

## COUNCIL MEETING

November 5, 2018

Council President, Beverly Wolfe, called the meeting of the 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 John Stratz  
Councilwoman Laura Germain - absent  
Councilman Mark Moffa  
Councilman Joe Dudash  
Councilman Rich Flanagan

### Also present

Dave Truelove, Hill Wallack, Solicitor  
Officer Sean Perry, Chief of Police  
Carol Schuehler, Value Engineering  
Nicholas Foufas, Fire Marshal  
Marie Serota, Borough Secretary/Treasurer

### Mill Creek Parking Lot Land Development - request for waivers and approval

*Joe Rusella from DL Howell & Associates:*

They were here before the board a few months ago and they talked about connecting Mill Creek 1 and Mill Creek 2 with a driveway. They obtained a waiver to construct that driveway on the premise that they would come back with formal land development plans to construct a parking lot in the rear of building where there was formally a pool and pool deck to help alleviate some of the parking concerns the residents have. They needed relief from the Zoning Hearing Board for impervious coverage and setbacks. They also met with the Planning Commission and they submitted plans to the Conservation District and had them reviewed by the Fire Marshal. The detailed plan shows 26 parking spaces. It reconstructs the sidewalk entrance behind the existing building and relocates the dumpsters and it allows the residents to get behind the building and park. There was no improvement or expansion to the complex itself. When Westover purchased the property they obtained permits to redo all of the units inside. It doesn't increase the need for parking. They are just addressing the need for parking for an apartment complex that was constructed predating the ordinance. The residents are becoming upset because there isn't enough parking spaces. He has spoken to the borough engineer, solicitor and code enforcement officer for the comments remaining in their waiver request. They have an agreement for the storm water facility. They will also prepare a land development agreement that their attorney is working on and the financial agreement to make sure the improvements will be installed. He would like to move forward with obtaining the board's consideration for granting the approval of the final land development plan. Contingent upon approval of the waivers and agreements that would be worked out with the engineer and solicitor. At first they had 6 waivers. One of them had to do with constructing a handicap parking space. They will provide that space even though the facility predates ADA requirements. The units have steps which someone in a wheelchair could not use. The handicap spot could be utilized for multiple reasons. They've agreed to pick a strategic location for that spot. Dave Truelove said the ages

