoning Hearing Board and see what happened and how he got his nose into everything and created a couple of lawsuits that they are involved in right now. This isn't about politics sitting up there. This is about choosing a person that's going to do the right job for the borough. The right man is Gian Lo Piccolo. He knows this borough inside and out and he knows the financial status of this borough.

Terry McIntyre, said it's nights like this that really make politics rear its ugly head. He has nothing against the rest of the applicants. They're great, they all gave their time. He would lean more towards Mr. Lo Piccolo. He's a little younger and he sees himself in him walking his kids around the borough. He's a little bit younger and has a little bit better view. He hasn't been around as long and to put him back in, you will have fresh blood again. They should look for the best person that's going to do the best work for the borough.

Ben Hauser reminded council that there are certain statutory requirements. They have 30 days from when they accepted Mr. Adams' resignation to fulfill the appointment. They're getting close to that date, and they do not have another meeting scheduled in time. It would then go to a vacancy board which has a limited period of time. It is governed under section 902 of the borough code. They have 30 days to appoint. If they fail to appoint within the 30 days, which are coming up close, then the Vacancy Board meets. The Vacancy Board would be the six of council and the Vacancy Board member, which he believes is Amanda Mieluch. They would have to have a meeting of those seven members, and they would need to be present and voting. The mayor could break a tie. If the Vacancy Board cannot reach a candidate, then the Vacancy Board has to petition the court to fill the vacancy. It is an ugly process. They're probably better off appointing somebody tonight rather than getting down that road because nowadays, with advertisement things, they're really running out of time.

Alan said to keep in mind if Bob gets the position, he has to resign from the Civil Service Commission because he is not going to. Ben said the Civil Service Commission ordinance only allows for one member of borough council to serve. Ben asked Bob if he is appointed, would he resign from the Civil Service Commission and Bob said yes. He would have ten days to qualify as a member of council and take the oath. If Mr. Smith had been appointed, being an alternate to the Zoning Hearing Board, he would be asking him the same question.

Jay Moser, said he has been a resident of this borough going on 35 years now and the status quo in this borough has ruined it. Past history has really disturbed this borough. New blood is needed. Mr. Winkler has done a wonderful job. Some things good, some things bad. He's known him for a while and his father knew him but it's time for change. Just to put him on because he's their friend is not what this council is about. It's time to put friendships aside and do what's right for the citizens of this borough.

A roll call vote was taken. Bud Murphy, yes, Alan Dashoff, no, Joe Dudash, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion carried 4-2.

Ben said Bob should resign from the Civil Service Commission before it meets and certainly it

would be considerate to council if he resigns as soon as possible because council needs to probably fill that vacancy on the Civil Service Commission. Bob has ten days to qualify from starting day one, which would be tomorrow.

Public Comment

Patrick Donahue, said he's been dealing with his neighbor's high grass for 30 years because they allow it. Every year he comes and complains. He asked if there were citations issued. It's going to be really dry by the 4th of July and he has to sit outside watering it down because the people behind him set off fireworks and they land in it. He expects somebody to be out there tomorrow to cut this down. Use the code that they used on him for his sidewalk. They sent an outside contractor out to rip up his sidewalk, so he expects them to do the same thing for the grass. Gary said he drove past today, and the front was cut. Pat said the guy next door came home from work and cut the front, so they don't look like they live in a ghetto. He used to do it but not anymore because he's 78 years old.

Terry McIntyre, said congratulations to Bob. He was his second choice, nothing personal. The parade is coming up. The road still has quite a few potholes and it needs to be swept. He never really thought about permits until he was on the Zoning Hearing Board and the importance of permits and the follow-through on the borough's side. Permits protect the homeowner from electrical problems and possibly burning the house down or many other things. They protect the neighboring properties if somebody puts up a deck, a pool, a fence, or a patio, it keeps that from impeding on their property as well. There's a lot of work going on and he hopes everybody's getting permits and the borough is holding their end up. When the permits are applied for, and things are followed through correctly, and when the work is done somebody looks to see if something was supposed to be X amount of feet from here that they are actually X amount of feet from it. If it's not handled correctly by the borough, it ends up being like Mike Smith's issue. They have neighbors against neighbors and if the borough had done their job, they wouldn't have had that problem. At the last meeting, he just wanted to thank them for intervening. He doesn't want to see anybody scuffle like that and for them to get up and get him in the middle of that, it's appreciated along with Tim Weaver. Things get pretty passionate, but they have to keep their heads.

Council Members to be Heard

Joe Dudash said the gentleman with the grass issue, this is a continuous problem they need to put pressure on the manager to get the code guy out there and straighten this out because he comes here every time to complain. The neighbors are cutting the grass, so he doesn't know why the man has to keep filing these complaints. He asked if there are any updates with the fire department. Barbara said Geoff was not in and she had surgery and therefore they could not meet, so she will make sure to do that this week. Joe said they need to talk about the police radios and the fire department. Barbara said she will get on it. Joe said he agrees with the residents. He can see why they get frustrated because he does too. The taxpayers are their boss. Tomorrow is a big day for the primaries, but it seems like up here a lot of them have been up here a long time, but it goes on deaf ears. This place is worse than DC. They're not worried about the constituents. They are \$1,000,000 in debt. They have the PBA contract coming up. The Neshaminy School District may be hitting them with the tax and EIT tax. They have the fire department that's going to be regionalizing. The list goes on and it seems like they don't really care about what these people have to pay for or what they want. He's heard so many people say they want a dog park and a track to run and walk down at the rec field. They just keep regurgitating the same stuff over and over and it's all because of politics. They are supposed to

represent these people out here. Geoff is another one. He'd fire his rear end tomorrow if he had the power. He doesn't even listen to them. If they are going to do the job and swear the oath, at least listen to them. They're fighting over patching a roof for \$12,000.00. Just throw it in there. They actively discourage someone new from trying to get on board. Alan said he would have made an investment in Lo Piccolo simply because he's got 10 years to serve or more if he wants to. It takes six months to two years to figure out what's going on. They've been making Marie and Geoff nuts and John a little bit nuts just trying to understand how the money flows. It's like when that kid came the first time, and they picked Bud. They had an opportunity to get a guy in his early 30's who would have stuck around. Sixty, that's not a really a good pick. Joe said council better get on the stick financially and become responsible. The recession is coming. They will be Middletown.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:16 P.M.
SECONDED BY ALAN DASHOFF. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer