

Penndel Borough Council Meeting Minutes

May 6, 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  
Councilwoman Robin Valentis  
Councilman Gary Nickerson - absent  
Councilman Bud Murphy  
Councilman Bob Winkler  
Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack  
Geoff Thompson, Borough Manager  
Sean Perry, Police Chief  
Carol Schuehler, Value Engineering  
Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Barbara Kirk reported that council met to discuss potential litigation against Gilmore and Associates, with respect to the ramp. In the meantime, there are two payment requests issued for council's consideration. One was a payment for the actual builder, which council discussed as well as the change order for purchasing electrical door hardware for the front doors because those were not included in the original specs at the time the front was taken care of. No decision was rendered. It was merely a discussion and when she gets to the solicitor's report, council will then render decisions with respect to each of those motions.

Consent Items

MOTION BY BUD MURPHY TO APPROVE THE MINUTES OF THE APRIL 15, 2024 WORKSHOP MEETING. SECONDED BY BOB WINKLER. All ayes, motion carried.

MOTION BY BOB WINKLER TO PAY THE FOLLOWING BILLS FOR THE MONTH OF APRIL 2024:

<b>General Fund</b>	<b>\$27,020.27</b>
<b>Fire Tax Fund</b>	<b>\$ 7,176.35</b>
<b>Refuse Fund</b>	<b>\$22,262.69</b>
<b>Sewer Fund</b>	<b>\$51,618.89</b>
<b>Capital Reserve Fund</b>	<b>\$13,738.09</b>
<b>Sewer Capital Fund</b>	<b>\$ 928.50</b>
<b>Liquid Fuel Fund</b>	<b>\$ 1,463.72</b>
<b>Escrow Fund</b>	<b>\$ 617.40</b>
<b>Payroll Fund</b>	<b>\$ 845.56</b>

**Payroll**

General Fund	\$44,414.46
Sewer Fund	\$ 4,209.98
<b>Total</b>	<b>\$48,624.44</b>

**Escrow Fund Bills**

Schoolhouse Court:	
Hill Wallack	\$ 80.40
Value Engineering	\$ 57.00
Robbins Avenue	
Hill Wallack	\$ 480.00

SECONDED BY MARK MOFFA. All ayes, motion carried.

***Reports:***

**President's Report**

John Stratz reported that at the last meeting, Tim Weaver asked what Penndel Borough's restoration plan was for 50 Hulmeville Ave. John said the DEP and Bucks County Conservation District is trying to enforce the restoration of the stream bed, and this keeps Penndel from spending money. The Conservation District has filed a violation with the DEP and a hearing will be scheduled and this will determine fines and action. Tim said it's been over a year and the Bucks County Conservation District was supposed to get back to him and they haven't. He knows it's in the ordinances of the borough code to follow through and he wondered if that was going to happen. John said he was told they have a backlog in the court system. It's still better than spending thousands on litigation when they can let the people who do this on a daily basis handle it.

**Borough Manager's Report**

Geoff Thompson read his report which is on file in the secretary's office. Mayor Sodano asked Geoff if they have anything in place with the current code inspection company when there is zoning or a permit to do an inspection of a property to ensure that it's structurally sufficient for additions, etc. Geoff said the building inspector reviews the plans and does scheduled inspections, so he would think part of the inspection would be that whatever the addition is being attached to would support the addition. Mayor Sodano said 28 W Lincoln Highway was granted a use and occupancy permit for apartments there, to a building that the Board of Health deems structurally inadequate for a nail salon. They were given a U&O for people to live there. They need a stronger system, so that they don't put themselves in a bad situation.

**Mayor's Report**

Mayor Sodano read his report which is attached. He spoke about soliciting permits and if someone should come to your door, ask if they have a permit. If not, notify him, and he will have the officer on duty come out.

**Police Chief's Report**

Chief Perry read his report which is on file in the secretary's office. Chief Perry said in response to the soliciting permits, he does a quick check on someone who applies, and they put it on their Facebook page that they have a permit and are allowed to be in Penndel.

Mayor Sodano invited Wayne Marshall and Joe Nagel from Penndel Beer to the podium. They said on April 21<sup>st</sup>, their business was burglarized. They met with Chief Perry and another officer, and they were met with professionalism and determination. Two days later, Chief Perry called and said he had a person of interest. A few days after that, he called again and said that they apprehended the people. They can't say enough about Chief Perry. He told them exactly what he did and used all his networks and contacts. The expertise and the determination are top notch police work. They just wanted to say thank you and have the utmost respect for him and the rest of Penndel Borough Police and everyone else who was involved.

#### Solicitor's Report

Barbara Kirk reported there was a hearing for 40 Bellevue Ave. for failure to have the appropriate use and occupancy permit. There was a plea of guilty and the property owner was fined with payment of court costs. In the beginning of April, there was a very extensive inspection at the property with photos taken by herself pointing out all of the issues that need to be resolved. Their attorney said they are working to resolve those issues, as requested by the borough. The zoning relief that they requested for use of the additional garage bays for car repairs, the decision from Doylestown was that the zoning decision stays, and she has not seen any appeal being filed by the property owners and the deadline for that is approaching. For 51 Centre St., the original hearing was scheduled for April 11<sup>th</sup>, but the judge had to reschedule. At this point, they're proceeding with asking for payment of a substantial sum for fines because there's at least thirteen outstanding violations. He did put up the protective fencing around the property but other than that, there's been no attempt to either demolish the structure or bring it into compliance. The borough is concerned that if they push for demolition, the cost to the borough would be substantial, so they continue to issue violations and take it to the judge and hope the man will get tired of paying the fines and finally put the money into doing something with the building. Her last item would be for council to formally consider the two motions that were discussed in Executive Session.

**MOTION BY MARK MOFFA TO AUTHORIZE PAYMENT #3 FOR THE BOROUGH HALL ADA AND SECURITY RENOVATIONS PROJECT IN THE AMOUNT OF \$28,355.10. SECONDED BY JOHN STRATZ.**

***Tim Weaver***, said he thought there was litigation currently going on with the company who did the work. Barbara Kirk said that has been resolved. There was no formal litigation filed against the builder. The issue was whether the borough had a claim against Gilmore and Associates for the ramp and the handrail. A letter was issued by the Department of Labor and Industry stating that pursuant to the code sections dealing with accessibility for persons with physical disabilities, the ramp and the handrail are in compliance. No modifications are required.

All ayes, motion carried.

**MOTION BY BUD MURPHY TO APPROVE CHANGE ORDER #4 FOR THE BOROUGH HALL ADA PROJECT, APPROVING THE PURCHASE OF ADDITIONAL ELECTRICAL DOOR HARDWARE FOR THE FRONT DOORS IN THE AMOUNT OF \$2,450.00. SECONDED BY MARK MOFFA.**

Robin Valentis asked if it was included in the RFP. John said it was not. It was missed and it was addressed in the Executive Session. Barbara Kirk said based on the information received from Geoff, who has been in contact with the project manager at Gilmore and Associates, the

issue of the front door was addressed in two ways. The first was the bid for the mechanical parts for the front door and the second was the alternate bid for the disabled button push handle with the fob system. Council had opted not to go with the handicap push button hardware. There was no separate bid for the electrical components for the front door to use just the fob and that's what's in front of council tonight, if they want to have those electrical components installed in the front door. Robin asked if it was necessary since they have the device in the back. Mark said it's not necessary. They will both be keyed. John said the grant was for \$139,000.00 and the push button was an option, but they were getting close to that \$139,000.00, so it was never put in the contract. The front door will be ADA compliant, and if a handicapped person wants to knock, the secretaries will hold the door for them.

Mark said the push button was in the twenty something thousands of dollars. This motion is for whether to key fob the front door. The back door is already being fobbed. They will still have keys in case the electricity goes out.

**Mike Smith**, said if they are putting the handicap button in the front of the building, they would need to put a railing on the sidewalk coming up the ramp.

**Terry McIntyre**, asked if there was any consideration for a button to push to allow people to come in because they have cameras and can see who's at the door and they could buzz them in. The doors could be fortified with a window so that they're secure in their offices and they can only allow the people that are coming in to do a permit or something like that. John said they need to go in the back door to the security window. Terry asked if the manager's door is secure. John said his door is always locked.

All nays, motion fails.

#### Engineer's Report

Carol Schuehler read her report which is attached.

MOTION BY MARK MOFFA TO RATIFY THE EMERGENCY STORM WATER PIPE REPAIR CONTRACT PB 22022 DATED 4/18/24 WITH G & B CONSTRUCTION IN THE AMOUNT OF \$55,000.00 FOR COLLAPSING STORM DRAIN ON BELLEVUE AVENUE. SECONDED BY ROBIN VALENTIS.

John explained that they would be using ARPA money, which is the Covid money for this repair.

**Tim Weaver**, said that money was appropriated for the repairs that they're doing. He asked where they got the extra \$55,000.00 in COVID money. John said they are in full compliance with the COVID requirements. The same company that is doing the storm inlets are doing the repair. Geoff said they had over \$97,000.00 to use and that's where they used \$55,000.00 of that money for these emergency repairs. They still have a balance of about \$42,000.00 that they have to appropriate by the end of this year and spend he thinks, by the end of 2026.

All ayes, motion carried.

MOTION BY MARK MOFFA TO RATIFY APPROVAL FOR THE TRAFFIC ENGINEER TO ASSIST WITH THE ARLE GRANT APPLICATION AT AN APPROXIMATE COST OF \$730.00. SECONDED BY ROBIN VALENTIS.

**Tim Weaver**, said that ARLE stands for automated redlight enforcement. He asked if they are going to be equipped with automated redlight enforcement. Carol said that is not the expectation, not something with cameras and speeding tickets. They will be going up at the intersection of Durham Rd. and Business Rt. 1.

Mayor Sodano said he understands they created a false fire alarm with the smoke tracking when the smoke entered someone's house. Carol said the borough sent out a mailing to those addresses. Mayor Sodano asked if the fire company decides someone needs to pay for that false alarm. Barbara Kirk said she didn't know the answer without being able to look into it.

All ayes, motion carried.

#### Unfinished Business

MOTION BY MARK MOFFA TO APPROVE A 5-YEAR LEASE WITH ASSOCIATED IMAGING FOR A SHARP COLOR ESSENTIALS SERIES BP50C31 COPIER AT \$108.00 A MONTH PLUS ACTUAL MONTHLY USAGE OF COPIES, B & W IMAGES \$.006 PER PRINT AND COLOR IMAGES \$.05 PER PRINT CONTINGENT UPON LEGAL REVIEW OF LEASE. SECONDED BY BUD MURPHY.

**Mike Smith**, said this is \$6,200.00 over the five-year term. He asked Marie how many copies they do a month. He asked why they don't just buy it. He questioned the \$.05 per color copy and the \$.006 per black and white. He thinks it's a lot of money to spend and still pay for it every month.

All ayes, motion carried.

#### New Business

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

**Charles Schwab & Co., Inc.** invoice dated 3/28/24 in the amount of \$613.17 for employees' March pension contributions

**Langhorne Postmaster** invoice dated 4/1/24 in the amount of \$369.28 for quarterly sewer/refuse billing postage

**Mission Square** invoice dated 3/28/24 in the amount of \$300.00 for employees' March 457 Plan contributions

**AT&T Mobility** Invoice #X03262024 in the amount of \$156.66 for police department wireless service

**Comcast** invoice dated 3/26/24 in the amount of \$218.67 for internet and voice services at the police department

**Comcast** invoice dated 3/26/24 in the amount of \$196.69 for internet and voice services at borough hall

**Leck Waste Services** Invoice #453277 in the amount of \$22,218.00 for April service

**The Hartford** Invoice #357527299944 in the amount of \$621.39 for life insurance premium installment

**Witmer Public Safety** Invoice #INV449950 in the amount of \$182.51 for a large parka for crossing guard

**Gettysburg Benefits Administrators, Inc.** invoice dated 3/28/24 in the amount of \$169.59 for dental insurance premium installment

**Witmer Public Safety** Invoice #INV451801 in the amount of \$169.95 for a medium parka for crossing guard

**Comcast** invoice dated 4/2/24 in the amount of \$262.90 for internet service at the sewer plant property

**Ready Refresh** Invoice #14C0431953892 in the amount of \$128.93 for spring water, cooler rent, and delivery fee

**Comcast** Invoice #198636171 in the amount of \$380.08 for business voice edge service

**Independence Blue Cross** Invoice #240405336038 in the amount of \$4,569.94 for medical insurance premium installment

**Verizon Wireless** Invoice #9960552734 in the amount of \$25.02 for M2M Account Share 1GB

**Selective Insurance Company of America** invoice dated 4/11/24 in the amount of \$4,784.00 for commercial package and workers' compensation insurance premium installment

SECONDED BY BOB WINKLER. All ayes, motion carried.

MOTION BY BOB WINKLER TO ADOPT RESOLUTION #2024-11 AUTHORIZING DISPOSITION OF PUBLIC RECORDS, 2015 TO 2021 RIGHT TO KNOW REQUESTS.

SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY MARK MOFFA TO AUTHORIZE ADVERTISEMENT OF ORDINANCE NO. 2024-1 AMENDING SECTION 3.2 (C) TO ELIMINATE THE SOCIAL SECURITY OFFSET LANGUAGE AND SECTION 6.2 (A) MAKING THE MANDATORY CONTRIBUTION 5.00% OF THE PARTICIPANTS COMPENSATION OF THE POLICE PENSION PLAN. SECONDED BY BUD MURPHY.

Geoff explained that it was brought to his and the chief's attention that the police pension plan which full-time officers are in, has a provision in it which is called a Social Security offset. When the retired officer reaches the age where he receives a Social Security benefit, his pension plan benefit is reduced by 75%. According to the state auditor, this provision is very antiquated. Conrad Siegel did an actuarial study on removing this provision from the pension plan and determined that the annual increased cost to remove this provision is estimated to be \$3,500.00. Geoff said he asked Chief Perry if he was willing to contribute more to the pension plan. State law allows police to contribute up to 5% of their annual salary. Currently, the chief is contributing 2.75% of his salary. Increasing that to 5% would reduce that \$3,500.00 to \$1,500.00, which would be the additional cost to the borough. The MMO is the annual fee and the amount of money the borough puts into the police pension plan. They can reduce that cost to \$1,500.00 by removing this provision. In the new police PBA agreement, the full-time officer will contribute 5% of their annual salary. This requires an ordinance.

All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO HIRE JAMES SHIRMER AS A PART-TIME PATROLMAN AS RECOMMENDED BY CHIEF PERRY AND MAYOR SODANO. SECONDED BY BUD MURPHY. All ayes, motion carried.

#### Public Comment

**Elizabeth Fox**, complained about parking and the traffic going through stop signs by the

daycare. They extended the area next to the building where they thought they would be parking but they're not. When it snowed, they parked on the street. She said if there's a fire, the trucks are not going to get around the corners. John said they would do a study on it.

**Estella Kristiniak**, asked when they are going to do something about all the cars that are parked inside at the rec field. She said if there's a medical emergency, the squad won't be able to get in.

**Tim Weaver**, said there is a sign at the rec field that says no unauthorized vehicles beyond this point. He checked and there's quite a few unauthorized vehicles in there every day. At the daycare center, parking is atrocious, and they blow through stop signs. They need to put an officer there on foot because if they see the police car there, they call each other. When it snowed, they parked their cars on the street and the roads couldn't be plowed. The corners are a problem.

**Mike Smith**, asked who signed the contract for the Neshaminy Wildcats, or Penn del Wildcats or Middletown Neshaminy Wildcats. John said he did. Mike asked what organization they represent. John said Neshaminy Wildcats. Mike said they were incorporated under Middletown Neshaminy Wildcats. He asked if they were aware they can't park inside the fence. John said he hopes they read the contract. Barbara Kirk said if they are parking on property owned by the borough, the borough has the right to enforce it and have tow trucks remove the cars. The issue of on-street parking has to be governed by ordinance if they want to say no to street parking. She doesn't know if the police have the ability to issue a parking ticket when it's parked on private property. Chief Perry said he doesn't think they do. There are certain vehicle code violations they can cite for like driving with a suspended license, DUI, all of those fall under Title 75. The local ordinance would either be an ordinance specifying no parking or they can write a parking ticket based under Title 75 for the vehicle code, which doesn't include private property unless it's DUI. Chief Perry said people don't pay attention to signs and the best option to allow for egress of people in and out of that area, but limit vehicle traffic, would be to put a temporary bollard in there that can be removed for emergency vehicles. Mayor Sodano said they would need to inform the people. Barbara Kirk said if council were inclined to use towing as a remedy, notice should be posted that unauthorized vehicles will be towed at owner's expense. They signed a contract that says no vehicles in there. Barbara said the authorized representative for the borough can notify them. John said he believes that Councilman Gary Nickerson is the Wildcats liaison. Chief Perry suggested someone reach out to the Wildcats and have them send an e-mail blast out to the parents. Mayor Sodano said it should not be Councilman Nickerson because last year when discussed, he defended they should be allowed to park in there because of limited parking. The contract says no parking there. If they continue to do so, the cars will be towed. Robin asked about keeping the main gate closed. Mike said there's a field that's right there behind the concession stand and if a kid was to get hurt there, they'd have to go all the way around and there's really no access from the other entrance. If something happens, and you need to get a lot of people out quickly, you'd have to funnel everybody through the small gates, which could be dangerous.

Mike said recently, there was an accident at Hulmeville and Dehaven Aves. His wife went to help the officer and she caught her toes on the messed-up sidewalk of his neighbor, the ones he asked several years ago to have fixed and broke her toes. He will be filing a complaint tomorrow.

**Jeff Jones**, said that he and his wife took over the sign at Penn del Pizza so if there's any event

that needs to go up, let them know. At the old Sodano auto parts store, when they redid that intersection, they left the signs leaning against the building and weeds are growing through them. Maybe they can call PennDOT to remove them. Also, the two auto part stores, their grass is getting pretty high. Maybe Charlie can send something to them.

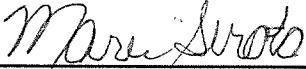
**Terry McIntyre**, said he was on the Rec. Board for a number of years and people just don't read signs. Removable bollards would be good as long as police and fire know that they are removable. He guesses they presented insurance papers for their season because if somebody does get injured down there, they go after the deepest pockets, so they will just go backwards from the person that ran someone over, to the field and then to the borough, which is the taxpayer. So, before that happens, they need to put a stop to the parking issue.

**Dennis Kennedy, Gillmore & Associates**, said he came to clear the air about the project they have been working on here for the last few months. They received the letter from Solicitor Kirk and were disappointed to see it. In regard to change order #2, the additional handrail length, the plans require the contractor to verify all grades and make necessary adjustments in the field as needed, in order to maintain slope compliance. When they were approached by the contractor for added cost associated with the handrail length, they felt like this modest cost increase was appropriate given that this cost is less than what the borough would have paid for a survey and their subsequent existing conditions plan, which was not originally included in their engineering proposal. The cost for this added length of handrail would have been reflected in the contractor's original bid price, had the length of the handrail been shown on the original plans. In regard to change order #3, the graspable handrail, they went back and forth with the borough's building inspector regarding his original determination that the handrail was not ADA compliant and eventually received a ruling from the Department of Labor and Industry that what is installed out back is in fact, ADA compliant. They were working under the assumption that the grant funds would be forfeited by the March 31st deadline when change orders two and three were presented to the borough. So, at that time, they were just trying to push everything forward just so that the funding was not forfeited.

#### Council Members to be Heard

Mayor Sodano asked Carol if they were only bidding on the south side of Noland Ave., from Rt. 1 to Crescent Street. Carol said they are bidding out base repairs on both sides of Lincoln Highway on Noland Ave. but only the south side would be milled and topped with wearing course pavement. Mayor Sodano asked if there was a resolution by council on if they were going to require sidewalks on that section. There was a statement at a previous meeting made that they were waiving them. John said since the curbs passed inspection, they didn't want to hold up the project. Sidewalks can be put in any time at council's discretion. Mayor Sodano asked if that requires a vote by council because when they do a complete resurface of a road, precedent has always been that's when they require curb and sidewalk repairs to be done if necessary. He did not hear any vote by council to give relief to those people. If they do, it would be a disservice to everyone else in the borough that they forced to do sidewalks and curb repairs.

