

WORK SESSION

August 20, 2018

Council President, Beverly Wolfe, called the meeting of Pennel Borough Council to order at 7:30 p.m. with the pledge of allegiance.

Present at the meeting

Mayor Robert Winkler
Council President Beverly Wolfe
Council Vice President Barbara Heffelfinger
Councilman Joe Dudash
Councilwoman Laura Germain
Councilman John Stratz
Councilman Rich Flanagan
Councilman Mark Moffa, absent

Also present

Ben Hauser, Hill Wallack, Solicitor

Solicitor Ben Hauser reported on the executive session of council at 7:00 p.m. this evening for the hiring of a maintenance worker and a matter of potential litigation in regards to a code violation arising at 424 Bellevue Avenue. The meeting concluded at 7:24 p.m.

Announcements

Wednesday, August 22nd is Pennel's Got Talent Day from 6:00 to 9:00 p.m. inside and outside of borough hall. The Intelligencer is publishing an article in tomorrow's newspaper and will accept pictures to publish on their community page. Pictures will also be posted on the Facebook page.

Motion Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE PAYMENT TO GIUSEPPE'S RESTORATION FOR THE CONCRETE WORK COMPLETED AT PUMPING STATION #2 AS RECOMMENDED BY BOROUGH ENGINEER IN THE AMOUNT OF \$400.00. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO PAY PECO INVOICE DATED 8/7/18 IN THE AMOUNT OF \$1,610.71 FOR STREET LIGHTING. SECONDED BY JOE DUDASH. All ayes, carried.

MOTION BY LAURA GERMAIN TO AMEND THE AGENDA TO ADD TWO ADDITIONAL ITEMS UNDER NEW BUSINESS:

- 1) Consideration of a motion to extend a conditional offer of employment as a part-time maintenance man to Mr. Anthony Diaz contingent upon the results of a criminal drug test
- 2) Consideration of a motion to authorize special counsel Rudolph Clarke LLC to take all actions necessary and proper to remedy a series of code violations at 424 Bellevue Avenue including but not limited to the filing and prosecution of a complaint in the Bucks County Court of Common Pleas

SECONDED BY JOE DUDASH. All ayes, motion carried.

Mike Smith asked who Mr. Diaz's supervisor will be. Councilman Joe Dudash responded that he will be reporting to the Mayor. Mike then asked why. Mr. Dudash said he himself has a lot to do and cannot do it. Beverly Wolfe said that he will have specific duties and will be submitting time sheets for those duties. Mr. Smith said he knows what went on before and if you open up that can of worms again, it's not going to be good. Mrs. Wolfe responded that it is noted. Ben Hauser reminded everyone that this motion only amended the agenda.

President's Report

At the last Council meeting a resident asked a question about the Wawa project and land development plans. Council did not receive land development plans. A Zoning Hearing Board meeting was scheduled. Past practice was when plans are brought in and submitted to the Zoning Hearing Board, plans were distributed to the board only. After the zoning hearing board made a decision, Council would get copies as a land development application. That procedure was incorrect. For future applications Council will receive a copy of plans submitted with a zoning hearing application and they will be shared with the public.

New stop signs went up in town. It has been posted on the website so residents are aware. Mike Smith suggests that a "Stop Sign Ahead" sign be posted on Walker Avenue also. Beverly Wolfe said she will check the ordinance to see if that was part of the ordinance. The signs have "All Ways" posted also. Rich Flanagan said the signs have been that way for 50 years and people will drive through the new stop signs.

Mayor's Report

Mayor will pay for the movie to be shown on Movie Night. He is also sponsoring a free concert on August 25th from 6:00 to 8:00 p.m. behind Redeemer Lutheran Church.

COMMITTEE REPORTS:

Recreation Board

Laura Germain, Council Liaison, said the committee discussed mulch for the playground at their last meeting. The landscaper agreed with their estimate of 75 cubic yards that volunteers will spread. It will be a top covering for the entire playground. The funds are already in the budget for this. Once confirmation is received on the amount, it will be ordered. Beverly Wolfe asked if there is going to be any work on the mulch underneath that has been compacted down. She had pictures in her phone of the mat area under the swings. The mat is cracked and depressed into the ground. Rich Flanagan said that 75 cubic yards is a lot of mulch and will cover it with no problem. Mrs. Wolfe asked how we are going to put mulch down without making the repair. Kevin Burcz from Burcz Landscaping went to the playground with Joe Dudash and he said 75 cubic yards is a correct number, which will make it balance out and bring it up to the plastic border. Recreation Board member Karen Flowers showed him the plastic. Ben Hauser asked Mr. Burcz if the estimate he supplied the borough would bring the level up to where it should be for coverage and provide a level surface across the playground. Mrs. Wolfe said she was talking about the areas where the mulch is packed down and the mat is cracked. He responded that it will cover that. Beverly Wolfe said that the recreation board will have to repair it. Mrs. Flowers said that there are three mats that may have to be replaced. Mrs. Germain said they will hold off on the mulching until that is taken care of.

Laura Germain said they received a proposal for adding trees to the park to add more shade. Karen Flowers added that there were three types of trees that were recommended but after discussing with the company, there is only one type of tree that will meet our needs. Beverly Wolfe asked if it was due to availability at this time of year. Mrs. Flowers said the types of trees

are honey locust, red maple and willow. The willow oak is very small right now and not the best option. The red maple is beautiful but has surface roots that could become a tripping hazard. Three skyline honey locusts are seedless and thornless will be best. They have an eleven to thirteen foot range and will fill in nicely next year. They are one and ½ inch caliber and the price for each tree is \$100.00. Mrs. Dudash doesn't think the tree tenders trees would be a good fit because of the amount of water they will need and they don't offer a guarantee. She recommended purchasing from the Tree Authority in Perkasio. Council has to approve the planting of the trees then the rec board will position them. Mrs. Dudash volunteered her services for planting the trees. Ben Hauser asked them how many trees they intended to plant. Laura responded three. Mrs. Wolfe said the watering schedule they had to endure for the trees out front of borough hall was a job. They had to drag the hose around the building and wait for the water to soak in for twenty minutes for each tree. She recalled when the sod was laid down at the rec. field that getting it watered regularly was problematic. Karen Flowers said there is an outlet at the third field. Beverly Wolfe said there is a tree that was planted by the new walkway that is leaning over. Frank Flowers said when he went down there it was coming out of the hole like it was just planted. There was straw there so he put it against the tree to support it. Karen Flowers thinks it was planted back when the Wildcats told us they were going to plant a memorial tree. The recreation board told them to let us know where they are going to put it, but they never did. Karen said maybe Kory Dudash can take a look at it. Laura Germain said Kory suggested trees to be planted by October 1st.

Laura said residents asked her about renting the pavilion. The solicitor is reviewing the contract before the board addresses this.

The Chili Cook-Off Fund Raiser will be on October 20th at the recreation field. Laura Germain will post the details soon on Facebook.

Karen Flowers said there are dangerous conditions at the recreation field. Tree limbs are encroaching on the property and could bring down power lines. She asked the tree service to take a look. They told her there are also some growing over the dug outs. There is an uprooted tree next to the playground that is leaning on a dead tree that needs to come down to the level of the fence so it doesn't fall on someone. There are several areas that need to be trimmed. He won't touch what is on the fence because of the poison ivy and said we should use spray to kill it first. The board was thinking of taking the fence down this year or possibly next year. Also the fence by the playground might need to be replaced.

At their meeting they discussed the money in the budget for the mulch will cover the estimate for the mulch and this work. There was \$3,500.00 budgeted in the contracted services line in the general fund. Rich Flanagan asked how much they are going to trim because a couple of the trees are pretty tall. Mrs. Flowers said they will remove branches that are overhanging. Joe Dudash asked if there is a back-up plan if there aren't many volunteers for the mulch delivery. The rough estimates for labor costs will put us over the budgeted amount. He asked Kevin Burcz how much he estimates the labor costs will be. Mr. Burcz, who attended the meeting, said \$3750 to wheel the mulch and spread it. Beverly Wolfe is looking for possible budgeted funds to pay for this from. Mr. Dudash said he doesn't want to see Frank Flowers stuck again doing the work. Rich Flanagan asked how much mulch was used before. Laura Germain said three times the amount that we currently need. Beverly and Barbara said this was done last year. Karen Flowers, Mike Smith and Rich Flanagan said that it was two years ago. Beverly Wolfe said there is \$6,500 in the maintenance line. Some of that was to be used for the Taddei Woods property. The total expenses will be \$7,150.00 for mulch, spreading the mulch and tree removal. Mike Smith suggested using the backhoe to move it back. Joe Dudash said the

problem is we would need to spend money to get the backhoe in working condition. The batteries were stolen. Beverly Wolfe said she feels that due to the safety issues the work needs to be done.

MOTION BY LAURA GERMAIN TO APPROVE THE ESTIMATE FROM YOUNG'S TREE SERVICE DATED AUGUST 20, 2018 NOT TO EXCEED \$2,000.00 FOR WORK ON HAZARDOUS CONDITIONS AT THE RECREATION FIELD. SECONDED BY RICH FLANAGAN. All ayes, motion carried.

Community Relations

Laura Germain reported that the last daytime play date will be on Wednesday at 10:00 a.m. at the recreation field. The committee met with a website designer for an estimate to update the borough website by the end of this year or at the latest the beginning of next year. They are seeking more estimates for review.

Taddei Woods

Joe Dudash said the lawn mower has been removed by Sam Simon, Jr. from the pond in the Taddei Woods. He thanked Frank Flowers for removing the vines from the fence at the War Memorial. Bids were received for the emergency landscaping work that needs to be done now. Kevin Burcz from Burcz Landscaping is the lowest bidder. The work includes work at the sewer plant driveway, Holly Avenue entrance and Washington Avenue entrance to Taddei Woods and removal of the lawn tractor. The three contracts were from: Burcz Landscaping in Penndel \$1,826.00, Tom's Total Lawn Care Fairless Hills, and Paul's Landscaping \$3,390.00. They all agreed to use horticulture vinegar instead of Round Up. Mrs. Dudash will get prices for it. He would like to get this job done because he is receiving complaints from residents on Washington Avenue and some on Holly Avenue. It is worse on Washington Avenue because of the dumping of yard waste and trash. The Mayor just ordered "No Dumping" signs costing \$500.00. The police department is doing extra patrols of the area. The contractors agree that once this work is done, regular maintenance will keep up with the growth. The area to be cleaned out is at each entrance back to behind the benches a little bit. Tires will be removed from the pond, around the pond and trash will be removed. They planned to take out the tractor also but that has since been done. There are safety and health issues with the mosquitos laying eggs in tires and trash. After this is done they will meet with the DEP to visit the property and discuss it.

MOTION BY JOE DUDASH TO ACCEPT THE PROPOSAL FROM BURCZ LANDSCAPING IN AN AMOUNT NOT TO EXCEED \$1,900 DATED AUGUST 1, 2018 FOR THE EMERGENCY PROJECT AT TADDEI WOODS AND PUMP STATION. SECONDED BY BARBARA HEFFELFINGER.

Laura Germain asked what budget line this comes out of and what is the time frame. Beverly Wolfe answered that it comes out of the funds for the Taddei Woods line item. Mr. Burcz said he will work on it right away. Rich Flanagan asked if the price can be lowered if he does the work at the playground.

MOTION BY BARBARA HEFFELFINGER TO AMEND THE MOTION ON THE ESTIMATE FROM BURCZ LANDSCAPING EMERGENCY PROJECT AT TADDEI WOODS AND THE DECOMMISSIONED SEWER PLANT NOT PUMP STATION NOT TO EXCEED \$1,900.00. SECONDED BY JOE DUDASH. All ayes, motion carried.

Public Safety

The next meeting to negotiate the police contract will be August 25th.

Streets & Sewer

On August 15th John Stratz and borough engineer met with PennDot about repair of the collapsed storm drains in front of Penndel Pizza. They are going to put a new vault in and rebuild the structure around the inlets at no cost to the borough.

Amanda Mieluch asked if the grate on Lincoln Hwy. and Hulmeville Avenue will be fixed also. The Mayor responded that PennDot will be repairing that in 2020.

Finance

Barbara Heffelfinger sent an email to Council with suggested dates to schedule the 2019 budget meetings. She hopes to start the process the week after Labor Day and would like to have it finished by October 15th for public review. They have started working on the Bucks Co. RDA Grant application for casino funds. We are required to ask the public for suggestions. We are now a certified recipient for RDA grant funding. We are permitted to include a lot of projects but need to prioritize them when submitting them. Beverly Wolfe said the parameters for the projects are: infrastructure, facilities, public safety, and human services. Applications must correlate with the gaming casino aspect. Mike Smith said to submit an application for a new roof. Karen Flowers said you can submit refurbishing borough hall as a welcoming place for the casino. Beverly Wolfe said 3.1 million needs to be split between every municipality. Steve Lowe said the Penndel Fire Co. sent a letter notifying Council that they will be applying for funding for the 2019 RDA Grant for \$125,000.00 for replacement of the rescue tools on the rescue trucks. Council needs to pass a resolution and reminded council that they have tonight's meeting and two additional meetings before the submission deadline on September 28th. Mr. Lowe asked if they can be notified of the meeting date when it is on the agenda for consideration. He also requested that they keep in mind that if they don't adopt the resolution, they would like to have enough time to ask another municipality. He and Fire Department President Rich Schramm are working on the grant submission. Mr. Lowe will put together a presentation for Council on the project and present it at the meeting. Mike Smith suggested more lighting for the crossing guard at Bellevue Avenue and Woodland Avenue. Ben Hauser asked if the traffic in the morning that he mentioned is somehow related to the casino. Sam Simon Sr. said they may consider us because we haven't applied for anything yet. Beverly Wolfe and Barbara Heffelfinger said that we did receive a police car. Mrs. Heffelfinger and Mrs. Wolfe asked that the residents talk to their neighbors and let us know of any ideas they have since we don't have much time.

Borough Council met with Jamar Kelly from the DCED, who the Mayor met at the Borough's Association Legal conference. Mr. Kelly explained the DCED's processes and the information was very informative. Mrs. Heffelfinger reported there hasn't been a date set for September's meeting. Mark Moffa, the liaison on the revitalization task force, is on vacation. The business surveys were sent to the Bucks Co. Planning Commission. The committee will meet and decide what they are going to present, review the survey results then have a public meeting. Beverly Wolfe explained that the DCED was here approximately three hours training Council on all kinds of financial matters. It was very informative and they plan to continue with their services.

Old Business

The deadline was moved back to August 29th on the Street Light Procurement Program: Letter of Intent as reported by John Stratz. The following changes were made:

Removing the upfront service fee of \$5,000.

- Shift all service fees so that they are assessed as a percentage of the following two contracts you may enter into through the program.
 - 5% for Engineering/Investment Grade Audit (average fee is expected to be \$875 per municipality)
 - Up to 3% for construction (average fee is expected to be \$6,000 per municipality at the 3% level)

Benefits of new pricing structure

- Municipalities will receive a preliminary audit/feasibility study for free. This feasibility study will allow each municipality to evaluate estimated project scope, cost and payback – and will be able to better model expected program fees if you decide to enter into contract for Investment Grade Audit.
- These changes are expected to 1) lower the average overall program fee to participate, and 2) make the fees more scalable to each community's size.

Borough Engineer responded to the LED Streetlight draft proposal from Ray Sizer as follows:

The proposal detailed a ten-year loan the Borough would use to fund installing LED fixtures on existing poles and wiring, sized to mimic the current wattage in the existing fixtures. The cost to purchase and install the LED's was \$97,288, which averages \$612 per fixture.

Ray made an assumption that the Borough spends \$10,335.00 in annual maintenance costs for the existing lights as he balanced the price to repay the loan against the savings realized by reduced electric and maintenance costs. I believe that \$10,335.00 to be incorrect, and borough secretary agrees.

Ms. Schuehler voiced her opinion on the DVRPC's proposal. John Stratz said the \$600 cost per light compared to \$200 cost per light with the DVRPC doesn't make sense. We are doing this to cut costs. The DVRPC's program evaluates the lighting requirements. They will analyze and replace what is there in the best interest of lighting needed. Barbara Heffelfinger spoke with the civil engineer for New Hope Borough. They are now in their 2nd round in this program. He said we will recoup whatever we spend in electric savings. They are very pleased and feel it is a great opportunity for PennDel. Joe Dudash asked if we are retrofitting them. John Stratz said we will have new heads. Neshaminy Mall just changed their parking lot lights to LED. The lights were much brighter than ours and ours have an orange tint. Beverly Wolfe said that this will include all lights on all borough properties. Ray Sizer's proposals details a ten-year loan to finance the project. Beverly Wolfe explained that the audit will tell us how much the investment will be and how long it will take us to recoup the funds. Rich Flanagan asked why we need to do this. Mrs. Wolfe explained that our current lights are an old technology and use more electricity. Mike Smith explained to Mr. Flanagan that in 2010 when he was on council, he suggested that when a light needed replacement that we install an LED light because the electric cost is at least 2/3 less and guaranteed for ten years. They don't require much power. Beverly Wolfe said we declined opportunities to do this when PECO was giving grants.

MOTION BY JOHN STRATZ TO APPROVE AND SIGN THE REGIONAL STREETLIGHT PROCUREMENT PROGRAM: LETTER OF INTENT TO PARTICIPATE IN DVRPC'S REGIONAL STREETLIGHT PROCUREMENT PROGRAM. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT KORY DUDASH KREISEDER TO THE PLANNING COMMISSION TO FILL THE VACANCY LEFT BY BOB MILLER WITH TERM EXPIRING 2020. SECONDED JOHN STRATZ. The vote was 5 ayes, 0 nos, 1 abstention (Joe Dudash-conflict letter will be submitted). Motion carried.

Beverly Wolfe explained the request waiver from the property owners of Sewer Account #200 are currently paying for one residential and one commercial sewer unit. Their residence included a hair salon. They are retired, the salon has been closed and they are requesting relief from the commercial fee.

MOTION BY JOHN STRATZ TO WAIVE THE COMMERCIAL BILLING UNIT ON ACCOUNT #200 ON THE BASIS THAT THE BUSINESS IS CLOSED. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Mike Smith asked if this property is in an R-1 zoning district and said once the commercial unit is removed it cannot be reinstated. Beverly Wolfe said that a letter will be sent out explaining that.

Penndel Wildcats Agreement – Ben Hauser said there are two sections with this contract that need to be revised. He suggested any motion should be made to solicitor's revision and approval assuming the Penndel Wildcats agree to the terms. Paragraph 1.1 wording should be changed to "security deposit of \$100.00 to be made within ten days of execution of the contract". Paragraph 15, wording should be changed after consulting with the recreation board as to the terms of termination date of agreement. Laura Germain said that the insurance was forwarded to the borough but was not received. Barbara Heffelfinger said that Penndel Wildcats Football's first game is this weekend. Mr. Hauser said that the term and termination provision under the contract may still be in effect until this one is effective. Barbara Heffelfinger said she will have the secretary send it to him the morning. Ben Hauser asked if Penndel Borough is on the bottom of the certificate of insurance as additional insured. John Stratz said that the certificate of insurance has Neshaminy Wildcats and Penndel Wildcats on it, collectively as the association. Ben said that this contract has been used in past years and it is up to Council on how to proceed. Joe Dudash said that if the time overlaps they can still play this weekend. Ben said it depends on what the entire agreement says. If Council wants this split into two contracts it may require more than solicitor review on the motion. Karen Flowers explained that the contract was updated in 2016 to include all documents. The Wildcats asked for the dates on the front page to be changed but she doesn't know why. There is a time period between the organizations that isn't covered. Ben Hauser asked if the Penndel Wildcats and Penndel Wildcats are a single entity. The response was no they are not. Solicitor said the signature provisions require Council President to sign for the borough, attested by the borough secretary, association president, and attested by the chairman of the rec. board. This is an issue if we are contracting with two parties and have only one signature. Laura Germain asked if it is possible to get through the season with this contract. Karen Flowers asked if the signature page can be revised to require both association president's signatures on it and can one be signed off in the spring and the other before football starts. Solicitor said that both signatures will be required in the spring. Laura Germain asked if this can be corrected in time for this weekend. Solicitor said the last page needs to be adjusted and Paragraph 1.1 and Paragraph 15 need to be corrected. He will change the signature page and make corrections.

MOTION BY LAURA GERMAIN TO APPROVE THE WILDCATS AGREEMENT PENDING SOLICITOR REVIEW WITH DATES IN PARAGRAPH 15 READING "AUGUST 2, 2018

THROUGH JULY 31, 2019 AND CERTIFICATE OF INSURANCE PROVIDED TO THE AGREEMENT SPECIFICATIONS” AND PARAGRAPH 1.1 SHALL READ “PRIOR TO USE OF THE FACILITIES AND NO LATER THAN FIVE DAYS FROM THE EXECUTION OF THIS CONTRACT”. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY JOHN STRATZ TO EXTEND A CONDITIONAL OFFER OF EMPLOYMENT AS A PART-TIME MAINTENANCE MAN TO MR. ANTHONY DIAZ CONTINGENT UPON THE RESULTS OF A CRIMINAL DRUG TEST. SECONDED BY JOE DUDASH. The vote was 5 ayes, 1 no (Rich Flanagan). Motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE SPECIAL COUNSEL RUDOLPH CLARKE LLC TO TAKE ALL ACTIONS NECESSARY AND PROPER TO REMEDY A SERIES OF CODE VIOLATIONS AT 424 BELLEVUE AVENUE INCLUDING BUT NOT LIMITED TO THE FILING AND PROSECUTION OF A COMPLAINT IN THE BUCKS COUNTY COURT OF COMMON PLEAS. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Persons to be Heard

Steve Lowe, Penndel Fire Co., Council received a letter from the fire department regarding the fire trucks bottoming out at the intersection of Crescent Street and Centre Street in front of Bill Davis’s house.

Mike Smith, 127 DeHaven Avenue, asked if there is a moratorium regarding digging up streets. He thought it was for five years. Utility companies are digging up newly paved borough streets. He said to talk to Gianpiero Lo Piccolo since he said it was discussed. Previous council members did not remember it. Beverly Wolfe said she is going to research it herself.

MOTION BY RICH FLANAGAN TO ADJOURN THE MEETING. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer