

Penndel Borough Council Meeting Minutes

October 2, 2023

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

Barbara Kirk reported that council met in an Executive Session at 6:30 pm until approximately 7:20 pm to review and finalize terms of a proposed contract that will be submitted to the PBA.

Present at the Meeting

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

Also present at the meeting

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

Officer Liam Krimmel was sworn in by Mayor Sodano.

Council or Borough Announcements

Redeemer Lutheran Church is having two events. The first one is on Saturday October 14th from 5:00 pm – 8:00 pm and is a pig roast. It is free but donations will be appreciated. Also, they will be having their Christmas Bazaar on Saturday November 4th from 8:00 am to 2:00 pm.

The Hulmeville Historical Society is having their craft show on Sunday November 5th from 8:00 am to 2:00 pm at the William Penn Firehouse.

Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE SEPTEMBER 18, 2023 WORKSHOP MEETING. SECONDED BY ALAN DASHOFF. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE FOLLOWING BILLS FOR THE MONTH OF SEPTEMBER, 2023:

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| General Fund | \$36,064.86 |
| Fire Tax Fund | \$ 72.36 |
| Refuse Fund | \$ 37.97 |

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|----------------------|-------------|
| Sewer Fund | \$ 2,900.82 |
| Capital Reserve Fund | \$ 2,632.50 |
| Liquid Fuel Fund | \$ 347.61 |
| Escrow Fund | \$ 2,541.76 |
| Payroll Fund | \$ 1,270.82 |

Payroll

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|--------------|-------------|
| General Fund | \$30,549.83 |
| Sewer Fund | \$ 3,931.75 |

Total **\$34,481.58**

Escrow Fund Bills

Schoolhouse Court:

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|-------------------|-----------|
| Hill Wallack | \$ 20.00 |
| Value Engineering | \$ 643.00 |

Cattani Subdivision:

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|-------------------|------------|
| Hill Wallack | \$1,521.26 |
| Value Engineering | \$ 357.50 |

SECONDED BY BUD MURPHY. All ayes, motion carried.

Reports:

President's Report

John Stratz thanked everyone for bearing with him being on the phone because he has tested positive (for Covid) twice and has all the symptoms and did not want to bring it into borough hall.

Borough Manager's Report

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

Joe Dudash asked Geoff to explain about the meeting regarding 50 Hulmeville Ave. Geoff said they had a preliminary meeting. He and Carol Schuehler met with the owner of the property and his architect and another representative. They discussed the possibility of some sort of age restricted community there, possibly three hundred units. They explained to them that Penndel was very restricted on the number of EDUs that are available, especially residential EDUs. He has no idea if it's going to go any further, but they explained the situation. Joe asked Geoff to elaborate on who was at the meeting. Geoff said the owner, Manny, his architect Benny, and the other representative there was Bob White. He didn't know what his capacity was, but he was there too.

Mayor's Report

Mayor Sodano said it's the time of year when leaves are falling. Wet leaves are just as slippery as ice and kids don't think about that. Please be careful out there. As Geoff said, they're not going to be running the street sweepers until late November. Keep in mind it's illegal to put the leaves in the street and it's illegal to put them in a storm drain, so keep them on your property and bag them up. Just don't blow them out into the street. A reminder that it won't be long till the snow is here. They will be enforcing snow parking this year.

Police Chief's Report

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

Engineer's Report

Carol Schuehler read her report which is attached.

Joe Dudash asked Carol how they were dealing with the COVID money for the storm water inlets. Carol reported that they got everything cleaned. The next step is assembling the package for bidding out the repair of those inlets. Her target is to bring that to council around December so that they have it out to bid in January because they're going to get better bids in January than in November.

Joe asked if Carol was in the same meeting with Geoff and 50 Hulmeville Ave. Carol said she was at that meeting with Geoff, the architect, the owner, and Mr. White. A big portion of the reason for that meeting was to talk about the fact that the sewer capacity for three hundred units is a real challenge. Geoff explained to them that they needed to put some money in escrow if they want any more investigation on their behalf into the situation. Joe asked if they are talking about grant money with Bob White. Carol said she thinks it's too soon to tell. They seemed stunned at the cost of EDUs and acquisition of sewage and there was some talking back and forth among them about grants. The borough is not going to try and fund anything on their behalf. Joe asked if they have to keep it capped with the environmental problems down there. Carol said she went back and checked on that because of their disturbance down there. The environmental report requires them to keep an area capped, which had a cesspool at one time. That's one area of the property that has to stay capped with the asphalt material. They have not disturbed that area and she pointed that out to their engineer to make sure that he knew that that area had to remain undisturbed. Joe asked who the engineering firm was. Carol said Van Cleef out of Doylestown. She said they're a reputable firm. She's received plans from them on other projects. They had prepared a plan, but it was based on lidar contours instead of survey contours. It was sort of a photogrammetric review from the top of the property and both she and the Conservation District are asking for a little more information than what they provided and a little more restoration than they were suggesting. In either case, they don't want to continue on the Pennel side, and she thinks the Conservation District feels the same way. They want them to submit permit applications and escrow fees before they keep talking to them because they should be paying for this, not taxpayers. Joe asked if their plan is to demolish the building. Carol said they were trying to reuse those buildings. Mayor Sodano asked if they gave her any idea of how they thought they could move that much traffic in and out of that area. Carol said they were not that far along. Alan Dashoff asked if they are looking at 55 and older, like assisted living. Carol said she heard senior housing, and that the downstairs would be a cafeteria for at least one meal a day. She thinks that's more of an assisted living type thing, but those details weren't really pertinent at this point in the game. Alan said if it does come into play and they are doing 55 and older, there will be more vehicles than if it was assisted living where there is a certain percentage of the population that just can't drive. Joe asked Carol if they named the company that might be handling the senior citizen housing. Carol said the owner claimed he was developing something like this in Bristol right now too.

Mike Smith, asked Carol who compensated her for this meeting or was it a freebie. He asked who authorized that. He said council didn't authorize that. Geoff took it upon himself to pay her. Back in 2008, he believes Bob Mason did pretty much the same thing and he was taken off of council. Geoff doesn't have the right without council's approval to call anything. Nobody knew

about it. He asked if anyone is going to ask Mr. Thompson to pay for it. This is absolutely not allowed. They have to approve expenditures and they didn't approve her to go to any meeting. He said John never approved this. John said he was at some of the meetings. Mike said and he didn't tell the rest of council. Joe asked who else was there and John said he believes the mayor was at one of them and that he was over there at 50 Hulmeville Ave. He said this is no big surprise that it is going to be developed. Joe said the problem is that none of council has been kept up to date, including the voters and taxpayers. John said it's because nothing has been fully decided. It is still in the development stage with discussions. Joe said the issue here is the taxpayers and this council should be informed of everything that goes on in this town, including discussions. John said he recalls council authorizing Carol to investigate the DEP problems at 50 Hulmeville Ave. and he screamed for her to do that. Joe said that was environmental issues. The citizens aren't stupid. They've read the newspaper articles about the Bristol debacle, fraud, IRS problems and the list can go on and on and on, so this should be a high-profile thing, especially with this piece of property.

Barbara Heffelfinger said she thinks years ago, the gentleman who bought the property came in front of the Planning Commission and explained what he wanted to do with the property and there was no decision made at that meeting. Mayor Sodano said that was not how it happened. He was here at one of the borough financial meetings as a guest of Mark Moffa and that was the only time he showed up and it wasn't the man who he understands was at the meeting that they're talking about. It wasn't Manalil Mathai. It was his compatriot Mr. Singh. Mayor Sodano said just to clarify, he did attend two meetings at the property, both of them were DEP meetings and he invited himself because he was not informed or invited. He just showed up because somebody needed to hold their feet to the fire, and he did. He was told that they had requested a meeting, but he wasn't told exactly when and it came and went before he knew when it was, otherwise he'd have invited himself. Barbara said she didn't know about it either. But she trusts Carol. Mayor Sodano asked Carol what EDU stands for. Carol said Equivalent Dwelling Unit. It's the amount of sewage that would be equivalent to a single-family home.

Geoff said with regard to payment, if he sends an e-mail to Carol or to the solicitor, they get a bill. If he calls them, they get a bill. This notion that everything has to be approved by council is not true. If they want to operate that way, that's fine but nothing's going to ever get done. They have a manager and description of what needs to get done and if he talks to the zoning officer about a certain code complaint or a zoning matter, they'll get a bill because they're contractors and that's how they're set up. That's the way it's always been.

Mike said Geoff took it upon himself to spend our money and have a meeting with Carol and the people here and he didn't inform anybody on this council except for the guy on the phone and he's not even sure he knows what went on. He spent money without it being allocated. Geoff said that's how it operates. If you want to talk to a developer, if they call him and they want to meet, that's standard operating procedure. Mike asked if it is standard operating procedure for him to notify council when he is having these so-called meetings. Geoff said not on every occasion. Mike said in a situation like this where it means so much to this borough, he asked why he wouldn't notify council. Geoff said he had no idea what they wanted to meet about. This is how a council manager works. Barbara Kirk said when Mr. Thompson contacts her, depending upon the nature of the project, they'll make an adjustment. There are certain projects that are just billed at a flat rate each and every month and it doesn't matter how many things come in. That gets paid on a flat basis. She presumes this may be the same thing with the borough engineer, that she has a certain amount of things that she does each month that is automatically covered under a flat rate. And until a meeting occurred, nobody knew exactly

what direction they were going to try to take with this piece of property and now the borough is actually in a better position being on notice of what they're trying to do.

Solicitor's Report

Barbara Kirk said she is going to make the revisions to the proposed contract to the PBA for their review and consideration. She is continuing to monitor the two zoning matters that are pending in Doylestown, and nothing is occurring on either one at the moment.

New Business

MOTION BY JOHN STRATZ TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

- Langhorne Postmaster invoice dated September 8, 2023 in the amount of \$329.61 for ribbon cutting notice postage
- De Lage Landen Financial Services Invoice #80540316 in the amount of \$276.54 for copier lease payment
- Gettysburg Benefits Administrators invoice dated 8/31/23 in the amount of \$169.59 for dental insurance premium installment
- Office of Labor & Industry invoice dated 9/1/23 in the amount of \$1,555.00 for fire department workers' compensation insurance premium installment
- Ready Refresh Invoice #13HO431953892 in the amount of \$86.05 spring water
- Waste Management Invoice #5779-2448-3 in the amount of \$17,976.25 for monthly service
- Comcast invoice dated 9/2/23 in the amount of \$244.89 for internet service at 790 Neshaminy St.
- Comcast invoice dated 9/1/23 in the amount of \$377.19 for business voice edge service
- Verizon Wireless Invoice #9943361851 in the amount of \$25.02 for M2M Account Share 1 GB
- Independence Blue Cross Invoice #23907254336 in the amount of \$5,958.90 for medical insurance premium installment payment
- Selective Insurance Co. invoice dated 9/11/23 in the amount of \$4,095.00 for commercial package and workers' compensation insurance premium installment
- PECO Payment Processing invoice dated 9/12/23 in the amount of \$1,403.57 for street light electric
- Bucks County Boroughs' Association invoice dated 9/26/23 in the amount of \$80.00 for 2023 membership dues

SECONDED BY BUD MURPHY. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE FULL AND FINAL PAYMENT TO ASPHALT MAINTENANCE SOLUTIONS LLC FOR \$62,602.26 FOR THE ULTRA-THIN WEARING COURSE SEAL ON RUMPF AVENUE AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY BUD MURPHY. John and Barbara said they've gotten a lot of compliments on the work done on the street. Bud said Rumpf Ave. is nice and smooth. He asked what the difference was between the job that was done on Rumpf Ave. and the job that was done on Holly and Oak Aves. Carol explained that what was done on Holly and Oak was called a cape seal and that's where you take the existing conditions as rough as they were over there, and essentially do a chip seal on them and then a layer of emulsion on top. It's more than a chip seal and it looks more like a pavement but it's not as perfect and smooth as a newly paved road. What happened on Rumpf was this ultra-thin wearing course and so in this case, they had a road that was in better shape to begin with. They issued a contract to do base repairs where it wasn't in good shape and they cut out any areas that were potholes essentially or any evidence of base failure that was patched and then this contractor came in with this ultra-thin wearing course, which is a an emulsion which goes down first and then to seal everything, And

then a very thin layer of pavement on top of that so it's not got the structural value of doing a full pavement layer on top but it's sealing the road and all the cracks with that heavy emulsion and then you've got the pavement wearing surface on top, which is going to take snow plows and cars and it's just a much smoother result than Holly and Oak. She'd seen it done elsewhere and was really excited to bring it here.

All ayes, motion carried.