MOTION BY MARK MOFFA TO ADJOURN THE MEETING AT 9:05 P.M. SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

Submitted by:   
Marie Serota, Secretary/Treasurer

## Mayor's Report - April 2024

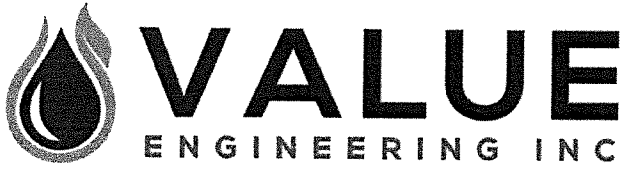
Attended all Council Council meetings and work sessions.

Some upcoming events for May are; Mother's Day, Sunday May 12th. Penndel Classic Car Show, Saturday May 18th. Memorial Day parade, Saturday May 25th.

June events: Run For the Fallen was rescheduled for Sunday, June 30th.

And remember, this year's Penndel Community Day and Borough Yard Sale will be on Saturday, June 8th.

Lastly. We have been seeing an increase in door to door "soliciting". Our Borough Ordinances require these persons to have a permit to solicit and to have it with them. Be safe, ask to see their permit.



May 6, 2024 Engineers Report  
Pennel Borough, Bucks County

➤ Emergency Repair of Route 413 Storm Sewer

On the 15<sup>th</sup> of April a hole was noted in Route 413 south of the railroad tracks. This was much more than a simple pothole. Edges of a broken metal pipe could be seen from the surface. It was a cavernous pothole that dropped into a 24-inch Corrugated Metal Pipe. The hole was in the cartway but to the side of the travel lane, located at the SEPTA bus stop. This was a public hazard, both for the danger to pedestrians stepping off the curb toward the bus, the bus that pulls over to pick up passengers overtop the failed pipe, and all vehicular traffic that may traverse this area of the cartway.

PennDOT was notified and returned an email advising this to be the Borough's problem and responsibility. We obtained a quote of \$275 per linear foot from G&B Construction who were in the Borough performing other work. We determined the quote to be reasonable for the proposed work, materials, and traffic control involved. They ordered replacement pipe and began work immediately. When the pipe was unearthed at the hole, it was not surprising that the pipe bottom was lost to corrosion, and replacement extended to the downstream inlet on the south end and to a point of solid pipe material on the north end.

The pipe was replaced in kind with new 24-inch CMP, bedded with 2A aggregate, and the surface restored with asphalt. Images provided at the end of this report.

➤ ARLE Scoping Application

The traffic signals at the intersection of Lincoln Highway and Durham Avenue have been deemed in need of replacement. Signal replacement is extremely expensive, and Manager Thompson identified the open application period for the PennDOT ARLE grant. I am pleased to report that with the assistance of a Traffic Engineer we submitted a grant scoping form to PennDOT by the April 30<sup>th</sup> deadline. Signal replacement costs are projected to be over \$400,000.

### DCED grant for Inflow and Infiltration Work

SSSI is currently working on video inspection and smoke testing in sewer quadrants 3 and 4. This will be followed by repair work.

Our next task is to prepare a request for bids for two excavation repairs in quadrant 1, also funded by this grant.

### Inlet Repairs with ARPA funds

G & B Construction has completed the storm inlet repair work under the awarded contract. We have scheduled a final inspection to close the project.

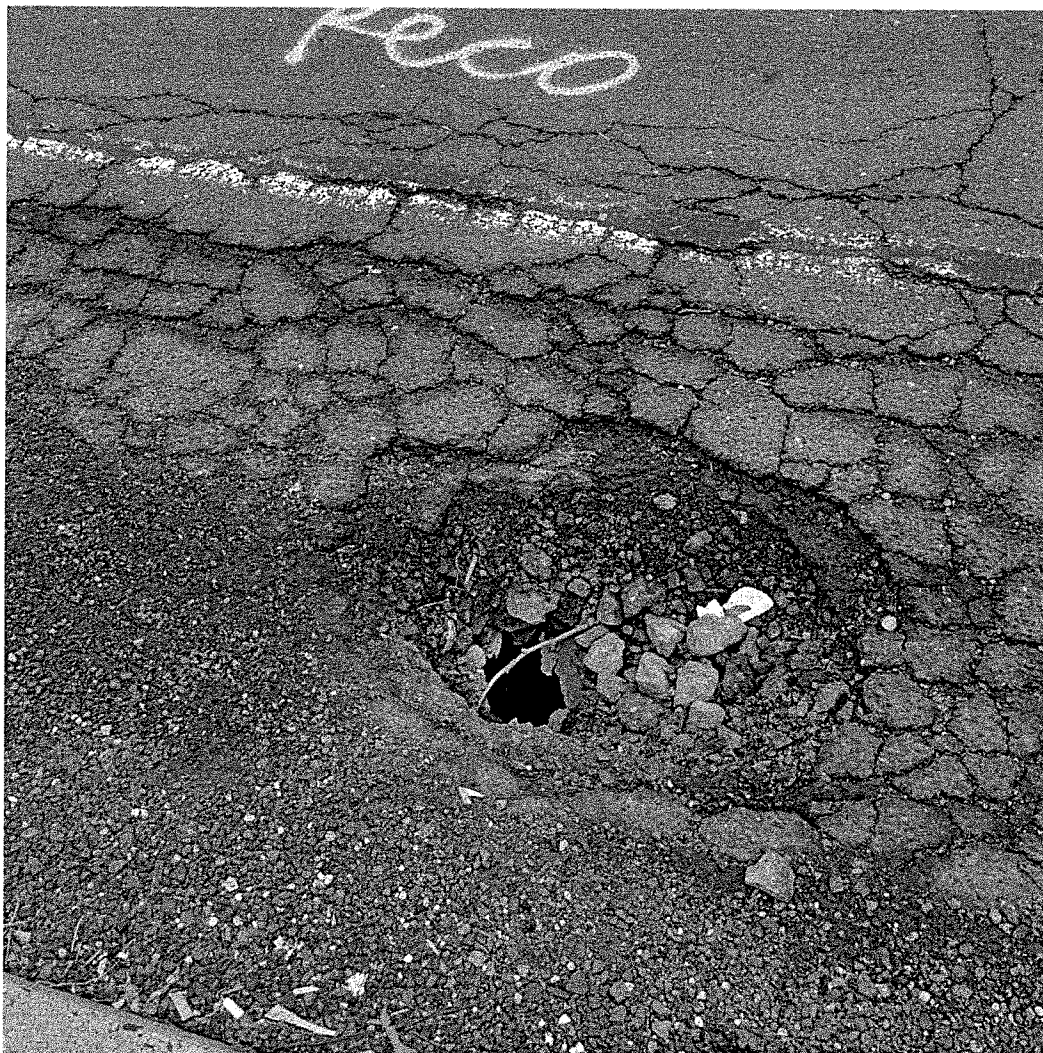


### Noeland Avenue Pavement Repairs

Last week we took field measurements and prepared bid documents for pavement base repairs on Noeland Avenue and resurfacing of Noeland Avenue south of Lincoln Highway. The project will be out for bid this month.

