

COUNCIL MEETING

October 1, 2018

Council President, Beverly Wolfe, called the meeting of the Penndel 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

Councilman Mark Moffa - absent

Councilman Joe Dudash - absent

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

Announcements

Beverly Wolfe said the senior's dinner that the Activities Committee held on Sunday was a wonderful event. The people that came out were so happy to be there and we were happy to have them. A big thank you to the Activities Committee, some of which are here tonight. It was a great time for some very important people.

Barbara Heffelfinger said we lost Lee Delano in the summer and we decided that we would like to do some kind of living memorial for him. We are still taking collections and anyone who would like to contribute, we would appreciate it. It is a great way to remember him. We can watch it grow just like Lee grew on us every day. So please think about contributing. Barb will be collecting. We would like to get some kind of plaque or memory plate under or by the tree that will say in memory of Lee. We have a person who does storm water management and landscape design who is trying to come up with something nice to put in the back in the oval.

MOTION TO APPROVE CONSENT ITEMS:

- a. Approval of Minutes: Motion by John Stratz, seconded by Laura Germain for the September 4, 2018 Council Meeting minutes - 4-0, 1 abstention by Rich Flanagan
- b. Approval of Minutes: Motion by Barbara Heffelfinger, seconded by John Stratz for the September 17, 2018 Budget Work Session minutes – 5-0
- c. Approval of Minutes: Motion by John Stratz, seconded by Laura Germain for the September 11, 2018 Budget Work Session minutes – 3-0, 2 abstentions by Beverly Wolfe and Rich Flanagan

MOTION BY BARBARA HEFFELINGER TO APPROVE BILLS

General Fund	\$51,132.35
Fire Tax Fund	\$ 580.99
Refuse Fund	\$14,762.21
Sewer Fund	\$33,366.50
Capital Reserve	\$ 74.25
Sewer Capital	\$ 2,043.00
Liquid Fuel Fund	\$ 2,482.61
Escrow Fund	\$ 4,087.20

Payroll

General Fund	\$20,223.75
Sewer Fund	\$ 2,336.23
Refuse Fund	<u>\$ 503.53</u>
Total	\$23,063.51

Escrow Bills:

Mill Creek 2:

Hill Wallack LLP	\$ 1,020.00
Value Engineering	\$ 1,334.25
Petty Cash	\$ 13.95

Auto Zone:

Hill Wallack LLP	\$ 630.00
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McHugh:

Value Engineering	\$ 1,089.00
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SECONDED BY JOHN STRATZ. All ayes, motion carried.

President's Report

Beverly Wolfe said that she received a letter and will give it out to council. She just received it today from the city of Bordentown NJ in regards to the Elcon Recycling Service application. They are not in favor of the Elcon contract. They are having an action event to provide updates, awareness and methods of opposition on October 10th over in Bordentown. They have invited council and anyone from Penndel Borough to come over and support if you are not in favor of the Elcon project. Beverly Wolfe read some of the highlights from the letter she received by email which is attached. She told the audience if anyone is interested she would provide them with a copy. Rich Flanagan asked if she knew which municipalities were against it so far and she responded she did not know off the top of her head except she believes Falls Township. Dave Truelove said that Lower Makefield is looking at it but has not come out officially yet.

Mayor's Report – Mayor Winkler read his report, which is attached.

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

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

Solicitor's Report – Dave True said he attended various meetings, assisted in reviewing and preparing grant documents, reviewed and helped process documents related to Right-To-Know requests, engaged in litigation preparation, communicated with the council president, the Mayor, the Chief of Police, administration and council persons regarding various issues. They are working on a personnel issue with the police department. They reviewed and helped prepare and draft resolutions and ordinances and reviewed and assisted in land development and zoning application review.

Engineer's Report – Carol Schuehler read her report, which is attached. Rich Flanagan asked if she knew what the status was for the Wawa. Carol said she did not have any information on that. Dave Truelove answered that one of the resolutions on the agenda for tonight deals with some issues relating to the Wawa. Letters were sent to the different property owners for the easements. Three did not respond. These are needed regardless if the Wawa comes in or not. On the agenda tonight is a resolution allowing us to proceed by eminent domain to acquire these easements. This will help move the project forward. He knows there's a lot of information out there whether the agreements of sale are going to be consummated between Wawa and the property owners and they understand that they have a deadline at the end of this month. We are working with them as much as we can. We're doing what we can with the limited means we have and doing what's appropriate. It's still pending, it's still moving forward.

Committee Reports

Finance Committee (Barbara Heffelfinger):

This past Friday she took 3 grants over to the Redevelopment Authority. The first one was for police equipment and upgrades for the amount of \$67,600. The second one is for repairs to the borough hall for \$40,400.00. The third was for the fire company for their equipment request for the amount of \$125,000. They were handed in on time. They are starting to work on the next round that is coming around. We are going to have budget meetings. The police meeting is on October 22. We've already done community relations. Community development will be on the 19th of October. Refuse and building and maintenance will be on the 24th of October and we put the bid out so we are hoping we will get responses for a new contract for refuse. Insurance and pensions is November 1st. Streets and sewers we have not yet set a date because we have to coordinate with Carol. The rec board sent in their proposal and that was handled on September 11th. We are making progress very slow and want to try to get this done as quickly and in the best manner as possible. Since Mr. Moffa isn't here tonight, for the task force, we are looking at a date in the middle of October but that has to be confirmed by Mr. Moffa. She believes it is just for the committee, not the public and they will let everyone on the committee know the date by either post card or email. Beverly Wolfe said just to elaborate on that with the revitalization task force, they are waiting on John Ives and the county planning commission to get back to them with a date that all the planners can come down. She believes the target date is the 17th.

Insurance and Pension (Mark Moffa – absent)

Beverly said she knows he's been working with obtaining information from other insurance vendors because we are looking at every policy in this borough. We have people we have been doing business with for years. That's all well and good. We're going to look at everything so that we can get better rates and better coverage.

Public Safety (Joe Dudash – absent)

Beverly said she believes that she can report that things with the new police agreement are progressing so we should have something for you shortly.

Community Development

Barbara Heffelfinger said they already talked about this.

Ordinances (Mark Moffa – absent)

Beverly said Mark has been working on several ordinances with Mr. Truelove's office. We are in the middle of trying to do several at the same time.

Streets and Sewer (John Stratz)

John Stratz thanked Carol Schuehler for her excellent report saying it makes his job easy. He mentioned that this has nothing to do with streets and sewers but would like to mention on October 10th there will be a meeting regarding Elcon and it is an information and action event, with updates and continued awareness and methods of opposition to the Elcon application. He has responded to the Deputy Mayor of Bordentown's office that he will attend. The proposed facility will be less than a mile from the Delaware River. We drink from that stuff. He will bring back information to share with council.

Refuse (Rich Flanagan)

Beverly said they touched on that earlier. They have the bid package ready and are going to look over it one more time and then put it out for bid. Rich Flanagan asked who was looking it over and Dave Truelove said special counsel Rudolph Clark is handling it. It is a conflict of interest because his firm represents a waste hauler.

Building and Maintenance (Joe Dudash – absent)

Barbara Heffelfinger said they are hoping they get some money to get some things fixed.

Community Relations (Laura Germain)

They finally set a date for the movie night which will be November 17th from 7:00 pm – 9:00 pm at Redeemer Lutheran Church. They will be showing The Incredibles and when she advertises she is going to suggest that kids dress up like superheroes. She is going to reach out to Rita's Water Ice because when she spoke to them in the summer, they offered to give her free water ice. She will see if they will still do that. They have a website meeting on Friday with a second person to get a bid. We did receive an initial bid from the first website. We will also talk about the newsletter which we hope to get out at the end of this month, beginning of next month. We have several projects we are

looking ahead towards like our little free library which our solicitor is looking at now and several suggestions that residents gave us that they are looking into.

Recreation Board (Laura Germain)

Dan Cahill stepped down as president of the rec board. She thanked him for all he did. Karen Flowers was elected as the new president and Wendy Flanagan as the vice-president. They discussed the chili cook-off which is scheduled for October 20th and that included the spending for various prizes, small game license and other items. Proceeds of the fundraiser will be shared with Neshaminy Cheerleading for new uniforms. They are also selling Red Robin gift cards with a percentage of sales going to the rec board. They can order them through the rec board's Facebook page. They can also see Karen, Rich or herself for them. A dead, dangerous tree branch near the tot lot and dugout was taken out by Young's Tree Service for \$2,000.00. We had a week where we were back and forth about the mulch but thanks to Karen and Beverly, they determined that we do have enough in the budget to pay for the mulch this year. There was a playground set that was offered to be donated and after a lot of discussion they determined the rec board needed more information and if they do decide to take it, they want council to be involved and approve it for liability purposes. They discussed new ways to finance a new roof for the pavilion.

Long Range Finance (Mark Moffa – absent)

Mark will be discussing this at the next meeting.

Revitalization (Barbara Heffelfinger)

Beverly Wolfe said they covered this earlier.

New Business

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE ADVERTISEMENT OF THE PENNDEL PLANNING COMMISSION MEETING TO BE RESCHEDULED FOR OCTOBER 4, 2018 AT 7:30 P.M. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2018-27 AUTHORIZING THE EXERCISE OF EMINENT DOMAIN AND DIRECTING THE SOLICITOR TO FILE DECLARATIONS OF TAKING AND ANY OTHER PAPERS OR PLEADINGS OR TO UNDERTAKE ANY OTHER ACTIONS AS ARE NECESSARY AND PROPER TO ACQUIRE LAND AND OR EASEMENTS FOR THE PURPOSE OF BENEFITTING THE TRAVELING PUBLIC WITHIN THE BOROUGH OF PENNDEL. SECONDED BY RICH FLANAGAN. All ayes, motion carried.

David Truelove explained that back on May 7th, we passed a resolution that essentially authorized the solicitor to undertake actions to acquire land and/or easements for benefitting the traveling public within the Borough of Penndel. This is related to the Wawa project and its highway occupancy permits or involves traffic signals and two temporary construction easements. There were 6 traffic signal easements. There were attached letters that demonstrated the request based upon some evaluation done by George Sengpiel who is an appraiser at the cost of the Wawa to prepare proposals for

those particular easements. There were 3 left. We sent letters and received responses from some. Did not receive responses from 3. We left phone messages for 2 of those 3 last week. One is 29 square feet for CED Family Partnership. The other is at the corner of Durham Road and Lincoln Highway, which is 1,126 square feet, which essentially is the corner area to enable PennDot to place traffic signals there. The last one is the Brodbeck property which is the corner of Bellevue Ave. and Lincoln Highway, 122 square feet for the traffic signal easement. The purpose here is to move this project along as much as possible. The only way for this project to move forward is the traffic signals and that would include any project there. So at some point these traffic signals are going to have to be installed for safety reasons. At some point we will need to move forward on that since the opportunity is here now. That's why the prior resolution that was made in May and passed unanimously he believes, would be a natural supplement to that. We want to make sure we do this properly and we will move forward as long as all of the information is correct. This gives us the authority to do it and do it in an appropriate manner. We have attached exhibits to the resolution which describes the necessary properties and the locations and if it is passed it becomes a public record. Beverly Wolfe said that not only does it look like new masts, it looks like new radii. Dave Truelove said there is a new radius at one of the intersections for safety reasons. Durham Rd. & Lincoln Hwy. is a very busy intersection. Hopefully this will enable more safety measures be taken. Hopefully this will alleviate some of the Chief's staff from being involved with some accidents that may be avoidable. That is that particular one, however, they all include safety measures. It is appropriate whether it is Wawa or for anyone else going in or for anyone for that matter. Beverly asked, with this resolution that authorizes you to do that, what would be the steps that would happen after. Dave said we would have to make sure that we have all of the appropriate information in terms of the appraisals and whatever documents we need for the values of each one of these which we have here but would need to get more specific information through the Wawa folks who are working on this and then file a declaration of taking in the Court of Common Pleas in Doylestown and hopefully establish that we have a legal basis to do it. These resolutions establish the public purpose for the project and these particular items. Hopefully the court would act quickly with that. If the property owners would object then they would file what is called preliminary objects but that would only be for the purpose of testing the legality of the process which we think is fairly clear. Then if it becomes a value situation, and in each case we are talking about a few to several hundred dollars. Then it would go through a board of review. These things could take two to six months, hopefully not that long, but he doesn't want to overstate or understate, just trying to be as accurate as possible. Beverly asked Dave to read the square footage again. He said on exhibit A, Lincoln Hwy., which is CED Family Partnership that is 29 square feet. Exhibit B is the one with the radius at Bellevue and Lincoln Hwy. That is a little more involved because that is 1,126 square feet. He believes that goes out into the roadway a little. The last one is at the corner of Bellevue Ave. and Lincoln Hwy. which is the Brodbeck property and that is 126 square feet. John Stratz asked if this resolution they are agreeing on tonight, does it have any future repercussions or is this resolution only pertaining to this particular construction project. Dave Truelove said it was for those three properties only. That's why it is specified like that because we are not asking for carte blanche. Dan Cahill, 41

W. Woodland said that the resolution is just to increase the right-of-way, you are just taking what you need for the street. Dave Truelove said they have been told by Penndot that it is the minimum required for the signalization. Beverly Wolfe said it is just a strip of land to increase the radius to be able to put the new masts in. The one at Durham Rd. and Lincoln Hwy. is the one that is problematic.

MOTION BY BARBARA HEFFELINGER TO ACCEPT OFFICER KEVIN SPOTTS' RESIGNATION. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELINGER TO HIRE WARNER WILKENS AS A PART-TIME SUBSTITUTE CROSSING GUARD. SECONDED BY JOHN STRATZ. All ayes, motion carried. Laura Germain asked if this was to replace the crossing guard who left earlier or is this an added position. Beverly Wolfe said it is part-time substitute.

MOTION BY BARBARA HEFFELINGER TO HIRE ROBERT OSINSKI AND MICHAEL WOOLLEY AS PART-TIME POLICE OFFICERS. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Persons to be heard

Arlene Harms, 408 Cynthia Ave., several years ago the fire company came to council about the trees overhanging the streets, which would put their men in danger and their equipment. There are trees in town that have not been trimmed that are less than 14 feet over the streets. She wanted to know why the people we hired as code is not doing that and it is trees over the sidewalk also. There were several on her street that were notified and they had to take care of it. She was wondering when that was going to be addressed. Also, the streets and curbs. I understand we are having a streets swept. They don't really do the curbs. People blow the grass in the streets and curbs and if you ride around you will see all the debris and grass and all the stuff that is growing in the curbs. The town just doesn't look nice anymore. She was wondering if the people that were hired, our code enforcement, what are they doing about that. The other thing is trash. Sunday night, Monday morning we have trash out. One person sees it, others will be seeing it. We should get it on the website to please not put your trash out until Tuesday. But the trees and the stuff in the street is really bad. She is asking council to do something about it. She is sure there are other violations that aren't being addressed and they really should be. We worked really hard for the town to get it where it was and right now it's not looking very nice. Beverly Wolfe said they would absolutely have it looked at and will report back to her after they have some answers for her. Arlene said especially the trees because the fire equipment is very expensive and if they are hitting a tree and something snaps off, it's a lot of money.

Karen Kondrk, 426 Fairview Ave., wanted to let everyone know that the Penndel/Hulmeville Parade Committee and Redeemer Lutheran Church are getting together and are having a designer bag and spirits bingo on Saturday, November 10th. It is at the William Penn Fire Hall, from 7:00 pm – 11:00 pm with doors opening at 6:00 pm. The cost is \$35.00 and they will serve beer, wine and soft pretzels. There will be door prizes and raffles. Please help the parade committee and the church.

Karen Flowers, 500 Hulmeville Ave., had a question for Dave Truelove regarding the sign at the rec field which she is sure he has heard about. He said he had a little bit of traffic on his email about it. She would like his opinion on the correct way to handle this. Dave Truelove said after looking at this in a couple perspectives, the first thing the borough needs to do as well as other municipalities once in a while is establish specific guidelines and regulations for signage placement. For everybody's benefit, there is a sign affixed to the rec field fence that encourages people in Operating Engineers 542 to vote for Mr. Heenan who had been serving as the president and that is the union that helped work on the tot lot. The particular individual who made contact from the union with the Penndel Wildcats was also an active member of the Wildcats so it was done that way. He thinks it was just a lack of communication as to how that happened. It's not a political sign in the sense that it is not pro one political party versus another. It's an internal union sign which does not mean it belongs there. It is a little different from what we may be used to in some other circumstances. He spoke to the union official and Dave's suggestion was it should be taken down. It may be a perfect place for them to put something like that but not affixed to a borough facility. Dave's suggestion is either the gentlemen from the Penndel Wildcats or somebody from the rec board if you want, take the sign down so the union can pick it up or we can place it somewhere else where it may be more appropriate. But again, he believes we need to look at the policies and regulations of the borough for purposes for how something like that can happen. Karen Flowers would prefer that they remove it. Dave said he will ask them to do that. She doesn't want some kind of outrage towards the borough or rec board. Dave said he thinks it was just some kind of misunderstanding between that individual and someone from the Wildcats. Karen said she offered to have them put it on her lawn but they didn't want that.

Mike Simpson, 204 Bellevue Ave., there seems to be a lot of motorcycles and ATVs slamming up and down Crescent St. and he doesn't know what to do about it. When he calls the police, by the time they get there they are long gone. It seems to be the same repeat offenders over and over again. They blow through every stop sign on Crescent Street. He's been here for about 2 ½ years and he doesn't know where they are going but they are going back up behind the church on their way home. He doesn't know what can be done about that but it is a nuisance and someone is going to get hurt. There are kids that run out in the street on Crescent Street and they are flying up and down the street on dirt bikes. Beverly Wolfe said they were riding up and down her street too. Unfortunately by the time you call the police or actually by the time she got outside to film them, they were long gone. She called the police. They were from Highpoint and Parkland previously. Beverly said the chief would address it. Chief Perry said they were aware of the problem with ATVs and dirt bikes and they've done the best they can to try to address it but unfortunately they are put in an awkward position with that it creates a danger. It is a summary violation, a traffic ticket most of the time and by them initiating a pursuit, somebody, most of the time a juvenile, if they crash, it opens up the borough for liability. Although we have a pursuit policy in place, our officers are directed not to chase them for the safety of the child. We do our best to address it if we come across somebody. We've had a few since the beginning of the year and issued

citations. In one instance we impounded the quad and had the parents come and we explained the severity of it. We are aware that it is happening. We do our best to address it. It's one of those you're damned if you do and damned if you don't situations. If you do see this, call us and we we'll do our best to address it. Mike Simpson asked what about if you know where they're going and know where they live. Chief Perry said if you know who they are and can identify them, we can issue citations based on information received and we would just need you to come to court to testify. If you know where they're going we can go to the residence and ID the bikes, we can certainly cite them. Dave Cahill said to Chief Perry, you know who some of these kids are, right? Chief Perry said they had contact with several of them but unfortunately in a court situation, we would have to say beyond a reasonable doubt, which at a traffic hearing it would be a trial, we would have to know exactly who they are. Dave Cahill said he knows that Chief Perry knows who they are because he hears the engines revving during shift change at 3:00 in the afternoon. They know when your shift changes. Dave Cahill said he does know that Chief Perry knows who they are. Chief Perry said they have had contact with several of them but with a helmet on, they all kind of look the same. Dave Cahill said these kids that you know don't wear helmets and you know who they are. Chief Perry said if that's something our officers are seeing and they're not addressing it, then that's something that I will be concerned with. He said if you know of specific instances, feel free to let him know. Dave Cahill said every day at 3:00 at shift change. Mike Simpson asked where they were going. He said why can't we have someone watch because they are going to the same place every day. Chief Perry said they don't know where they are going and unfortunately as soon as they attempt to stop them, we turn our lights on and they take off and we just terminate the pursuit. There's no good outcome to pursuing them. Mike Simpson said he understands the no pursuit but there has to be another way. We know they're going riding somewhere, they're just not riding on the streets. And if it's the same kids, we can't just confiscate their bike? If you catch them, you just can't confiscate their bike, it's just a ticket? Chief Perry said they can tow them because they are unregistered and uninsured but they can get the vehicle back out. There really is nowhere for them to ride so they're doing wheelies down Lincoln Hwy.

Beverly Manning, no address given, her concern is going down Bellevue Ave. You have a SEPTA sign but she was told we have a crossing guard. She said she could be wrong but we should have white lines for pedestrians to have the right-of-way. People like to walk their dogs and like to cross the street but unfortunately a lot of people are disrespectful and she doesn't think they are aware of this law. The crossing guard is always there but the white lines do need to be painted. She was told by someone that on the one road that we were going straight, that definitely has to be paved. She definitely feels that people should be aware of the fact that if you pay taxes, you're allowed to walk across that street whether you are an adult or you're walking the dog around the borough. Is she right in feeling that the pedestrians have the right of way? Beverly Wolfe asked if she was talking about Bellevue Ave. and what intersection. Beverly Manning said near the white church and Beverly Wolfe said she means Calvary Church. Beverly Manning said the lines are faded. Beverly Wolfe asked if she was talking about Durham Rd. and Beverly Manning said yes. Beverly Wolfe said that was a

state highway and it's up to Penndot and the state to strip or line that road, that we have no jurisdiction over it. We own one half of Woodland Ave. and Middletown owns the other half. If there was a stop bar there for people to stop that's fine but perhaps somebody else can help her out here on council as to putting in one of those you must stop for pedestrians crossing. Beverly Manning said if you are by the BP station, there's a house, she was always told it was a Penndel road and then you have the SEPTA sign a few yards away, then you have the Middletown sign. Beverly Wolfe asked if she could see her after the meeting so she could find out exactly where she was talking about so that we can address this because she is a little confused about where she is talking about. Beverly Manning said where they repair the vehicles by the BP and the fence, what is the law on how many vehicles to be repaired are allowed by that fence. Beverly Wolfe said meet with her after the meeting and they can figure out where the cars are parked. It could be a zoning issue but she wants to understand what she is talking about.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 8:38 P.M.
SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Submitted by:

Marie Serota, Secretary/Treasurer