

Penndel Borough Council Meeting Minutes

September 5, 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 Alan Dashoff
Councilman Joe Dudash - absent
Councilman Gary Nickerson
Councilman Bud Murphy
Councilman Bob Winkler
Mayor Tom Sodano

Also present at the meeting

Ben Hauser, Solicitor, Hill Wallack
Geoff Thompson, Borough Manager
Chief Sean Perry
Marie Serota, Secretary/Treasurer

Ben Hauser reported that there was an executive session beginning at 7:10 until 7:28. Members of council, the borough manager and himself were present. Potential litigation for 51 Centre St. and informational items on tonight's agenda were discussed.

Annual Pension Meeting – 2024 Minimum Municipal Obligation

Marie Serota reported for the annual pension meeting for the borough, the MMO, Municipal Minimum Obligation for 2024 for the employee's pension plan is \$17,689.00 and for the police pension plan it is \$9,950.00.

Council or Borough Announcements

Alan Dashoff reported that Middletown Township on their website has their multimodal plan document with a survey and interactive map. People can stick their two cents in without having to get off your tush.

Barbara Heffelfinger reported that on September 13th at 7:00 there will be a ribbon cutting at the Memorial Field. County officials, the Commissioners, and the people from the CDBG will be there. They want to say thank you to the CDBG officials that helped them with grants. They helped them get grants for the new bleachers with ADA access, the new bathrooms and also two grants for the new LED lighting for the field. Everyone is invited. There will be refreshments and they can meet the officials from CDBG and the commissioners. There will be a Blue Mass at Redeemer Lutheran Church on Sunday September 10th at 9:20 am to honor and remember those who have died in the line of duty as well as recognize those actively serving the community such as police officers, firefighters, and EMS responders. All are welcome. The Penndel Activities Committee will hold their annual Senior's Dinner on September 24th. Invitations will be sent out to all those 75 and older. They receive dinner, cake, goodie bags, etc. They really enjoy themselves at the dinner.

Public Comment on Agenda Items - none

Consent Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE AUGUST 21, 2023 WORKSHOP MEETING. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING BILLS FOR THE MONTH OF AUGUST, 2023:

General Fund	\$41,104.21
Fire Tax Fund	\$ 333.43
Refuse Fund	\$ 1,564.63
Sewer Fund	\$69,221.70
Capital Reserve Fund	\$ 5,914.50
Liquid Fuel Fund	\$ 167.61
Escrow Fund	\$ 1,506.50
Payroll Fund	\$ 839.13

Payroll

General Fund	\$18,212.46
Sewer Fund	<u>\$ 3,129.73</u>
Total	\$21,342.19

Escrow Fund Bills

Schoolhouse Court:	
Hill Wallack	\$120.00
Value Engineering	\$ 581.50

Cattani Subdivision:	
Hill Wallack	\$400.00
Value Engineering	\$165.00

Schoolhouse LD Amendment:	
Hill Wallack	\$240.00

SECONDED BY BUD MURPHY. All ayes, motion carried.

Reports

President's Report

John Stratz reported that he attended a pre-construction meeting regarding the Penndel accessible ramps project last Wednesday. It will be starting in roughly three weeks. They have quite a number of ADA ramps that they are replacing and upgrading. They will have a ribbon cutting at Memorial Park on September 13th at 7:00 PM. It is the 75th anniversary of its creation from a land gift from the estate of Frederick Rumpf in 1948. County officials will be

there. The ceremony is for the grants that paid for upgraded lighting, new bleachers, redone bathrooms, and electricity to the pavilion. There are flyers on the desk if anyone wants one.

They have started a project to remove the vines and weeds from the fence behind the pavilion. This will make the whole area safer and more visually accessible for police patrols.

Borough Manager's Report

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

Mayor's Report

Mayor Sodano reported that at the August meeting that they discussed that Charlie Manuel was going to be in town at Pennel Beer for pictures. He won't be signing autographs. He came down with COVID and that got postponed. It's on for Saturday, September 23rd at noon at Pennel Beer if anybody's a baseball fan and they would like to get their picture taken with Charlie Manuel, he'll be there for two hours.

Police Chief's Report

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

Solicitor's Report

Ben informed council that there is a zoning appeal filed with respect to the property located at 222 Hulmeville Ave. The application involves a request to increase the impervious surface coverage from an existing 37.9% to 39.1% for the installation of shed on the property. The property is already non-conforming in the sense of without the shed, it already exceeds the maximum pervious surface coverage of 35%. His colleague Barbara Kirk who is their zoning guru, recommends deferral to the zoning hearing board so it can render its decision. If council should wish to do something other than that, they can discuss that now and then amend the agenda but they recommend just deferring to the ZHB. If the decision is appealed or comes out in a way that the borough is not happy with, the borough can always appeal.

New Business

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

District Court 07-1-07 filing fees in the amount of \$32.36 paid on 8/7/2023 for 40 Bellevue Ave.

Comcast invoice dated 8/2/2023 in the amount of \$244.89 for internet at 790 Neshaminy Street

Comcast Invoice #179236994 in the amount of \$377.19 for business voice edge service
Gettysburg Benefits Administrators invoice dated 7/31/2023 in the amount of \$169.59 for dental insurance installment

Independence Blue Cross Invoice #230808460162 in the amount of \$5,958.90 for medical insurance installment

Office of Labor & Industry dated 8/1/2023 in the amount of \$1,555.00 for fire department workers' compensation installment

PECO invoice dated 8/7/2023 in the amount of \$40.68 for 790 Neshaminy Street electric

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Ready Refresh Invoice #13G0431953892 in the amount of \$131.01 for spring water & cups

Verizon Wireless Invoice #9940966366 in the amount of \$25.02 for M2M Account Share 1GB

PECO invoice dated 8/11/23 in the amount of \$1,403.37 for street light electric
Selective Insurance Co. invoice dated 8/11/2023 in the amount of \$4,099.00 for
workers' compensation and commercial package installment

SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY GARY NICKERSON TO RETAIN ROMAN JASTREBSKI OF GILMORE & ASSOCIATES TO PREPARE REPORT CONCERNING THE PROPERTY AT 51 CENTRE STREET AND ADJACENT AREAS. SECONDED BY BOB WINKLER. Geoff Thompson explained that they need to update the existing structural engineering report of that property that was basically done back in 2014. It needs to be updated so they can possibly take further action on the property. Gary asked if there would be an issue getting inside the building to do this. Geoff said if they need to get into the property there is a 99% chance that they are going to get an administrative warrant to get in. Ben said they would need probable cause to get in there and that's part of this process.

Terry McIntyre, asked if this was concerning the structural integrity of the building.

All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO HIRE ANDREW KISH AS A PART-TIME CROSSING GUARD. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY GARY NICKERSON TO AUTHORIZE HILL WALLACK TO REPRESENT THE BOROUGH ON TWO RTK/OOR APPEALS BY BRIAN M. HANRATTY. SECONDED BY BUD MURPHY. Ben explained that he is a requester who has requested certain records that require two different agencies serving as right to know adjudicators to hear the appeal from the borough that denied the original request.

All ayes, motion carried.

MOTION BY ALAN DASHOFF TO APPROVE PAVILION RENTAL APPLICATION BY CHRISTOPHER BELL ON 9/16/23 FROM 1:00 P.M. TO 5:00 P.M. AFTER RENTAL FEE AND SECURITY DEPOSIT HAVE BEEN MADE. SECONDED BY GARY NICKERSON. Mayor Sodano said on the rec board usage rental form they ask a lot of questions. They don't ask what the event is that's going to be held there. Knowing Christopher Bell, he doubts that a nefarious group of any sort is going to be there but without asking, he is wondering if they open themselves up to the possibility that a group they might not want there could be using their public facility. He thinks they should know what the reason is. Maybe at a children's party they have a candle balloon or bag. They are illegal in most other states, but Pennsylvania allows them. He asked if somebody sets those off and it starts a fire somewhere shouldn't they have known what was going to be going on there. Ben said his question is well founded although he doesn't necessarily see that as grounds to deny tonight's application. Mayor Sodano said he doesn't want to deny it, he's just saying that he thought that they should add that to this form. Ben said he would talk to some of the people in his office. The lanterns that he speaks of may be a separate issue than the purpose of the event.

Alan asked if they really needed to bring this to council or if it were something that could be an administrative process so that nobody gets stuck waiting for council. Gary asked if the Wildcats are going to be down there. John said he was hoping that the pavilion area and the field are far enough apart. Gary said there will be a parking issue. John said they can give them a heads up.

Terry McIntyre, asked about liability. He asked if Aunt Jenny fell off the bench down there, whose insurance covers that. Ben said without seeing the form, he can't comment on that. But one party would say one thing and one party would say something else. He doesn't want to get too deep into that analysis. Terry asked what the rental fee and the security deposit are. John said it is a \$50.00 rental fee and \$100.00 security deposit.

Estella Kristiniak, said maybe they should coordinate between the Wildcats or whoever if they're going to rent out the pavilion so if there's a football or baseball game, whoever is going to rent the pavilion is informed before and then they can decide.
Motion carried 5-1 (Barbara Heffelfinger, no).

MOTION BY GARY NICKERSON TO APPROVE AND SIGN THE PENNDEL WILDCATS' FOOTBALL USE, OPERATION AND MAINTENANCE AGREEMENT. SECONDED BY BUD MURPHY. Barbara said she thinks it's a safety issue. She wanted to know who would be down there to supervise all these things because it's borough property. She can just see these little kids in the pavilion and a football flying over their head. Chief Perry said if it appeases council, the Police Department can be directed to do patrol checks in there while the events are going on and make sure that everybody is staying safe and following the rules. Barbara said she hesitates to do that because they have one guy on and the minute they walk out of there, something's going to happen. She doesn't think things like that should be held at the same time. She asked if there is some small kid who decides that he's going to run around the field and gets knocked over by a football player with no intention of harming them, who is responsible.

Mayor Sodano said under section 3.0, landscaping and grounds maintenance, the history of this organization with maintaining that has been questionable at best. He thinks should council elect to go forward with this, they should be adamant with the Wildcats organization as they are responsible for grounds maintenance. All summer long the poles for the football goals which used to be stored under the bleachers got moved out of there when the new bleachers were put in and they left them laying in the grass. They are a tripping hazard so not only should they be maintaining the grass they should be making sure that their equipment is not any sort of an attractive nuisance for children or even disabled people. In 1.0 Section B, parking, it is specifically agreed between the parties that there shall be no parking within the facilities including on the paved area adjacent to the concession buildings. They will be ticketing on a regular basis any vehicles that are in there. It makes no provisions for anyone else. The spirit of the agreement was that the umpires wouldn't have to park half a mile away and hike in, but the Wildcats organization has taken advantage of that and it's unsafe to say the least and could quite possibly do damage to a parking area that was designed for pedestrian traffic, not vehicles. Ben said from the Wildcats perspective, they should be following that because that means they breached the agreement which allows for the termination of the agreement. It would behoove them to make sure that the agreement is strictly followed, or the borough will be well within its rights to terminate prematurely. John asked Mayor Sodano if that section of the gate needed to be open because he would chain it up in a second. Mayor Sodano said he agreed with him. John said there is an open walk away a little further up be just beyond the building. Mayor Sodano said to his knowledge there was some sort of a verbal agreement from the rec board committee at one point when there were questions about the umpires and them

having to park far up the street and then it morphed into whatever the situation is now. Chief Perry said he would refrain from shutting the gates because if a large amount of people that are in there and need to egress out of there quickly, they would really limit that. He had suggested a previous council meeting that maybe like a bollard be put in the middle that can be removed and that way if they do need to get vehicles in there, they can pop it out but it may stop people from at least being able to pull through as long as they follow the rules. Alan said if the squad needs to get in there if a kid gets hurt, they will want to get the truck in there.

Gary said to Geoff that there are two different organizations. There's the Penndel Wildcats and then the Neshaminy Wildcats. One is football and one is baseball. He was thinking that maybe they could negotiate one sole contract with them. The Neshaminy Wildcats are not necessarily using the football field or any of the facilities in July or August even though this term dictates that the Penndel Wildcats are supposed to start maintaining August 1st. They don't actually use the facilities at all until Labor Day. In previous years there was issues with who's mowing the lawn and whatnot but ideally if they could have one agreement with both and then they could have some sort of sub agreement about who's mowing the lawn at what time, he thinks it would just be better coordination for that sort of thing. It was too late for this year but maybe in the springtime they could try to have some sort of co-agreement that would force them to at least talk and figure out about maintenance. Bud said it would have been nice to have a representative from the Wildcats here when they're discussing this. Geoff said it's just a standard agreement that they've had for maybe 10, 15, 20 years. Ben said he thinks there were some modifications, and it was revised in 2021. There are additional protections built in like insurance requirements, etcetera. Hearing some new comments that may be important the next time since this is only more or less a five months agreement, it may be something for the borough manager and his office and a committee that oversees borough spaces, that it may be worth having a discussion both from that point and maybe the mayor and the chief of police from the safety point of view just to kind of make sure that when this is next done, they come up with some of the other things that they'd like to see in that agreement. Gary said both organizations do maintain the field. Some people don't think they do as good enough job as others, but they do. He can't imagine the cost to mow and trim that entire field for the entire year. He imagines it's several thousand dollars. That is one thing to keep in mind. They do have use of the facilities, but they are maintaining it and you know the borough does not pay for that. John said section D says at the beginning of each sports season, the association shall provide the borough with written certification of the association's schedule for the facilities. He has been trying for the last week to get that. Gary said they don't make their schedule. They're in an organization and the organization has to make everybody's schedule. They should have it though because it is important when they're talking about renting out things. John said he would like that information for himself and his neighbors because of the parking. They have had to put cones out because they are blocking driveways. Chief Perry said to call the non-emergency number and they will come out and cite them or tow if they can't get in their driveway.

Mike Smith, they need to get these people together here but on the other hand, they need to be careful what they ask for. He asked if the borough has the money to maintain the field. As far as parking goes, he told the mayor to ticket them all. They're not supposed to be in there. If one kid gets run over, the borough is liable. He's been saying that for years. As far as schedules go, the borough has the right to have it. If they don't give the schedule, then they don't play. As far as the lapse in cutting the grass, they give the Wildcats 100% first option for

the field and they always have, so why not make it mandatory in the contract that the Neshaminy Wildcats take care of half of that offseason and the Pennel Wildcats take care of the other half. Gary said he thinks it would be ideal if they had the same contract and if they had the same person cutting it all year.

Terry McIntyre, said he was on the rec board for a number of years, and they never could get full cooperation from the representatives to come to the rec board meetings to get their schedules to try to have them work things out and discuss some of the problems. The parking issue has been going on for as long as he's lived here. As a resident, he'd like to see a dog park with a walking trail around it. There's a lot of people in this town that have dogs and it would be great to have some kind of dog park. Nothing against youth sports or whatever but if they can't get cooperation and majority of these kids don't even live in this town, as a taxpayer, that's what he would like.

Motion carried 5 yes, 1 no (Barbara Heffelfinger).

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE ADVERTISEMENT OF THE REFUSE AND RECYCLING BID SPECIFICATIONS. SECONDED BY GARY NICKERSON. Mayor Sodano asked Geoff if the 644 number included the HOA units at Schoolhouse Court. Geoff said it does. Ben asked if Schoolhouse Court was the only HOA in the borough. Geoff said as far as he knows it is. Ben asked if there was another HOA in the borough, would they be invited to participate in the contract. Geoff said yes.

All ayes, motion carried.

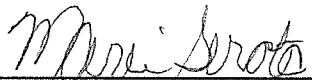
Public Comment

Terry McIntyre, asked if Schoolhouse Court formed their HOA and if they furnished the borough with a copy per their contract. Geoff said it is his understanding that the HOA has formed. Ben said he personally has not seen the documents. Terry said they have to maintain the lighting, the storm pits so that they don't end up with all bathtubs in their basements and come in here and start screaming as well as a few other things on that list. It is very important that they do this so that they do not burden the borough taxpayers.

Christopher Seagraves, 629 Parkview Ave. Middletown Township, said his mailing address is Pennel but he has Middletown Police Department. They have Waste Management and he's talked to the trash men a couple of times and they're saying that they're up for bid and they might lose them. He didn't know if he needed to come here to ask questions or if he needed to go to Middletown. Gary said he is not a resident of Pennel. Christopher said since he heard they might lose them, he wanted to know what was going on with them. Gary said that municipalities routinely have to go out to bid. Pennel was lucky to have a five-year contract. Pennel is out for bid so they have no idea who the contractor will be. Christopher said he thought the Waste Management person would have been at one of these meetings so that's why he came in because he doesn't want to lose them. He feels comfortable with his wife at home and his kids running around the yard because of the trashmen. He also wanted to say something about the field. He doesn't know how many of them spend time at the field. He thinks Barbara is right. If you have a child's party, a lot of people go to that concession stand so they're going to have people that are going to go sit at the pavilion and the people at the pavilion are going to say they have the pavilion. As for the landscaping, he was in it for a long time and

knows what it costs to cut that field. He would charge about \$350.00 for one cut so they should think about that on a monthly basis depending on if they get it cut every week or every other week. Gary said because he is a resident of Middletown Township, he should go to their meeting and make a comment. Christopher said his friend Mike works at the gas station. A lot of times he'll drive up there around 6:30 – 7:00 o'clock because he's always worried. He's noticed in the past couple of years there's a lot of people that aren't right. He wanted to know what they were doing to protect the guys working at the gas station. There was an incident recently where the guy was belligerent, and all tuned up outside and was threatening him. Chief Perry said they had a sudden decrease in staffing but are working on rebuilding and are close to being at that point. They take it very seriously and want to get back to 24 hour a day police operation. He encourages people to come here and express to council the importance of policing. They are always open to criticism as long as it's directed in the right manner, and they're not being screamed at.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:37 P.M.
SECONDED BY ALAN DASHOFF. All ayes, motion carried.

Submitted by: 
Marie Serota, Secretary/Treasurer