

Penndel Borough Council Workshop Minutes

September 16, 2024

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

Present at the Meeting

Council President John Stratz
Council Vice President Barbara Heffelfinger
Councilman Mark Moffa - absent
Councilman Bud Murphy
Councilwoman Robin Valentis – via telecommunications
Councilman Gary Nickerson
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack
Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Mayor Sodano announced that October 4th is the Our Lady of Grace annual Blocktober Fest. They are always here to help the borough out by using their school lot for the car show and also for community day, so he would like everyone to come out and support them.

Mayor Sodano said they now have the signed contract in place for Wildcats Football, which specifies that they are not to be parking inside the fence. It is his understanding the borough manager also sent them a letter to reinforce that. The police department is technically not supposed to enforce ordinances, even though this is not an ordinance, it's a contractual obligation. It's private property and technically, not a street and it's not a moving violation. So, there's a bit of a conundrum on how they would enforce it. Council can specify how they would like such an agreement enforced and by whom. They could actually direct the police department to be the ones to go down there when those vehicles are inside that fence and inform the people that they're in violation of their contract and explain that they have half an hour or whatever council would prefer, to move their vehicles or they would be towed. They need to have something in place so that they aren't in a position where someone could contest the fact that technically, that's not within police jurisdiction.

Gary Nickerson asked if he reached out to the head of either Wildcats organization and talked to them. Mayor Sodano said he did not. He asked the borough manager, who is the person who actually dealt with their representative in the signing of the contract to have him acknowledge verbally and then give him in writing that it is part of their contract. If council decides he is the person to go and tell them, he has no problem with showing up there and explaining that the vehicles have to move. But council has to designate someone to enforce it. The contract was negotiated and signed by the borough manager, and they were informed, which puts them in violation of the contract. Gary said every year or two someone new is in charge. He thought maybe communication with them would be a good thing. Mayor Sodano said that Geoff has spoken to them and gave it to them in writing. Gary asked if he had done anything to try to solve this problem. Mayor Sodano said it's actually not something that the mayor would do unless he was specifically asked to do that by the council. He asked how council wishes it to be enforced because obviously, they don't care. The fire marshal had to drag somebody down there because they decided to change the locks and didn't let anybody know, which rendered

the Knox Box key worthless, and they had no right to do that. Bud Murphy asked if they are going to allow them to simply walk all over them and continue to create this unsafe situation or are they going to act on these illegal vehicles. He thinks they have been sufficiently informed both verbally by Geoff and in the contract in writing. John Stratz suggested a cement baluster heavy enough to prevent being pulled out of the hole but still could be if emergency vehicles needed to get in. Barbara Kirk said she doesn't think they should make recommendations of any form of enforcement without first having seen the contract. It may have actual provisions in there as to what they do for enforcing it. They might just have to go to the judge for issuing fines or it may be other types of mechanisms but without seeing the contract, she wouldn't recommend a unilateral decision as to how to enforce it until somebody looks at those contracts. They may have provisions as to how things can be enforced if somebody breaches it. Bud asked Barbara to look at the contract to see how they can enforce it. Gary said maybe they can have some flexibility saying unloading no more than 15 minutes for people dropping equipment off. Barbara said she will look at the contract and come up with a proposal of what to do for enforcement.

John Stratz announced that Our Lady of Grace is having their spaghetti dinner night for the community on September 27th. It is a free will donation.

Consent Item

MOTION BY GARY NICKERSON TO APPROVE THE MINUTES OF THE SEPTEMBER 3, 2024 COUNCIL MEETING. SECONDED BY BARBARA HEFFELFINGER. Motion carried 5-0-1 abstention (Bob Winkler).

Reports

President's Report

John Stratz reported that he will be attending a seminar on Thursday entitled "Truly Securing Your Polling Place Voter Safety." There are many rumors floating around that this will be contentious.

John answered the question Jeff Jones put in. He had asked if the manager ever checked the swings down at the rec because they need to be replaced. John said Geoff ordered them and they have been replaced.

Solicitor's Report

Barbara Kirk reported that the day after the last meeting, she received notice that the judge issued his decision in the Darnley fence matter, and he dismissed and denied the appeal. It's now at the point where the property owner has to determine if they're going to appeal to the next level, which would be Commonwealth Court, but the judge upheld the Zoning Hearing Board's decision.

New Business

MOTION BY GARY NICKERSON TO ADOPT RESOLUTION #2024-18 AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM APPLICATION TO THE REDEVELOPMENT AUTHORITY OF BUCKS COUNTY FOR PENNDEL-MIDDLETOWN EMERGENCY SQUAD ROOF-TOP HAVAC UNIT. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY GARY NICKERSON TO ADOPT RESOLUTION #2024-19 AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM APPLICATION TO THE REDEVELOPMENT

AUTHORITY OF BUCKS COUNTY FOR PENNDEL FIRE COMPANY
RENOVATION/MODERNIZATION OF FIRE STATION 2ND FLOOR. SECONDED BY BUD
MURPHY. All ayes, motion carried.

MOTION BY GARY NICKERSON TO WAIVE PERMIT FEES FOR LB CONSTRUCTION
ENTERPRISES FOR THE BALL COURT IMPROVEMENT PROJECT. SECONDED BY BOB
WINKLER. All ayes, motion carried.

MOTION BY GARY NICKERSON TO APPROVE CHANGE ORDER #1 TO THE BALL COURT
IMPROVEMENTS AGREEMENT PROPOSING TO PRESERVE UP TO 70% OF THE
EXISTING FENCE POLES AND FENCE RAILS WHERE THEY ARE IN GOOD CONDITION
AND CHANGE THE FENCE FROM GALVANIZED TO BLACK VINYL COATED. ALSO
CHANGE INSTALLATION OF THE NEW ASPHALT SURFACE AT A SLOPE OF 0.7%
RATHER THAN 1.51%. THIS CHANGE ORDER WILL DECREASE THE CONTRACT PRICE
\$11,400.00. SECONDED BY BOB WINKLER.

Robin Valentis asked If this change came about through the engineer. John said in the meeting
with the contractor, he and Carol went down to the park and looked at all the posts and there
were only three there that were rusty enough that needed to be gotten rid of. The others were
perfectly fine. They're going to paint them with black vinyl paint to match the fencing and they
decided to change the fencing to remove that prison look to the place. Robin said black is more
appealing. She asked about the slope because runoff is extremely important on any asphalt
surface. John said it normally would be, except for a basketball court. It was determined that
they had a little bit too much of a slope and it could conceivably deflect the ball. The new
changes are within specifications.

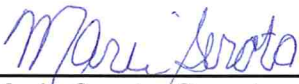
All ayes, motion carried.

Public Comment

Steve Lowe, Pennel Fire Co., said on behalf of the fire company, he just wanted to thank
council for supporting the RDA Grant for them. Barbara Heffelfinger asked what they were
doing with the renovations. Steve said it was 1980 to 1983 when it was renovated. They want
to do the bathroom, flooring, and insulation up above the ceiling. Two years ago, they put in the
grant for the roof, and they have some water damage from insulation up there. There are
presently some bunks for bad weather, and they would like to have some kind of bunk room for
the bad weather that will be approaching.

MOTION BY BOB WINKLER TO ADJOURN THE MEETING AT 7:56 P.M. SECONDED BY
GARY NICKERSON. All ayes, motion carried.

Submitted by:



Marie Serota, Secretary/Treasurer