

Penndel Borough Council Meeting Minutes

September 3, 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 – via telecommunications
 Councilman Mark Moffa
 Councilwoman Robin Valentis
 Councilman Gary Nickerson
 Councilman Bud Murphy
 Councilman Bob Winkler - absent
 Mayor Tom Sodano

Also present at the meeting

Barbara Kirk, Solicitor, Hill Wallack
 Geoff Thompson, Borough Manager
 Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Barbara Heffelfinger reported that the dates for the 125th birthday celebration have been changed to October 18th & 19th. due to unforeseen circumstances. Friday the 18th will be inside from 7:00pm – 9:00pm. Saturday the 19th will be from 12:00pm to 5:00pm. There will be stuff for the kids outside and the rest inside. There will be light refreshments served. A small memento of the occasion will be given out to those in attendance. She would appreciate it if council members were in attendance, especially on Friday night, in order to greet the guests that they have invited and hopefully, maybe, answer some questions for people who are going to attend. She will also need help, and she is hoping council will be there to do that.

Mayor Sodano reported that the police department had a very busy morning, and he gave Chief Perry the evening off, so he will be reading his report.

Annual Pension Meeting- 2025 Minimum Municipal Obligations

John Stratz reported that the Borough of Penndel Employee's Pension Plan 2025 minimum municipal obligation this year will be \$19,035.00 and the Borough of Penndel Police Pension Plan 2025 minimum municipal obligation will be \$14,718.00.

Consent Items

MOTION BY ROBIN VALENTIS TO APPROVE THE MINUTES OF THE AUGUST 19, 2024 WORKSHOP MEETING. SECONDED BY GARY NICKERSON. Motion carried 5 yes, 1 abstention (Bud Murphy).

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING BILLS FOR THE MONTH OF AUGUST 2024:

General Fund	\$23,547.55
Fire Tax Fund	\$ 67.06
Refuse Fund	\$ 118.48
Sewer Fund	\$27,923.67

Capital Reserve Fund	\$25,225.50
Sewer Capital Fund	\$ 187.50
Liquid Fuel Fund	\$ 1,365.10
Escrow Fund	\$ 285.00
Payroll Fund	\$ 1,448.25

Payroll

General Fund	\$39,635.32
Sewer Fund	\$ 4,214.19

Total **\$43,849.51**

SECONDED BY GARY NICKERSON. All ayes, motion carried.

Reports**President's Report**

John Stratz read the questions from the last meeting on 50 Hulmeville Ave. and answered them. Questions and answers are attached.

Borough Manager's Report

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

Mayor Sodano asked about the fence ordinance that was scheduled to be advertised and if it would be ready for next month's meeting to be voted on. Barbara Kirk explained that in order to assure that the ordinance meets the requirements of the municipalities planning code, it has been submitted to the Bucks County Planning Commission for their review, which generally takes 30 days. Once that review comes back, they'll coordinate with the borough staff for the date of the next available council meeting to have it advertised. They didn't want to run afoul of the review being done after the council meeting date was scheduled. Mayor Sodano asked about the no soliciting signs that were discussed for where the roadways enter the borough and if they were ordered. Geoff said he would look into it. Mayor Sodano said he is concerned because they have recently had a lot of incidents with solicitors in the borough. It's a concern because no one knows if they're casing someone's home and they don't know who these people are and with schools being open, it is a scary proposition for kids. He is on a mission about this because on Friday, one of them was a window peeper. A well-known contracting company that knocks on doors all over Lower Bucks County, one of their people was looking in the window and when the woman came into the other room from the kitchen, there was a face looking in her window at her.

Mayor's Report

Mayor Sodano read his report which is attached.

Police Chief's Report

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

Solicitor's Report

Barbara Kirk had no report.

Gary Nickerson said he had asked the solicitor about ideas that he and Mark had floating around with regard to ways to deal with sidewalk issues. He asked Barbara to research whether or not they could require sidewalk inspections and installations as a result of a CO. Barbara said they researched and because use an occupancy permits are based upon inspections of the property dealing with public health and safety and things of that nature, there was no case law or legislative statutes prohibiting the borough from imposing a sidewalk inspection and subsequent requirement for either repair or installation, as part of issuing a new Certificate of Occupancy Permit. Gary said this seems like a fantastic way for them to solve their issues in regard to sidewalk inspections. This would also slowly start chipping away at some of the residential properties or even commercial properties that currently do not have sidewalks. He will reach out to council to see if they want to proceed, but in his opinion, he thinks this would be an automatic way for sidewalks to be constructed and they could slowly start getting all those sidewalks on board but also, it would be a good way to ensure compliance, so there's no slipping or tripping or anything like. At this time, they can send the engineer out at any time to inspect and at the pleasure of council, they can require sidewalks to be replaced. He and Barbara were talking earlier and they're not sure if this is something they'd have to strengthen the existing ordinance or if this is a policy.