### CDBG for Memorial Park Ball Court Restoration

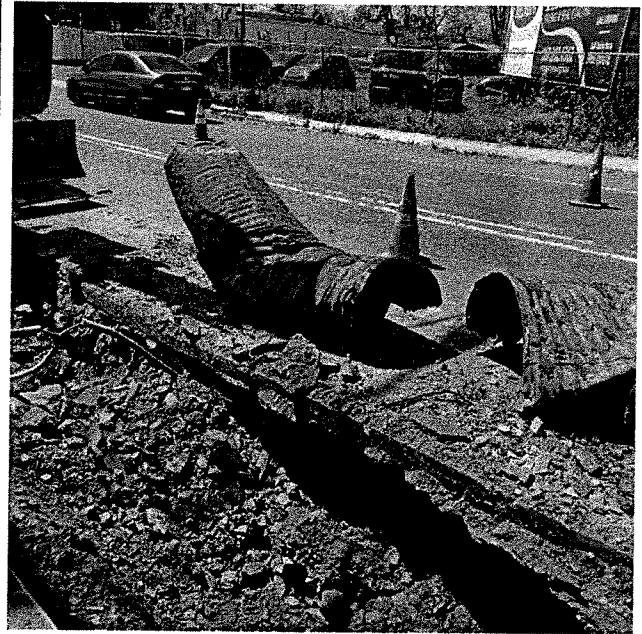
In recent weeks we collected survey data for the ball court repair and replacement project and are now working on project design. We intend to have bid documents prepared by the end of May so Council may authorize project bidding in June.



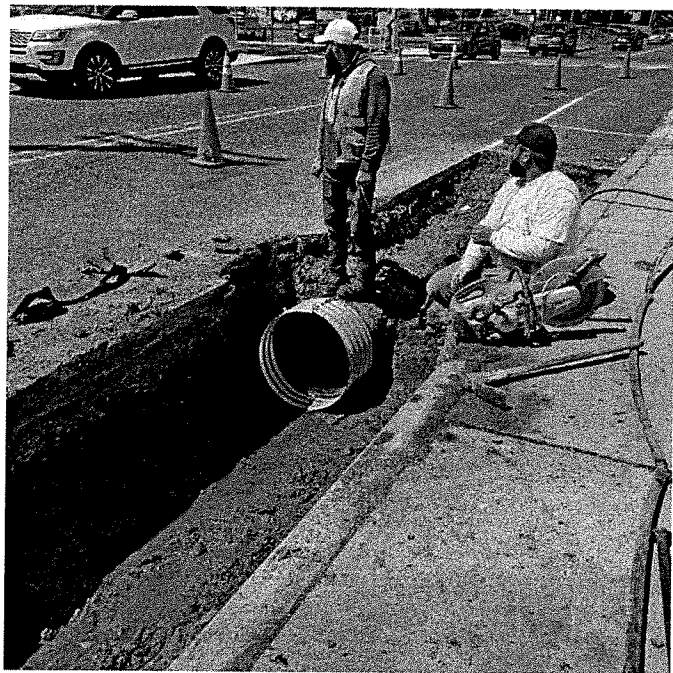
Emergency Repair: Cavernous Hole in Route 413 with Broken Pipe Edges



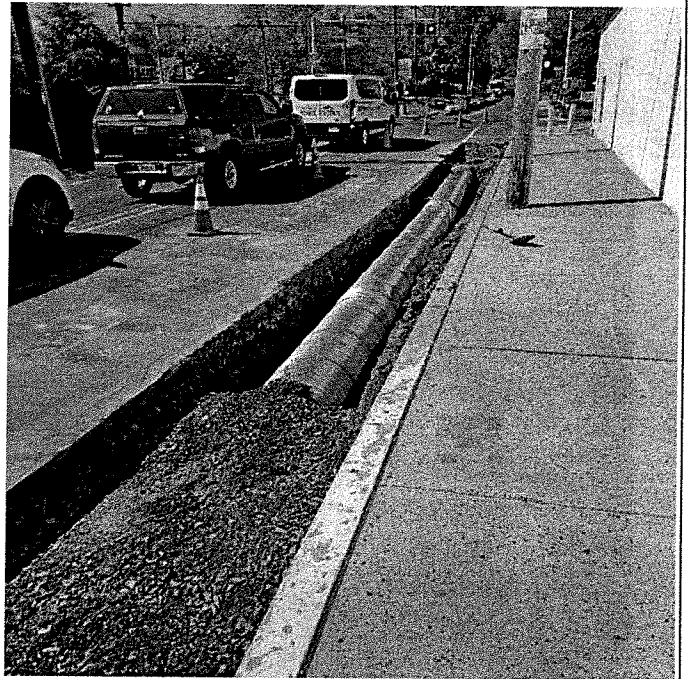
Hole Before Repair



Corroded Pipe Removed



New Pipe Connected to Existing



New Pipe Installation