Barbara Kirk explained that several months ago, it had been raised that the borough does not have an active Code Appeals Board, which is similar to a Zoning Hearing Board, but they hear appeals dealing with issues that arise under building codes, plumbing codes, mechanical codes, etc. If somebody gets a notice of violation of building something that violates the code, that person has a right to appeal to a board which would review and make a decision. Because of the violation notices that are issued by the borough, A Code Appeals Board needs to be put into effect and the borough just didn't have an active board, so contact was made with Middletown Township. They have what's called a Technical Review Board, which is the Code Appeals Board. She reached out to the township manager and had discussions with her and drafted a proposed intergovernmental agreement whereby basically, if an application for a code appeals matter comes to Penn del Borough, the borough can notify the Middletown Township Technical Review Board and it will fill in as the reviewing body for Penn del Borough applying the borough's codes and things to that case. Middletown Township had some minor revisions to the proposed agreement and Middletown Township has presented it to its Board of Supervisors who have approved this agreement and now it was sent to the borough to enter into in order to proceed with the Code Appeals Board, so the formal action will be approving the resolution, which is accepting and approving the proposed agreement. After it is signed, Middletown Township will sit in the shoes of providing Penn del with the Code Appeals Board. Joe said he has been opposed to this when this was brought to this council from day one because the borough is going to lose their own sovereignty. There were other ways they could have done this. They would be letting Middletown people make their decisions. They could have gone another route like other boroughs have done. He knows they're going to become Middletown sooner or later because of the fire tax and everything else they're spending money on around here. This just adds fuel to the fire. Barbara said they had a hard time finding people to do the job. They need three and only ended up with two. There are specific qualifications for people to serve. Joe said they could have hired an engineering firm like others have done to represent Penn del. He asked if they wanted Middletown to tell them what they were going to do. He said they should just turn the whole town over to Middletown. John said it is the law of the State of Pennsylvania of which a local government is under their jurisdiction. They don't have a board right now. It doesn't have to stay this way forever. They can change it at any time when they have something else to put in its place. But right now, they do not, and it is against the law in the State of Pennsylvania to not have one.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2023-12 APPROVING AND ADOPTING A CERTAIN INTERGOVERNMENTAL AGREEMENT WITH THE TOWNSHIP OF MIDDLETOWN FOR BOARD OF APPEALS SERVICES FOR THE BOROUGH. SECONDED BY ALAN DASHOFF.

John Kross, asked if the details of this contract had been discussed among the board members on how it's going to work and how much it's going to cost with Middletown Township. Barbara Kirk said the agreement is basically in compliance with state law and it basically says if somebody makes an application to Penn del Borough, and there's always fees and things

attached to that application for a code appeals board, the borough will notify Middletown Township. The hearing will be coordinated, and the fees will be paid by Pennel Borough to Middletown just like they would have done for it staying in house. The law that Middletown has to look at is going to be the law that's applicable to the borough and the matter that's being appealed. John asked how long the contract is for. Barbara said it can be terminated at written notice at any time. John asked what the qualifications are that are needed for additional members. He asked if that process had been gone through already. Barbara said the borough requested residents who have those qualifications to volunteer to sit on this board and they only had two. They need an engineer, an electrician, and a builder. John said he didn't know about it. Barbara said they can always separate if they get enough of the proper people that can serve. Alan Dashoff asked if they were able to get their own board together, could they still keep this agreement in place. If the board couldn't meet, they could roll with Middletown. Barbara Kirk said the whole purpose was the fact that the borough didn't have their own Code Appeals Board in effect so if it becomes public that the borough has its Code Appeals Board, it wouldn't surprise her if Middletown sends notice to terminate the agreement. Alan said he was just looking at them as a backup because if they have three guys and tomorrow, they lose one like what happened with the Civil Service Commission. Barbara said the purpose was just to use Middletown Township services until the borough is able to create its own board. Geoff said when this law was established about 15 years ago, it was set up that municipalities can have joint Board of Appeals. They can join with other municipalities, and they also can have people on their boards who don't reside in the municipalities. Reason being is because it's tough, especially for smaller communities, to have people to meet those qualifications. It's not unusual. A lot of other communities are part of a joint regional Board of Appeals just so they can be current with state law and have a board if they ever need one. He talked to the manager in Middletown, and she said their board has never met since they established it. But they do need this board for code enforcement reasons.

Kris Kross, asked where you can find it. Geoff said it's in the ICC, International Construction Code. Barbara said he can find it online.

Motion carried 3-2 (Joe Dudash, Barbara Heffelfinger, no).

Public Comment

Mike Smith, said to Mayor Sodano that he was going to stop the people from parking at the rec field inside the fence. It's been occurring every single weekend. They're playing with games here and it's not going to be a good outcome for them if somebody gets hit in there. Mayor Sodano said he was going to talk about it during council members to be heard.

Estella Kristiniak, asked when they were going to do something about the parking down at the rec field. They're parking along Bellevue Ave. at the curve and they're bringing their dogs, and the dogs are pooping all over her property. She tells them they have to clean it up and they tell her that's her job.

Patrick Donahue, said the building they have at the rec field where the announcers are, there are holes in the sides, and you can see inside, and the animals are getting in. They need to tear it down or fix it up because it is an eyesore.

Council Members to be Heard

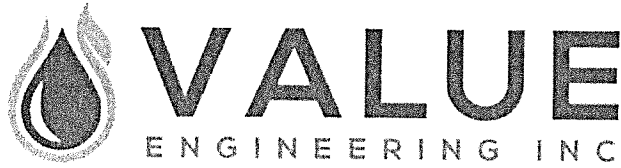
Mayor Sodano said they voted a couple of meetings ago on the Wildcats agreement and asked

if it's in place. Barbara said yes. Mayor Sodano said he had a discussion the other day with Jim Bampfied, the borough Fire Marshal, and that Jim has concerns about parking also. Mayor Sodano requested that they order no parking signs that say by order of the Fire Marshal. He said that Jim's concerns are that they cannot get safety equipment in there should it be necessary during a game if a kid got hurt, or someone fell or had a heart attack. They can't get emergency equipment in there. Mayor Sodano said he is formally requesting that they order signs that say no parking by order of the Fire Marshal and post them and Pennel Borough Police will then be able to enforce it. They can't now because it only says authorized parking so there's nothing they can do. Chief Perry said he thinks that they would also have to add an additional verbiage to the parking ordinance dictating where there can't be parking by ordinance. That would give them the authority to cite for that, which he thinks is the issue with parking in there right now because there's nothing unless you see it somewhere else where he didn't. Mayor Sodano said they can change it but if the Fire Marshal orders it and it's posted that way, it's completely enforceable. Chief Perry said he would talk with the Fire Marshal as well about it. Mayor Sodano said they've done a good job with yellow markings on the corners where the fire trucks run. He asked Geoff if he could tell Lou when he gets some time, if he could start marking the corners at Hulmeville and Rumpf and some of the other intersections so they are aware of how far they can't park to a corner. They have to start enforcing that. They have to start being diligent about driveways because the calls come fast and furious. Veritably, every evening he gets at least one call, so they're going to have to address it.

Mike Smith, said the Trash Daddy dumpster for the old Car Doctor or whatever it was on Park Ave., he asked if they could go to Middletown and have that moved onto the property so it's not sitting in the road. It's basically right on the corner and you can't make that turn. Mayor Sodano said he was recently told that it's scheduled to be moved but he hasn't seen it moved yet so he'll make another visit.

MOTION BY ALAN DASHOFF TO ADJOURN THE MEETING AT 8:33 P.M. SECONDED BY JOE DUDASH. All ayes, motion carried.

Submitted by: 
Marie Serota, Secretary/Treasurer



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October 2, 2023 Engineers Report

Penndel Borough, Bucks County

CDBG Grant for ADA Ramps on local streets

Installation of 20 accessible ramps on Borough streets is underway, funded by a CDBG grant.

Rumpf Avenue Seal

The Ultra-Thin Wearing Course Seal was completed on Rumpf Avenue by AMS, and payment of their invoice appears on the agenda this evening.

Memorial Park

The Borough held a ribbon cutting ceremony to thank the County for the grant funding support to install new lights, upgrade the restrooms and upgrade the bleachers at Memorial Park.

Memorial Park Bleachers

That same evening, Councilman Bud Murphy directed my attention to some sharp edges on the fencing material on the front side of the bleachers. I have communicated with Stadium Solutions, and they intend to replace the entire fence along the bleacher front to address the concern.

MS4 annual report

Annual MS4 reporting was completed last week and submitted to DEP. The current permit expires July 31, 2024, so it will be necessary to prepare a permit renewal application in coming months, including updates to the Borough plans for sediment reduction.

Mid-year report for sewers

Mid-year reporting was submitted to DEP and BCWSA in August. The average daily flow rate was 241,000 GPD, slightly lower than the same period in each of the prior 3 years. Flows exceeded the maximum allowable rate of 335,000 GPD on 16 days, with the maximum daily flow of 670,000 Gallons recorded on May 1st, coinciding with 2.3 inches of rainfall.

50 Hulmeville Avenue

The owners of 50 Hulmeville Avenue have retained an engineering firm to address violation notices sent to them from Penndel Borough, BCCD and DEP regarding disturbance at the back of the parcel. That engineer has been in communication with us and with the Conservation District. They have been directed to submit applications accompanied by fees to both Penndel and BCCD to continue forward.

Meanwhile, the property owners have informed Borough officials of their intention to develop the parcel for senior housing, projecting up to 300 units. They were advised of potential limitations to the availability of sewer connections for a project of this magnitude.