of these units are 60's & 70's and predate ADA. They have not been refitted for ADA compliance because at this point they are not required. However, if you built new units, you would have to comply with all the requirements. Joe Rusella said the complex is built out but anything new would be subject to requirements for accessibility. Another waiver is requesting to using a pipe size smaller than 18 inches because they have a limited area of coverage for the storm water facility. The borough engineer reviewed that condition and is allowing them to use a pipe that is 12 inches instead of 18 inches. The other waiver has to do with parking being installed within a 4 foot area along the rear property lines. Due to the configuration of the driveway, they are closer than that. The more stringent part of that was approved by the Zoning Hearing Board. The other waiver is to use 6 inch curbing instead of 8 inch. They are pursuing that because there is 6 inch curb reveal throughout the site. That is common to have 6 inch in a private parking lot. The 8 inch is more for a public or private street. Another waiver is to use a paving section that is different than the borough's section which is typical for a light duty parking lot. The last waiver is to allow an access drive to be closer than 12 feet from a property line. This kind of parallels the zoning requirement that they obtained relief for. They need less than that to get around the building to get back to the parking lot. The planning commission made a recommendation on those waiver requests. Barbara Heffelfinger asked if they were all approved and Joe Rusella said they were recommended as part of the review through the planning commission. Joe Dudash asked how much impervious surface they were taking up back there and Joe Rusella said they are adding 13,000 additional square feet. There was already a pool and pool deck so some of that is being offset because they are removing the concrete. Joe Dudash asked if there was a stream back there and Joe Rusella said there is and it is on the Middletown side and is 14 feet below the property. They do have an underground storm water facility. It's not a deep system but it is enough to control the storm water as well as some of the run off from the existing apartment buildings so they are actually storing more than they need to. It is a combination of stone and perforated pipe. They get surface area and they get the ability to infiltrate and store and for overflow it gets directed down to the creek. Joe Dudash asked what they were going to do with the contaminated concrete and Joe Rusella replied that they are taking away the concrete and the pool was filled in with dirt. They didn't do any testing but if there was any soil that wasn't able to be used, it would be removed from the site. Joe Dudash asked if the stream was going to be affected and Joe Rusella said he did not believe so. The Conservation District looked at that and determined it's not a violation for the clean water. Joe Dudash asked what they were going to put in the buffer zone and Joe Rusella said there will be some grass and landscaping. Joe Dudash asked what they were using in the riparian buffer. Joe Rusella said they were not subject to that. Joe Dudash said the Delaware River Keeper would disagree with that. Joe Rusella said nothing came up with that with the Conservation District. Joe Dudash said there has been leakage back there. Joe Rusella asked where it was coming from and Joe Dudash said their apartments or somewhere else. He would like them to check into that and he would like trees in the buffer zone. He said there is none there now and the pumping station is getting water from the expansion of the parking lot. The plans show 14 trees and Joe Rusella asked if he wanted more. Joe Dudash said the trees suck up a lot of water. Joe Dudash said he needs to do something with the stream. We can't have the Delaware River Keeper suing the borough. Joe Rusella asked why Joe thought they would sue the borough. Joe Dudash said because you would be adding more storm water. Carol said the applicant is proposing trees along the back property edge and the top of the bank. We can ask them to test the soil for contamination. Joe Rusella said they want to do the right thing. They've done everything to follow the code and the law. Carol has reviewed all of the waivers and she offers no objection to the requests. She would ask the applicant to address any outstanding comments, adding the towing company information, installing no parking signs and replacing existing corrugated metal pipe with reinforced concrete pipe. Barbara Heffelfinger asked how this would affect the residents on Parkway Ave. She knows they're not in Pennel

but they sit down in a gully and it's prone to flooding. What about the runoff? Joe Rusella said in reference to the big house, the water is running towards their site and they would be taking care of that. The water from the houses above the apartments hasn't come onto their property, it eventually goes into the creek. They will be taking on a large amount of water from the property between Durham Rd. and the site. There is no storm water management and they are putting it in. They are addressing more than what is there today. There is a large, natural buffer back there that they are not disturbing. They will not be impacting them and they will be removing some water. They put a large trench stone above the pump station and increased the height of the berm and they are taking some measures to correct that. When they did the driveway, they're taking all of the water that comes down Robbins Ave. and through the site where before it would go across the pump station property and they installed a large infiltration trench between the borough's property and their property to slow and treat that water. Carol said they are meeting the watershed requirements and are reducing the runoff. Joe Dudash asked if this was the kind of system that if debris gets in there it needs to be cleaned out. Carol said they have it set up with cleanouts and can flush the pipe if they need to. Joe Rusella said they would supply a report to the borough. Mike Smith said he had some suggestions. There are sewer laterals under those buildings. That retention basin is going to percolate into the ground. There have been no videos done of those laterals under those buildings. He knows they leak. He said they shouldn't grant any waivers or anything until those laterals are videoed. When you shut the water off in the buildings and open the manhole, there is still water coming out. The retention basin is great to catch the water but it is going to percolate right into our sewer system. If you don't stop it, it is going to get worse at Pump Station #1. Dave Cahill said to Joe Dudash that he mentioned they were having problems at Pump Station #1, so why are you continuing with this conversation. Joe Dudash asked Carol if what they were saying is correct. Carol said she's not sure if that's correct but she does know that laterals were repaired from their building to their connection to our system about 4 or 5 years ago. She has not seen anything under the buildings or any video tape inspections. Mike Smith said they had one lateral done that goes from one building to over the top of hill down to the manhole. Mike Smith showed on the plan which building was videoed and had a lot of infiltration. They made them line it when he was on council. Carol said they had 2 laterals lined. Carol explained to Joe Rusella that the borough has a program that she believes his property already changed hands before it was initiated. Whenever a property changes hands, the lateral is inspected. Joe Rusella said Westover would want to make sure they are doing everything that they need to do. They redid the bathrooms and kitchens and are using low flow devices and are generating less waste water. Mike Smith said it doesn't matter about the devices, it is the infiltration that is coming in from the underground streams and whatever else is there. He said they at least need to video the laterals prior to anything being done. Joe Rusella said they would agree to video those as part of the approval. Dave Cahill said that if they agree to the lateral inspections, the borough should have their 2 laterals inspected also. He thinks that the borough should clean up its backyard first before forcing this on other people. They've been checking all the laterals on houses that have been sold. The borough doesn't even know if their laterals are up to snuff. Beverly Wolfe said they would be dealing with the issue in front of them. She asked Joe Rusella if they would video them and let the borough know and make the repairs that would be necessary if they found something and he agreed. That would be part of the approval. Mike Smith asked how deep the soil sample has to go. Carol Schuehler said to the depth of the proposed infiltration facility. Mike asked if they were allowed to start work. Beverly said no. Rich Flanagan asked the solicitor who has to pay for the paperwork he has to do. Dave Truelove said it would be from the escrow of the developer.

MOTION BY JOHN STRATZ FOR FINAL PLAN APPROVAL FOR MILL CREEK PARKING LOT ADDITION TMP NO.: 21-005-086 FOR PLANS FROM D.L. HOWELL AND ASSOCIATES, INC., CONSISTING OF NINE (9) SHEETS, DATED JUNE 6, 2015, SHEET 1 BEARING A REVISION DATE OF OCTOBER 22, 2018, SHEETS 2 THROUGH 9 BEARING A REVISION DATE OF OCTOBER 4, 2018. THE PLAN WAS APPROVED BY THE COUNCIL, FURTHER SUBJECT TO THE FOLLOWING CONDITIONS:

1. Applicant shall comply with the Penn del Borough Subdivision and Land Development Ordinance (SALDO), the Penn del Borough Zoning Ordinance and all applicable state and federal ordinances, statues and/or laws;
2. Where applicable, receipt of all permits, authorizations and/or approvals from all agencies with jurisdiction including but not limited to: PADEP and the Bucks County Conservation District;
3. Compliance with Value Engineering October 22, 2018 review letter and any supplements to said letter;
4. Compliance with the Penn del Borough Zoning Hearing Board decision dated October 18, 2018;
5. Compliance with the Penn del Borough Planning Commission comments, from the Planning Commission Meeting dated October 4, 2018;
6. Soil testing for contaminants to the depth of the proposed recharge chamber is required, consistent with DEP Chapter 271 General Soil Permit Test, prior to excavation and construction;
7. Video Inspection of all sewer laterals from each of the three buildings to the point of connection to public sewer, prior to any construction, and resolution of any issues determined from said video inspection;
8. The applicant shall add one Accessible Parking Space to the property in a location deemed acceptable by the Borough Engineer.
9. Waivers are granted from the Subdivision and Land Development Ordinance for the following:
  - a) Section 355-27C (2) – Storm drainage pipe. The minimum diameter of all storm drainage pipes shall be eighteen (18) inches or an equivalent

thereto with the exception of detention basins where smaller pipe may be utilized where necessary to provide the required detention.

The proposed system is shallow, and no objection is offered to the applicant's request for a waiver of the 18-inch pipe requirement to permit the use of a 12-inch diameter pipe;

- b) Section 355-36B.(2) – Land used for public or private off-street parking with an area greater than 1,000 square feet shall be landscaped, as part of Subsection B(I) above, with a perimeter strip of at least four feet wide along the side and rear property line.

A four-foot-wide perimeter strip has not been provided along the rear property line. The applicant has requested, and will be granted, a waiver of this requirement;

- c) Section 355-39 E.(6) –All automobile parking areas and access roads shall be paved and constructed in accordance with minimum street standards, except for single-family residential dwelling driveways.

Borough Street Standards require cement concrete curb to be 18 inches height with an 8-inch reveal. The plan proposes curb with a 6-inch reveal. A waiver is granted from the requirement to provide an 8-inch curb reveal for this parking lot;

- d) Section 355-39E.(6) – Borough Street Standards require a 6-inch sub base, 4 inches Bituminous Base and 1 1/2 inch Bituminous Wearing. The curb and paving specifications on plan sheet 4 indicate 8 inches sub base, 2 inches Bituminous Binder and 1 1/2 inch Bituminous Wearing. A waiver is granted to apply this alternate paving design to a private lot designed to serve passenger vehicles;

- e) Section 355-39 E.(13) –Access drives shall be at least 12 feet from any property line, except for the additional requirements of buffer yards.

The proposed access drives are depicted less than 3 feet from the property line. The applicant has requested a waiver and will be granted same, to allow the access drive to be less than 12 feet from the property lines.

10. Where applicable, applicant shall comply with all comments from the appropriate authorities responsible for the approval of the proposed utilities;

11. Applicant will also execute the appropriate Development Agreement, Financial Security Agreement and O&M Agreement;

12. Applicant shall pay the required and appropriate fees associated with this project

SECONDED BY MARK MOFFA. All ayes, motion carried.

Announcements

Beverly Wolfe said tomorrow is Election Day so if everyone could stay behind to help stack the chairs it would be very greatly appreciated.

They will be having an executive session prior to adjournment to discuss personnel matters. Dave Cahill said there is a very important announcement. We have a new constable. Beverly said she was not made aware of it formally. Dave said the county did not notify the borough? Beverly said they did not notify her. Dave said they don't have to notify her they would notify the borough. Beverly said since it was now brought up, we will recognize our new constable, Mr. Dan Cahill.

**MOTION ITEMS:**

Consent Items:

- a. Approval of Minutes: October 1, 2018 Council Meeting
- b. Approval of Minutes: October 15, 2018 Work Session
- c. Approval of Minutes: October 24, 2018 Budget Work Session
- d. Approval of Minutes: November 1, 2018 Budget Work Session
- e. Reading and Approval of Bills

MOTION BY BARBARA HEFFELFINGER FOR APPROVAL OF OCTOBER 1, 2018 COUNCIL MEETING MINUTES. SECONDED BY JOHN STRATZ. Vote was 4 ayes, 0 no, 2 abstentions (Mark Moffa, Joe Dudash). Motion carried.

MOTION BY JOHN STRATZ FOR APPROVAL OF OCTOBER 15, 2018 WORK SESSION MINUTES. SECONDED BY MARK MOFFA. Roll call, Rich Flanagan, yes, Joe Dudash, yes, Mark Moffa, yes, Beverly Wolfe, yes, Barbara Heffelfinger, abstain, John Stratz, yes. The vote was 5 yes, 0 no, and 1 abstention (Rich Flanagan). Motion carried. Minutes to be corrected showing Rich Flanagan being absent when he was not. (Rich Flanagan told me after executive session that he was incorrect and he was absent from that meeting.)

MOTION BY MARK MOFFA FOR APPROVAL OF OCTOBER 24, 2018 BUDGET WORK SESSION. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY MARK MOFFA FOR APPROVAL OF NOVEMBER 1, 2018 BUDGET WORK SESSION MEETING MINUTES. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE BILLS

<b>General Fund</b>	<b>\$44,000.18</b>
<b>Fire Tax Fund</b>	<b>\$ 104.46</b>
<b>Refuse Fund</b>	<b>\$15,151.29</b>
<b>Sewer Fund</b>	<b>\$47,966.28</b>
<b>Sewer Capital</b>	<b>\$ 2,065.50</b>
<b>Liquid Fuel Fund</b>	<b>\$ 228.98</b>
<b>Escrow Fund</b>	<b>\$ 6,945.20</b>

**Payroll**

General Fund	\$21,020.35
Sewer Fund	\$ 2,323.22
Refuse Fund	\$ 499.83

**Total**                    **\$23,843.40**

**Escrow Bills:**

Mill Creek 2:

Hill Wallack LLP	\$ 450.00
Value Engineering	\$ 816.75

Auto Zone:

Hill Wallack LLP	\$1,442.20
Value Engineering	\$ 693.00

McHugh:

Hill Wallack LLP	\$ 90.00
Value Engineering	\$ 148.50

Schoolhouse Court:

Hill Wallack LLP	\$3,190.00
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Verrichia:

Value Engineering	\$ 114.75
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SECONDED BY JOHN STRATZ. All ayes, motion carried.

**President's Report**

Beverly Wolfe was going to address Arlene Harms' concerns but believes the Mayor will address it in his report.

**Mayor's Report** – Mayor Winkler read his report which is attached. The borough has a new email - [dpw@boroughofpenndel.org](mailto:dpw@boroughofpenndel.org) for the public to use if you see any of the following: street lights and traffic signals that are out, wires that are down or hanging low, potholes, missing utility covers or missing or damaged street signs. If you see a street light out, please get the pole number if possible.

**Chief's Report** – Chief Perry read his report which is on file in the secretary's office. Mark Moffa asked for an update on the officer who was in the motor vehicle accident.

**Fire Marshal/Emergency Management Report** – Nick Foufas read his report, which is on file in the secretary's office.

**Solicitor's Report** – His office in the last month has attended meetings, consulted with administration, staff on various issues, consulted with the borough engineer on land development applications and reviews. Prepared ordinance drafts, reviewed and responded on right-to-know requests, Advised council, mayor and staff on various borough code issues. Attended a meeting regarding code enforcement issues as well as revitalization issues and the need for updating ordinances with the Mayor, Mr. Dudash, Ms. Schuehler, Mrs. Kondrk, Mr. Italia and Mr. Hauser from his office. One of the take-aways from that meeting was especially in respect to the property maintenance code issues will need to be updated in our ordinances, hopefully sometime in January or February.

Engineer's Report - Carol Schuehler read her report which is attached.

#### Committee Reports

##### ***Finance Committee (Barbara Heffelfinger)***

The committee is currently working on the budget. They are a little behind because they are waiting for the police contract and the trash contract. They are also waiting for a new agreement from Verizon.

##### ***Insurance and Pensions (Mark Moffa)***

They had their initial discussion at the budget work session. They received a letter from EMC to let us know our rates are going up. He had discussions with our broker. Two areas of concern are the liability area which relates to the street lights that they have been talking about. Also about workers comp which relates to the fire department. He is getting quotes from insurance companies. They just received health insurance rates for next year. He's not happy with the options so he is going to explore different ones. We are satisfied with the MMO.

##### ***Public Safety (Joe Dudash)***

The committee met regarding snow removal. They have an issue with cars parked in the street. They can't plow correctly. They need to change the code enforcement so they can ticket the cars. They pretty much have the contract with the police settled. They just have to present it to council and then will get it finalized. Rich Flanagan said he thought they already ticketed vehicles. Chief Perry said there is an issue with the way the ordinance is written. It would give the borough and the police more teeth as far as issuing citations. It could be dismissed.

##### ***Refuse (Joe Dudash)***

Joe Dudash is shocked at how many trash contractors there are, some he never heard of. But the most interesting thing is the Chinese Sword. They are trying to get the contract done so they can get the budget done.

Also, his wife asked him to mention that tree planting is at the borough on the 17<sup>th</sup> of November so if anyone wants to help out, be here at 9:00 am.

##### ***Community Development (Barbara Heffelfinger)***

They are waiting to hear about the RDA grants. That should come in the middle of November. As they had mentioned, they put in three requests. One for the police, one for the fire company and one for the building. She and Carol are going to meet and try to figure out where they can find some money.

##### ***Ordinances (Mark Moffa)***

At the November 19<sup>th</sup> meeting he would expect council to consider medical marijuana and sober homes ordinances they've been working on with Hill Wallack. Also, the snow and ice ordinance.

##### ***Streets and Sewer (John Stratz)***

He has been working with the Delaware Valley Regional Planning Commission regarding our street lights. This has entailed much travel on his part to Tredfryn Township, Berwin and Center City, Philadelphia. He is happy to report that they have taken notice of Penndel as a community. Their next couple of meeting will be held here in Penndel. On November 8<sup>th</sup>, the entire steering committee will be meeting here at borough hall. On November 19<sup>th</sup>, each borough will be meeting one on one for preliminary feasibility study with KLS, the lighting people

that have been chosen by them. They will be discussing subjects such as preliminary audits, design, mapping, project management and PECO buy back support. He would like Carol Schuehler to attend with him to the meeting in case any questions arise.

MOTION BY JOHN STRATZ TO AUTHORIZE BOROUGH ENGINEER CAROL SCHUEHLER TO ATTEND THE DVRPC MEETING ON NOVEMBER 19, 2018, NOT TO EXCEED ONE HOUR, NOT TO EXCEED THREE HOURS OF HER REGULAR PAID TIME. SECONDED BY BARBARA HEFFELFINGER. 5 ayes, 1 no, (Rich Flanagan). Motion carried.

Rich Flanagan asked John Stratz why he needed to take Carol. John responded it is a one on one with KLS Lighting Systems to ask questions and to inform us what they are going to provide, the street light inventory and to discuss that. It would be nice if something got by him, it won't get by Carol. Beverly Wolfe said it is so that we have our borough engineer hearing the terms being thrown out at us to make sure it is correct and what we need. Dave Cahill asked where the meeting was being held. John Stratz replied here at the borough but it was not open to the public. November 8<sup>th</sup> is for all the townships and November 19<sup>th</sup> is one on one. Dave Cahill asked what time the meeting on the 8<sup>th</sup> was. John Stratz replied 8:00 am but closed to the public. He also asked what time the meeting was on the 19<sup>th</sup>. John replied 11:30, also closed to the public.

#### ***Building and Maintenance (Joe Dudash)***

Joe said all he has to report is that Barbara Heffelfinger is trying to get money for us to fix the roof.

#### ***Community Relations (Laura Germain - absent)***

Council President said that since Laura is not here tonight, she asked Barb to make the following announcements. Movie night will be on November 17<sup>th</sup> from 7:00 pm – 9:00 pm at Redeemer Lutheran Church. They will be watching The Incredibles and kids are invited to dress up. They will be providing snacks but are still figuring out the details. On the newsletter, Laura has the first draft that will be sent out to the committee and hopefully will get out in the next couple of weeks. Nothing new on the websites. They are still taking applications and it won't go in until 2019.

#### ***Recreation Board (Laura Germain - absent)***

Rich Flanagan reported they had a meeting on the 18<sup>th</sup> of October. He did not get a chance to make the chili cook off so Karen Flowers has more information on that. Karen Flowers came up to the podium to read her report. The mulch has been replenished at the Memorial Playground and the landscapers did a very nice job. The chili cook off was held on the 22<sup>nd</sup> of October. It was a fun day for all those who came out. A special thank you to Karen Kondrk, Marie and Guy Serota, Ward McMasters and Kory and Joe Dudash. She wanted to thank Barb and Bev. She knew they couldn't make it and they sent an email. Thank you to the mayor for putting the information on the sign on Rt. 1. It turned out to be a nice event. They made a total of \$864.00 and they received a check from Tommy Tomlinson for \$100.00 so that brought the total to \$964.00. The rec. board voted to donate half the money from that day which is \$482.00 to the Pennel Wildcat Cheerleaders for new uniforms.

They are currently selling Red Robin gift cards for \$25.00. Please place your order by November 13<sup>th</sup>. Portion of sales will go to the rec. board to fix the pavilion roof if they get enough money together. For the playground equipment, Sam Simon had offered his flatbed truck to move the donated equipment. It has come to her attention that in the past the council has accepted items as a donation. They need to ask council where the playground equipment can be stored until a permanent place is agreed upon by the rec. board and can the equipment

be stored at the sewer plant and can the borough backhoe be used to move the equipment off of the truck. Beverly said we have room down at the plant and the borough would be crazy to pass it up. Beverly asked Bob if the battery situation was taken care of and he stated there is now a water leak which he thinks is the water pump. Mike Smith said he would bring his own piece of equipment over. Mark Moffa asked if there is a liability issue to have that equipment down there. Beverly said if we could put it out of the way, it is on our property so what kind of liability would we have other than our normal liability. Mark felt the property wasn't secure since they've had people go in and steal things. Mark asked if there was a plan for the equipment and do they know what they were going to do with it. Karen Flowers said not totally. Beverly said that Karen had an idea of maybe moving some of the old park benches and putting some of this new equipment in. They would have to hire someone who is a specialist that knows how to do these things. Mark Moffa asked who would pay for that and Beverly said the rec. board and there also grants for those kind of things as well. Mark said he was torn because who would want to turn down this great looking equipment but he would like to know the liability issues and do they have a plan for it. Is it just going to sit there and rot? Mike Smith suggested they get the stuff there and then you have 4 to 6 months to figure out a plan. It's coming out of the ground the same way it is going to be installed. Dig four or five holes and put some concrete around it. Mark asked where it is coming from. Mike said Doylestown and you can go look at it if you want. Mark said he doesn't agree with just getting it here and then figure out what to do with it because then it is our problem. Nothing is ever free. Someone says, here, take this, it's free, it's probably not going to end up being free. If someone would present a plan for it, he would gladly take free stuff. John Stratz asked if it would increase the mulch bill each year. Rich Flanagan said he agreed with Mark. He does want it but where will we store it, where are we going to put it, and where are we going to get the money from to put it in. Joe Dudash felt the same way. He hated to take it and store it and let it rust. Beverly asked Mike the timeline on getting it out. He said he was not given a time but once the guy starts to build the next building, it needs to be out. Beverly took a poll of council to see if they wanted to accept the playground equipment. Rich Flanagan, no, Joe Dudash, no, Mark Moffa, no, Beverly Wolfe, yes, Barbara Heffelfinger, no, John Stratz, yes. Dave Cahill asked who is responsible to put the plan together and Beverly said the rec. board because the rec field is their responsibility. Dave Cahill said council has been making the decisions down at the field since council brought the rec. board back. Council should put their heads together and come up with a plan. Beverly told Dave that the rec. board is their own autonomous unit and council provides them with budget money and they execute.

#### ***Long Range Finance (Mark Moffa)***

No updates since the last meeting when they appointed members and were working with Hill Wallack making tweaks on the resolution that authorizes the Long Range Finance Committee. We will have to put our heads together with council on the revival effort. Council will give direction and then they will hold their first meeting. The goal is to get together before the first of the year. Beverly asked council to think about what tasks they would like the committee to do.

#### ***Revitalization Task Force (Barbara Heffelfinger)***

Nothing to report.

#### **New Business**

Beverly Wolfe said they received an application from Amanda Mieluch who is a member of the Revitalization Task Force for the rec. board. They also received one from Frank Flowers and Allison Nickerson for the rec. board as well. They have received 3 applications for 2 seats. Karen Flowers said to put Frank's application on the backburner because he will help her anyway.

MOTION BY BARBARA HEFFELFINGER TO APPOINT AMANDA MIELUCH TO THE RECREATION BOARD. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT ALLISON NICKERSON TO THE RECREATION BOARD. SECONDED BY JOE DUDASH. All ayes, motion carried.

Persons to be heard

Dave Cahill, 462 Cynthia Ave., back in July he asked about having the residents notified about trash with the Bucks County alert system and you said it was for emergencies only. He recently got a text about the street sweeping. He asked if that was an emergency. Beverly said they needed the cars off the streets. He wanted to know if street sweeping was any different from trash collection. She said she thinks it is but asked Dave to explain what about trash collection that he feels we should put out on the system. He said he believes it was the 4<sup>th</sup> of July fell on a Wednesday and trash was out and residents didn't know when trash was going to be picked up so he suggested they be notified by that system. Beverly said they would take it into consideration. Dave said the borough looked like garbage because everybody had their garbage out. He said that is the easiest way to let the residents know. Beverly said he was right, that a lot of people don't look at the website or Facebook.

A few months back, Dave questioned one of the council member's second floor addition on their garage. He submitted a right-to-know request and reviewed the plans and found there is not the proper side setback for the upper floor addition on the garage. He wanted to ask council what they need to do to make this right because he believes the council member needs a variance. Dave Truelove said that code enforcement at the time did not appear to catch it or what the specific issue was. He hasn't looked at the plans. If there is truly an issue, there is variance by estoppel or if there is a concern about it then code enforcement should be directed to go out and see it if a variance needs to be obtained. Beverly said the original permit was approved by our zoning officer at the time. Dave Cahill asked if meeting with the Zoning Hearing Board be a proper thing for the council member to do. Dave Truelove said a new inspection would have to be done to confirm if a variance is required and then indicate to the homeowner that they would need to go before the Zoning Hearing Board. The former code enforcement officer did not indicate that a variance was required. Dave Cahill wanted him to be aware that another resident came before the Zoning Hearing Board 5 or 6 years ago wanting the same thing and she was denied. Beverly said it was done in 2017. Dave Cahill said that was when Laura Germain put her name on the ballot for council so it looks like it is a political favor. Dave Truelove said the code enforcement at that time was a completely different entity then what is here now. Dave Cahill said it was Keystone Municipal Services and Dave Truelove said they were not appointed by this council so he doesn't know what the political favor would be. The code enforcement officer needs to go out and take a look at it and determine if a variance is required or they receive a variance by estoppel. They can say they've been through the process and for whatever reason it wasn't caught and they relied upon the information that was supplied to them, they were certainly in compliance.

George Krushauskas, 510 Dehaven Ave., asked about the Wawa. Beverly said as far as they know it's still on and they hadn't heard anything this week. Dave Cahill said Middletown Township has received plans for the Wawa at the old Burns auto dealership.

Recess into Executive Session at 9:20 p.m.

Back in session at 9:55 p.m.

Beverly Wolfe said they had a request for relief from charges for an employee that has left. Do they want the solicitor to contest it or not.

MOTION BY MARK MOFFA TO AUTHORIZE THE SOLICITOR TO CONTEST RELIEF FROM CHARGES FOR A FORMER EMPLOYEE. SECONDED BY JOE DUDASH. All ayes, motion carried.

Beverly Wolfe said the next item from the executive session was the 2019-2023 collective bargaining agreement which is the Penndel Borough Police Benevolent Association.

MOTION BY JOE DUDASH TO ACCEPT THE COLLECTIVE BARGAINING AGREEMENT FROM THE PENNDEL BOROUGH POLICE BENEVOLENT ASSOCIATION. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:57 P.M. SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: \_\_\_\_\_  
Marie Serota, Secretary/Treasurer