Mayor Sodano said they do inspect existing sidewalks, driveway aprons, etc. and they have to pass inspection and if they don't pass, they have to be repaired or replaced. He asked if Gary was saying they should modify that to include properties that don't have them when they get sold and would have to add them. Gary said Carol said this should be added to the list. Mayor Sodano said they don't have anything in the ordinance that says if it's a home like the ones on Oak and Holly that don't have sidewalks, there's nothing in the ordinance that says they have to get sidewalks when it transfers, but sidewalk condition is absolutely in the ordinance, and they are inspected when there is a home sale.

Unfinished Business

Barbara Kirk explained that the following resolution will formalize council's decision on whether they're accepting and signing the Operations and Maintenance Agreement for the storm water as well as accepting the easement of which the property owner is giving to the borough access at any time to the property to review what was being done. Carol Schuehler sent a letter outlining a brief summary of the history. There were three plans that had been submitted by the property owner. One was a plan set for the property, another one was a tree replacement plan dated July 3rd, and the third was an existing stormwater analysis report as well as an erosion and sediment pollution control plan for the property. Everything but the tree replacement plan was reviewed and approved by the Bucks County Conservation District on June 12th of this year. All three plans were further reviewed and approved by the borough's engineer on July 22nd, contingent upon the property owner entering into the Operations and Maintenance Agreement, which would require the property owner and all future owners of that property to be responsible to maintain and upkeep the stormwater management facilities on that property to prevent further erosion or sediment runoff into the waterways and other natural resources. It was also contingent that the property owner provide an access easement so that the borough can walk onto the property at any time and verify that all of the remediation controls that have been approved are still in effect and that there's no further erosion along Chubb Run or any of the waterways or flood plains or things of that nature. In addition, there was a conference held by the Bucks County Conservation District and DEP on August 22nd at which time the property owner was cited substantial fines as a result of the violations that started back in May or early 2023. Carol's letter has additional delineation around certain areas of the work disturbance of natural resource protected buffers and things of that nature. In order to assure that these proposed remediation measures continue to be maintained in the future, council needs to

approve and accept the operations and management agreement, as well as accept the deed of easement in order to allow the borough and staff to go on to the property to inspect at any time.

MOTION BY BUD MURPHY TO APPROVE AND ACCEPT STORMWATER OPERATIONS AND MANAGEMENT AGREEMENT, AND DEED OF EASEMENT FROM OWNERS OF 50 HULMEVILLE AVENUE AS REQUIRED FOR APPROVED STORMWATER REMEDIATION PLAN FOR THE PROPERTY. SECONDED BY MARK MOFFA. All ayes, motion carried.

Mike Smith, asked why a member of council is permitted to vote on this motion when they have a relationship with the owner of this building, since it's inappropriate at best. Barbara Kirk said ethically, if there is somebody who had a professional relationship with the property owner but feels that they could objectively make a decision based on this motion, especially, since it's in the borough's interest to approve the documentation, which is not a bar to voting on it.

MOTION BY BUD MURPHY TO ADOPT RESOLUTION #2024-14 APPROVING AND ACCEPTING STORMWATER OPERATIONS AND MANAGEMENT AGREEMENT, AND DEED OF EASEMENT FROM OWNERS OF 50 HULMEVILLE AVENUE FOR APPROVED STORMWATER REMEDIATION PLAN FOR PROPERTY. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

New Business

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

Comcast invoice dated 7/26/2024 in the amount of \$196.78 for internet and voice services at 300 Bellevue Avenue

Comcast invoice dated 7/26/2024 in the amount of \$218.88 for internet and voice services at 37. W. Woodland Avenue

Gettysburg Premium Account invoice dated 7/31/24 in the amount of \$169.59 for dental insurance premium

State Workers Insurance Fund invoice dated 8/1/24 in the amount of \$1,953.00 for fire department workers' compensation premium

SKD Tryon's Inc. Invoice #F40563 in the amount of \$51,179.92 for 2023 F-150 Supercrew public works vehicle

Comcast Invoice #2111452651 dated 8/1/24 in the amount of \$381.75 for Business VoiceEdge Service

Keystone Health Plan East Invoice #240808462326 in the amount of \$4,569.94 for medical insurance premium

Ready Refresh Invoice #14G0431953892 in the amount of \$132.92 for spring water, delivery fee and rent

Verizon Wireless Invoice #642544745-00001 in the amount of \$25.02 for M2M Account Share 1GB

Selective Insurance Co. of America dated 8/12/24 in the amount of \$4,793.00 for commercial package and workers' compensation insurance premium

PECO invoice dated 8/15/24 in the amount of \$1,430.02 for streetlights' electric

SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2024-16 AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM APPLICATION TO THE REDEVELOPMENT AUTHORITY OF BUCKS COUNTY FOR A PENNDEL BOROUGH POLICE DEPARTMENT PATROL VEHICLE. SECONDED BY BUD MURPHY. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2024-17 AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM APPLICATION TO THE REDEVELOPMENT AUTHORITY OF BUCKS COUNTY FOR TRAFFIC SIGNAL UPGRADES. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY GARY NICKERSON TO AUTHORIZE ADVERTISEMENT OF ORDINANCE #2024-3 TO ESTABLISH A RESIDENTIAL HOUSING REGISTRATION AND INSPECTION PROGRAM TO ESTABLISH ADMINISTRATIVE PROCEDURES FOR REGISTRATION AND INSPECTIONS TO ESTABLISH FEES AND PENALTIES FOR NON-COMPLIANCE, AND TO ESTABLISH AN EFFECTIVE DATE. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY GARY NICKERSON TO HIRE HELEN JACKAMONIS AS A SUBSTITUTE CROSSING GUARD. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Public Comment

Jeff Jones, said he agreed with Gary. The sidewalks in this borough are terrible. The gas station down there along Hulmeville Ave. and one side entrance is terrible and it's on a slope and it's all cracked up. They tried to patch it with black top. It's terrible and should be replaced.

Mike Smith, asked if there is a difference for the sidewalks when a street is done or when it's inspected, as far as sidewalks are to be repaired or replaced. Barbara Kirk said she would suspect that it would have to follow whatever the state mandates and the condition of the sidewalk. If there is a sidewalk where the entire concrete is falling, then that would probably have to be replaced because it is probably going to continue to deteriorate. If there is a situation where you have one block of the sidewalk area that's broken because of a tree root, that repair would probably be replacing that block but not the entire sidewalk. She thinks it would depend upon the condition of the sidewalk. Mike asked why, when the streets were done, 99.9% of the borough were made to replace them. Barbara said she didn't know because that was a prior council. Mike said they have a double standard here. Barbara said the sidewalk ordinances in every municipality she's ever seen always says at the discretion of the governing body, and she thinks that's what this council is having an issue with, which is to be defined at the discretion of and they're trying to look into ways to put in concrete for lack of a better term, conditions that would trigger a requirement for either repair or replacement of a sidewalk. Mike said it needs to be uniform, not picking who they want to repair and who they want to replace.

Pat Donahue, asked about stormwater going out into the street. Back in 1998, or whenever they did the sidewalks and curbs, he was told he wasn't allowed to put the pipe in the curb so that it goes into the street. By the church, the engineer was there talking to the construction guy while they were pouring concrete, and they put it in. He asked why that was allowed. Barbara Kirk said she doesn't have an answer from back then.

Mayor Sodano said that was allowed by the state for quite a number of years. Houses that have that dating back to when it was legal, are grandfathered in. When these curbs were replaced, it was subsequent to when the state changed the rules, from what he understands.

So, maybe, this is a question they should ask the engineer for clarification on. He has one but it dates back to 1964, when the curbs went in on Woodland Ave. The church still has the ones that existed and if they put them back in, it shouldn't have been allowed. Pat asked about the water on Bellevue Ave. coming from between properties. Mayor Sodano said it was checked by the code official and the engineer and they're not technically pumping it onto the street. Their sump pump exits onto the grass in their backyard like it is supposed to, but their yards are so small that they flood, and it runs out into the street. That's an unusual circumstance because at his house or Pat's house, they probably have enough yards that it might absorb it.

Kris Kross, asked if there were any updates on the carpet factory plans. Barbara Kirk said the only thing they had done was submit the request for the sketch plan presentation, which they did. Kris asked Barbara Kirk to clarify Ordinance #2024-3. Barbara explained that Mr. Thompson, along with the Borough's fire marshal, were discussing ways to ensure inspection of rental units. The concern was fire safety and non-updated building codes and things of that nature. This ordinance is drafted to require anybody who owns a rental unit to register with the borough by a certain deadline and it has to be inspected every so often, whether it's every other year or when a new tenant comes in to occupy the property.

MOTION BY MARK MOFFA TO ADJOURN THE MEETING AT 8:16 P.M. SECONDED BY ROBIN VALENTIS. All ayes, motion carried.

Submitted by: *Mari Serota*
Marië Serota, Secretary/Treasurer