

COUNCIL MEETING

March 4, 2019

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

Beverly Wolfe announced a change in the agenda.

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

The Mayor swore in Officer Michael Damien Meisner.

Beverly Wolfe asked for a short recess at 7:35 p.m.
Reconvene at 7:38 p.m.

Present at the meeting

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

Also present

Ben Hauser, Solicitor, Hill Wallack
Chief Sean Perry
Carol Schuehler, Value Engineering
Nick Foufas, Fire Marshal
Marie Serota, Borough Secretary/Treasurer

Announcements

John Stratz reported that tomorrow night from 6:00 p.m. – 9:00 p.m., the DEP will be hosting a public meeting regarding the Elcon Services Facility. The facility will be a hazardous waste treatment and storage facility to treat and store liquid waste at the Keystone Industrial Complex in Falls Township. The meeting will be held at the Sheraton Bucks County Hotel, 400 Oxford Valley Rd. He will be attending and anyone who interested is invited to attend.

MOTION TO APPROVE CONSENT ITEMS:

- a. Approval of Minutes: Motion by Barbara Heffelfinger, seconded by John Stratz for the February 19, 2019 Work Session Minutes. 5-0, 1 abstention by Mark Moffa.
Motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE BILLS

General Fund	\$43,516.05
Refuse Fund	\$16,307.89
Sewer Fund	\$60,297.16

Capital Reserve	\$ 3,311.50
Sewer Capital	\$12,047.25
Liquid Fuel Fund	\$ 5,692.57
Escrow Fund	\$ 2,201.18
Payroll Fund	\$ 558.72

Payroll

General Fund	\$19,895.72
Sewer Fund	\$ 3,460.19
Refuse Fund	<u>\$ 576.70</u>

Total **\$23,932.61**

Escrow Bills:

Mill Creek 2:

Value Engineering \$ 584.25

Adams SD:

Value Engineering \$ 51.00

Schoolhouse Court:

Hill Wallack LLP \$ 1,013.93

Value Engineering \$ 102.00

McHugh LD:

Hill Wallack LLP \$ 450.00

Pre-paid Checks

Check #12444 dated February 12, 2019 made out to Fred Beans Ford in the amount of \$41,862.00 for 2019 Ford Explorer

Check #12445 dated February 14, 2019 made out to Kovitz Enterprises, LLC in the amount of \$1,725.00 for ½ website & logo design cost

Check #12450 dated February 21, 2019 made out to Dennis & Sons' Contracting Co., Inc. in the amount of \$5,469.34 for 1/3 roof replacement

SECONDED BY JOE DUDASH. All ayes, motion carried.

Mayor's Report - Mayor Winkler 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 – Ben Hauser reported they have been preparing a number of ordinances, reviewing right to know requests, agreements and reports coming in from our professionals and addressing personnel issues.

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

Mark Moffa asked why Carol chose K.E. Seifert to do the inlet job and she responded that she tried 3 other contractors and they were the first ones to meet her out there. She also reached out to Associated Paving and a contractor out in Chester County. Mark asked how pertinent it was to pass this tonight. Carol explained the challenge is that we have inlets that are in very

poor condition which she has pictures of and is trying to get it done before the repaving of Route 1. She said if it doesn't happen, it's not the end of the world. To fix these inlets you need to understand what it is you are fixing and there is no way to get inside the inlets without removing the concrete sidewalk on top. Traffic control, only being able to work from 9-3 and getting inside to see the box and getting it restored so that it is safe for people walking to the bus stop is a challenge. Once they get the measurements she has to work with Monarch Precasters and have them come up with a design which has to be built, cast and cured and then brought back to Penndel and we either have to hire a contractor or work with Penndot and they invoice us under the Master Casting Agreement which she is still negotiating. Paving season opens back up April 1st. Joe Dudash asked if the one by the carpet mill was on the list. Carol said no, they were just talking about the one in front of 15 W. Lincoln Hwy. The one by the carpet factory would be a subject of the 2020 Penndot improvement program. The one in front of Paul's Pizza is a replacement or rebuilding of the structure in place. The one by Hulmeville Ave. necessitates a rerouting of the storm sewer and changing of the curb radius which is a more involved project which requires Penndot permitting unless we can get Penndot to do it as part of their safety improvements which is where you are headed right now. So instead of the borough spending \$30,000 - \$50,000 or more to change the curb radius, it's part of Penndot's program.

Joe Dudash asked if we are on target with the MS4. Carol said they responded to all of DEP's questions on the plan that was submitted back in 2017 which she did not submit. So this is an amendment to that plan which has been submitted to DEP and they will be waiting for their reply on where we stand. Joe said with the sewer, we can't have new hook ups. Carol said that is the Act 537 Plan. She wants everyone to know they are talking about 2 different things. The MS4 is about storm water runoff and the Act 537 Plan is sewage facilities planning. They already got the corrective action plan approved which is a piece of that which talks about doing video inspections and patching leaks and the things we are going to do for the sanitary system. We have to wait until we get everyone's comments back before they can incorporate them, hold a public hearing and council votes to adopt it. We are on hold connecting new connections. Mark Moffa asked if there is still a chance we could get the connections from the 2016 plan. Carol said they committed to releasing them once we get our Act 537 Plan approved. Carol said they did not get the Act 537 Plan in in 2016 so we've been on hold since then.

Mark Moffa asked Carol if she thought that was a reasonable price for that amount of work at the Penndel Pizza inlet because approving something for \$11,000 without a second number makes him pause. Carol said to get it done in one day is not outlandish at all. When this was first talked about she was given a proposal for 2 days. She asked them to sharpen their pencil and they could have 2 crews working in one day. Mark asked what happens if they don't get it done in time. Carol said it goes back to the condition of the curbs and sidewalks in front of Penndel Pizza. The sidewalks are badly cracked over the inlets because the box underneath is losing its stability. You have a hazard and we are losing structural stability under the sidewalk and road. Mark asked if it could collapse and would there be a sinkhole and Carol said it wouldn't be too deep because the inlet is only 21 inches deep. John Stratz said if we don't get that box fixed, Paul from Penndel Pizza cannot resolve his sidewalk problem which he is being asked to do for the street repaving. Joe Dudash asked about Penndot doing this since they are ripping up the road and John Stratz said that they were told that sewers and grates are not Penndot's problem. Carol showed council pictures of the inlet with loose bricks that should be stacked. Beverly asked Carol, in her report she mentioned the Lincoln Hwy. inlets and was it true that she was advised that it is Penndel's problem and Penndot would not assist. Carol said yes. Mark asked if they passed this tonight, how soon would work start and Carol said as soon as the snow clears.

Denise Weber, 436 Fairview Ave., asked if Penndot gave a schedule of when they were doing the work. Carol said it was supposed to be done last year and with all of the cycles of rain, all of their jobs kept getting pushed back. Rich Flanagan asked if Carol met with anyone else and she said she did not. She has been communicating with others. Rich thought she should get more quotes. Mark Moffa said for clarification, it's not that this work couldn't be done after the paving, it's just that they would be cutting into a new road. Carol said right now they are going to have to take measurements, patch it back up so it's safe, get an inlet box made and figure out how that is going to go in. That cost is only to find out what we're dealing with. Mark Moffa asked who would do the next part and would it be above this cost. Carol said if we did it, it would be above the bid threshold and would have to be bid out and it's probably not going to happen before the resurfacing. She reached out to Penndot to see if they could have their contractor set the inlet under the Master Caster Agreement and she didn't get an answer yet. She is working to find a solution for the borough and it has been a challenge. Mark Moffa asked when this started. Carol replied that it started last year when Paul from Penndel Pizza said he's got some bad inlets and she has been trying to get Penndot to look at it. Initially it seemed like they were going to help us with the repair under the Master Caster Agreement, that their contractor would help us with the repair. They got into late fall, early winter and they back pedaled on that so she asked them to at least have their contractor lift the lid for her so she could see what's going on in there. It was December by the time they got their contractor to lift the inlet grate so they could see what was going on. Ben Hauser asked if it was normally one project or is it part of a separate project. Carol replied that it wasn't even a project, it is an investigation. They can't even open the second inlet because the grate is bent. This gives us the opportunity to look inside, get the dimensions of the boxes, and find out the condition of the pipe that is in there to see if that's salvageable. Best case scenario is we go to Monarch Concrete and talk about precasting something specific to this size. Ben Hauser asked Carol if that was roughly the amount of money in her mind as a professional, that she thought it would come in at for one day's work. She said the initial estimates were for 2 days and she asked them to cram it into one day and it is consistent with the kinds of prices that Penndel has paid in the past with this kind of work. She was impressed they were able to get it under the threshold. Joe Dudash asked what the Master Casting Agreement with Penndot consists of. Carol said we have entered into an agreement with Penndot so that if they have to adjust manholes to match the new pavement elevation, they charge back to the borough, the contractor's time to do it. It gives them some ability to do some of the work that needs to be done and bill it back to the borough. Joe said they changed the game on us. Carol said she had a lot of conversations with the inspector about the problems out there and how we could treat it and use their contractor and resolve it so that their bid numbers were utilized instead of putting it out to bid. They back pedaled on that because they got so far behind on their contracts that they had to clamp down a little on how they were working. Mark Moffa said they knew about this last year so wasn't there a sense of urgency. Carol said it's not that there wasn't a sense of urgency, there were two factors. One was that last year she was under the impression that Penndot would assist us with this resolution even though they weren't going to pay for the resolution and second, she couldn't get a look inside the inlets until December. Mark said that this is March. Carol said she started reaching out to various contractors and looking into masons that would be able to help with this and is reaching out to various precasters. Monarch Concrete was the most cooperative. She got some additional measurements to take back to them so they could sketch up a design and all of that took up to a month and a half with the holidays. She then reached out to K.E. Seifert about three weeks ago. She also called Associated Paving and she thinks Charlestown Paving. Mark said his thinking was it took all winter to get to this point, let's take two more weeks to get another quote. Joe Dudash asked if they could video it like they do the sewer lines but Carol said it wouldn't work. Amanda Mieluch said she thought it was a lot to make a decision tonight. It's something we've known about. It didn't just appear in December.

She thought it was supposed to be part of the deal with Wawa. Carol said she just got the estimate today because she told them she needed something before the meeting. That does not preclude her from asking other contractors. Mark said he is not giving Carol a hard time, it's just that we've known about this for a while and we just got the quote today. Anyone knows when working with contractors, they never get back to you. He knows Carol has had a hard time getting someone to look at it. Carol said she would reach out to the other two contractors to see if she can get the quotes. Beverly Wolfe polled council to see if they wanted extra quotes. Rich Flangan, Joe Dudash, Mark Moffa, Beverly Wolfe said yes. Barbara Heffelfinger and John Stratz said no. John said he did not think they would get any more estimates in time. K. E. Seifert is willing to do it and is below the threshold so he thinks they should let him do it. He thinks it's a liability. Beverly directed Carol to get more estimates and report back at the next council meeting. Carol wanted to thank Seifert's group for hustling to get the quote to her. Mark Moffa thanked Carol for all her work on this and for her thorough report.

Joe Dudash asked Carol to explain what the BMP proposed was. Carol explained that there are a lot of acronyms in the MS4. The inlet which was proposed is a hydrodynamic filter which is a specialized inlet that is built by contact that takes the material in and spins it and drops out the pollutants and sediment before it releases the water. She can get a video of it for the next council meeting. It was what was discussed and proposed back in 2017. It is called a CDC by contact. It's basically a big structure that spins like a centrifuge. One on Park Ave. and one on Walker are proposed. The third watershed is supposed to be addressed by a rain garden at the Memorial Park. Beverly said it is called a Hydrodynamic Separator. Joe asked if there were grants for them. Carol said she would wait until she gets affirmation from the DEP that they are happy with it. There is an ongoing cost with this. The filters need to be maintained and vacuum cleaned. You are going to have to increase the street sweeping over the next few years to meet permit requirements. There's requirements for public participation. Mark Moffa asked what about the removing of the requirements of the 100 trees. Carol said it was them revising the loading calculations. They used a different method and she removed some areas that she knows drains to Penndot storm sewer system and not Penndel's. We can reduce the sediment with the street sweeping and the rain garden. Donna Heron asked what they are calling pollutants. Carol said there are different pollutants they are addressing with this plan. Total suspended solids which is really just sediment. There is also a reduction of phosphorus and nitrogen required. Amanda Mieluch asked where the rain garden would go and Carol replied on the north side. Joe Dudash thanked Carol for all of the information she provided.

Zoning Office

Beverly Wolfe reported for the month of February there were two building permits and one use & occupancy permit.

Committee Reports

Finance and Administration (Barbara Heffelfinger)

With the RDA grants, they have awarded the contract for the roof. They also have two bids on the windows. She is working with Carol on the DCNR grant. They will have to start looking for a CDBG grant. She is in the office every day if anyone has any questions. It's a very busy time trying to get the grants together. Mark Moffa said a couple of people mentioned to him about the previous council looking into PLGIT procurement card. Marie looked into this for previous council and with the fees associated, it didn't look like it would work. He's exploring with PLGIT now to check it out.

Insurance and Pensions (Mark Moffa)

He had a meeting with Paul Pugelli from Brown and Brown. They were in the process of separating the workers' compensation the way it was calculated with the fire department. That has already yielded new numbers. By separating the calculation of the workers comp and a change at the state level, it has resulted in three distinct savings to us. First is a rate reduction due to the state supreme court ruling of \$3,210.00. Next, by splitting the workers comp by not being attached to the fire company, that rate was reduced by \$3,765.00. And it turned out that helped the fire company as well. Their workers comp rate went down \$2,791.00. All total between the borough and the fire department, we are realizing an insurance savings of \$9,766.00. Marie helped with that as well by doing paperwork.

Public Safety (Joe Dudash)

The Mayor already explained about the new car being up and ready to go. We have a new officer that was just sworn in. One is leaving us for a full time job. Crime is still going strong on Rt. 1. He is very proud of Chief Perry.

Barbara Heffelfinger wanted to reiterate that our police force is doing an excellent job. They are very active and out in the community and she is very proud of them.

Community Development/Open Space (Barbara Heffelfinger)

They are having a revitalization meeting this week. She has been working on grants. We'd like to say they have developers coming in, but they have to get the zoning and TOD put in place so they can go out and start marketing.

Beverly Wolfe reported that at the last meeting Donna Heron asked if her part of Washington Ave. was a dedicated or not dedicated street. Carol Schuehler showed her the map and it is not on the Penndot map of Penndel. It is not a Penndel street. Donna asked whose street it is. Beverly said they would have to investigate whose it is.

Ordinances (Mark Moffa)

They have been working on the snow ordinance. Ben Hauser said they have been working on the medical marijuana/sober homes ordinances also. Mark said our planning commission is going to meet and go over the changes again. They hope to pass these ordinances on April 1st. The solicitor's office is going to be revising the Uniform Construction Code and Property Maintenance Code, also slated for April 1st. The council president asked him to look into revisions of section 340 of the ordinances which relates to refuse.

Streets (John Stratz)

At the March 18th meeting Michael Fuller, President of KLS Lighting Solutions, will give a presentation on the upcoming street light changeover. He has been working with the regional street light procurement program which allows municipalities to improve the performance of their street lighting, specifically by changing them over to LEDs. Mr. Fuller has provided a feasibility study. Our total annual operating savings by doing this is \$7,080.00 a year. The projected cost right now is \$56,383. He based that on the idea that we would be financing this project but we are not. That figure actually goes down about \$8,000.00. He will be able to give us a much better figure, around \$46,000.00. Beverly Wolfe interrupted for the record that Mark Moffa stepped out. This is less than half of anticipated costs when they looked at this two or three years ago. If you are interested in what the difference is, come up Route 1 through Bensalem which was changed over to LEDs. You have bright white gleaming lights and then just on the other side of Neshaminy St., are the pink, orange, dingy lights which will all be going away. And we will be saving money.

Refuse (Rich Flanagan)

He did not know how it was going to work out with the new company because he liked Republic Services but Advanced Disposal is pretty good. They come all the time. No complaints yet about cans being stolen.

Beverly said to let the record show that Mark Moffa is back.

Building and Maintenance (Joe Dudash)

He is getting another quote for the windows. There is a sample window here to look at. They are trying to keep the historical look with the windows and roof. There was a small leak in the police station by the ice damn which was fixed. Mr. Diaz cleaned up the basement and threw stuff out. The mayor also helped. John Stratz suggested since they are putting on a new roof, maybe they change the color and they also have different types of shingles. Joe said he would bring in samples. Mark Moffa said there are some more energy efficient colors.

Community Relations (Laura Germain – absent)

Barbara Heffelfinger reported that Laura has been working very hard on the newsletter and plan to have it out by next week. They met last night and went over a lot of things. They have all the committee reports in to let you know everything that is being accomplished. They will be printing it on the new copier. We do have color however it will cost 1 ½ times what black and white pages cost. They will have black and white pictures but they are hoping with this new copier, it will give you greater clarity. They are hoping to have another one at the end of May and one in the fall. Beverly reported that council got a mock up of the welcome page on the proposed website. Please give Laura any feedback you might have. This is the first step so the designers can see where you want to go. Before the next meeting, from 6:00 p.m. – 7:00 p.m., they will be celebrating Women's History Month. They will be having a reading of the Declaration of Sentiments by guest readers, games and food. There will be special guests. Some Hoover fourth graders and their projects and representatives from the Bucks County Womens Advocacy Coalition and the League of Women Voters.

Recreation Board (Rich Flanagan)

March 16th will be the Memorial Park clean up at 9:00 a.m. The bench dedication is March 30th at 11:00 a.m. The Penndel Borough Recreation Board is going to be at Earth Day on April 27th at Core Creek Park. Rich had a question for the solicitor pertaining to the baseball contract with the Wildcats. He wanted to know where they were with that. Ben Hauser said to his recollection, that sometime late last year, the borough entered into an agreement with both the Neshaminy and Penndel Wildcats which was approved in August of 2018. The contract is not up yet and is still valid. Beverly asked if the solicitor's office has been working on amending the agreement and Ben answered they are. Beverly Wolfe said so that everyone is aware, this agreement runs from August 2nd 2018 until July 31st, 2019 and unless terminated, automatically renews for an additional term of one year until the year 2020. Rich asked if the baseball and football would always be joined together and Ben said on this one they are. Going forward there will be 2 separate agreements. Rich said Mrs. Dudash ordered trees that they are hoping to have up in the spring. Rich asked Karen Flowers to explain the fees for the pavilion rental. She said it was Ben's office who made the suggestion. The amount they are charging, to be in line with other boroughs, they wanted to raise the fee. Rich said they wanted to raise the fee to \$50.00 for a resident and \$100.00 for a non-resident. Beverly said she doesn't agree with it. The current fee schedule says \$100.00 security deposit, \$50.00 resident rental fee, \$75.00 non-resident rental fee. What was proposed was a \$100.00 security deposit, \$100.00 resident fee and \$150.00 non-resident fee for use of the pavilion. The request was to also have

us pass a resolution that would allow the rec board to waive the fee with any rec board or council activities that would be taking place down there. That can be done on a case by case basis. Beverly asked council what they would like to do. All they have to do is adjust the fee schedule. There are no ordinances involved.

MOTION BY RICH FLANAGAN TO AMEND THE FEE SCHEDULE WITH THE REQUESTED CHANGES BY THE RECREATION BOARD TO STRIKE THE CURRENT FEE SCHEDULE OF \$100.00 SECURITY DEPOSIT, \$50.00 RESIDENT RENTAL FEE, \$75.00 NON-RESIDENT RENTAL FEE IN LIEU THEREOF INSERT \$100.00 SECURITY DEPOSIT, \$100.00 RESIDENT FEE AND \$150.00 NON-RESIDENT FEE AND OTHER CHANGES THAT MAY BE CONFORMING THEREWITH. SECONDED BY JOE DUDASH. John Stratz said he would like to see what other boroughs and other municipalities are charging for this type of pavilion. Rich said it is for the benefit of the borough and the recreation board. John Stratz said if it is for the benefit of the borough, maybe giving the resident a break or keep the resident fee the same and just charge the outsiders. Karen Flowers said the reason they want to increase the amount charged for the pavilion is to help fix up the park, some kind of income to fix the pavilion and add electric to it. Other places are much higher. The other item is in the email that Laura had sent her, it was mentioned that they needed a resolution in writing from the borough saying that if you have a borough event down there, it had to have a resolution with particulars on who gets charged and who doesn't. Ben said the fees are not meant for the borough to make a profit, it is to cover reasonable costs the borough has in operating and maintenance. The vote was 5 ayes, and 1 abstention (John Stratz). Motion carried.

MOTION BY RICH FLANAGAN TO AUTHORIZE HILL WALLACK TO DRAFT A RESOLUTION TO ALLOW RECREATION BOARD TO WAIVE FEES IN CONNECTION WITH THE PAVILION RENTAL AND TO MAKE ANY COMPOSITE CHANGES. SECONDED BY MARK MOFFA. The vote was 5 ayes, and 1 abstention (John Stratz). Motion carried.

Long Range Finance (Mark Moffa)

They met last month and they have a meeting coming up next week. Last month's meeting consisted of the group looking over the borough budget. He gave the group copies of the budget and walked them through it. They received a preliminary report from Keystone on what an Earned Income Tax could possibly look like in Penndel. This month they are discussing if they want to bring a representative from Keystone into the April meeting. Beverly Wolfe reported for the record that Mr. Flanagan stepped out.

Revitalization Task Force (Mark Moffa)

There is no update because they haven't met but will be meeting this week. The county planning commission needed more time to prepare their documents for us.

New Business

MOTION BY JOE DUDASH TO ACCEPT OFFICER DANIEL DARNLEY'S RESIGNATION EFFECTIVE FEBRUARY 25, 2019. Beverly stated for the record that Mr. Flanagan was back. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY JOHN STRATZ TO AUTHORIZE CREATION OF A RESOLUTION OPPOSING THE CLOSING OF THE WINE AND SPIRITS STORE ON LINCOLN HIGHWAY. SECONDED BY BARBARA HEFFELFINGER. Rich Flanagan said he is all for it staying and wanted to know what the resolution was going to do. Beverly said it was going to be an official declaration from Penndel Borough Council that they don't want them to close the store. They will be sending out

letters to various elected officials with a copy of the resolution saying we are opposing the closing of this store. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO SEND OPPOSITION LETTERS AND/OR EMAILS TO STATE OFFICIALS REGARDING THE CLOSING OF THE WINE AND SPIRITS STORE ON LINCOLN WHY. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO RATIFY THE SITE IMPROVEMENT SECURITY AGREEMENT AND LAND DEVELOPMENT AND FINANCIAL SECURITY AGREEMENT FOR THE MILL CREEK APARTMENT – PARKING ADDITION PROJECT. Ben Hauser explained they are doing some development at the site and they are executing agreements with the borough for financial security. Carol has been working with his office on drafting the agreement. This is to protect the borough. SECONDED BY MARK MOFFA. Joe Dudash asked Carol about the videoing of the sewer laterals there. Carol said they did video and the repairs needed require excavation so they are going to do that when they are excavating for the other work being done and then give us a video of the completed repair. Joe said he recommends holding off until they do the repair. Carol said the same company is doing both so they are committed to doing it. They have to do it as part of this project. What you are signing tonight defines all the terms and conditions. One of the conditions was that they do the inspection and do the repairs. Ben Hauser said they have to deposit money in escrow. This is to cover engineering and other costs. Joe said so if they do not comply, we can shut them down. Ben said they would not get occupancy permits. Donna Heron asked if they are doing a parking lot. Beverly said it is more than that. Donna asked if there was more runoff and Beverly said they would have to mitigate that as part of land development. All ayes, motion carried.

Ben Hauser explained that there is a resolution and amendment to the security agreement. The owner has a temporary highway occupancy permit. They are looking to get some work started. Under that permit, they want permission from the borough to proceed which requires amending certain documents that was agreed to a number of years ago but now, while they are waiting for their highway occupancy permit, that the borough modify a couple of terms. Carol said the developer had an HOP but it expired and is looking for a new one which he is waiting for from PennDOT. This would allow him to proceed with temporary construction access to do a limited number of things such as clearing, initial installation of storm pit towards the rear of the lots. They can't get any building permits or start on any houses until the PennDOT permit is in place. Joe asked Carol about the original plan from February 11, 2014 and asked if he is in Phase 1 or Phase 2. Carol said Phase 2 and two houses were already built from Phase 1. Joe said in Phase 1 they were supposed to have the water collection system done and connect roof drain leaders to the storm water. Carol said that the roof drain leaders get connected in Phase 2. Joe said they should have had it done in Phase 1. He's gotten complaints and he went and checked it out and it is a mess. Carol said this would allow them to excavate for the infiltration basin that the roof drains are supposed to go into. Joe said since he's falling down doing this since 2014, how does he know that he will actually put them in if given the permit. Carol said that's all they are letting him do right now is installing that. He posted escrow to guarantee he goes according to plan. The roof drains from the two houses done in Phase 1 will go into the infiltration bed. Joe said if he approves it tonight, she is assuring him that the infiltration pit will go in and if he doesn't, we can shut him down. Joe asked if Carol thought it would be enough. Carol said ultimately he will connect down to the storm sewer on Hulmeville Ave. and drain that way. It's been delayed because he is waiting to get that PennDOT permit. We can let him get started and alleviate the problem out there. Ben Hauser explained about the two step process for passing the resolution for Schoolhouse Court.

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2019-5 AUTHORIZING AN AMENDMENT OF THE LAND DEVELOPMENT AGREEMENT WITH SCHOOLHOUSE COURT LLC ON BEHALF OF THE BOROUGH OF PENNDEL AND APPROVE AND SIGN THE FIRST AMENDMENT TO LAND DEVELOPMENT AND FINANCIAL SECURITY AGREEMENT AND THAT THE CONDITION OF THE AMMENDMENT BE SIGNED BY THE DEVELOPER PRIOR TO BOROUGH EXECUTION. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY MARK MOFFA TO ADOPT ORDINANCE #2019-3 AMENDING AND REPLACING CHAPTER 350 "STREETS & SIDEWALKS" ARTICLE III – "SNOW AND ICE REMOVAL" AND REVISING OR REPEALING CERTAIN PROVISION OF CHAPTER 390 – "VEHICLES AND TRAFFIC". SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOHN STRATZ TO RATIFY AUTHORIZATION FOR CONTRACTOR TO PATCH MANHOLES WITH LEAKS IDENTIFIED DURING RECENT TESTS IN ASSOCIATION WITH THE PA SMALL WATER & SEWER GRANT INFLOW AND INFILTRATION PROJECT. Beverly explained that as was in Carol's report, the manholes that were found that had leaks, while the contractor was still on-site, they needed to decide whether they were going to make the repair. They went ahead and said yes and that was not to exceed \$1,000.00 per manhole. It was two manholes and it was all taken out of the PA Small Water grant funding, it was not out of the borough treasury. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Keystone Enterprise Zone presentation from Council President Beverly Wolfe

Beverly said they had talked about this before and council had many questions regarding the Keystone Enterprise Zone of which we are a part of. It is actually called the Opportunity Zone for a good reason. She explained the benefits. Information is attached. She said they previously voted to participate in it and it costs nothing. Jeff Darwak from the RDA put us on the application for it. It's another tool in the arsenal for hello Pennel. George Krushauskas asked if it was the same areas as the TOD and Beverly said yes but as the TOD exists now, no. This is much more expanded. That zone coincides with our new TOD that they are hoping to have done with the Revitalization Task Force. Some residents and council people asked what the benefit was. This was just a brief overview and if anyone has any questions she's available anytime to answer them. Barbara Heffelfinger said that she and Bob Winkler have been on their board for a while. It does help and there are some grants that you can't get unless you are in the Enterprise Zone. Steve Lowe asked what the businesses who already exit in that area get. Beverly said the same as those who come in. He asked if they can get the exterior of their buildings fixed up. Barbara said they can also come before the RDA and say this is what I want to do with my business, can I expand it and they can get a loan. Beverly said they have to do a good job and not only let new people know this but that the existing businesses in that zone know it also and to see if they qualify for it.

Persons to be heard

Amanda Mieluch, 16 Oak Ave., at the end of April for Earth Day, they are going to go to Core Creek Park. Great opportunity for anybody who has anything, any committee who has any handouts that they can use for their table. Her whole objective is to promote Pennel. If the committees can't be there, they can give her something to put out on the tables. Beverly said it is April 27th, 11:00 a.m. – 2:00 p.m. at Core Creek Park. We have some storm water management pamphlets that Kory Dudash helped them make. Amanda said she would like something for Taddei Woods. Beverly said she would help her with that.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN. SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer