

## WORK SESSION

April 15, 2019

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

Beverly Wolfe said to let the record show that Mr. Flanagan attempted to call her at 7:29 p.m. and 7:30 p.m. She had no prior notice. Ben Hauser asked Beverly if she was contacted by Mr. Flanagan in advance to participate by telephone and Beverly said at 7:29 p.m. and 7:30 p.m. Mark Moffa said Rich called him during the Pledge of Allegiance. Beverly said they are in session. Ben said he doesn't have a copy of the borough's resolution in front of him about remote participation but the general understanding is there is usually a notice requirement. He can't imagine there is a resolution that does not have any notice provision. Council could potentially waive that particular requirement but they are not obligated to do so. Beverly said she is not doing so.

### Present at the meeting

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

### Also present

Ben Hauser, Hill Wallack, Solicitor

### Announcements

Laura Germain, for the Rec Board, reminded everyone about the Earth Day event at Core Creek Park on April 27<sup>th</sup> from 11:00 a.m. – 2:00 p.m.

Barbara Heffelfinger reminded everyone about the craft show on September 21st. They have until July 31st to reserve a table. The information is on the board and website. If anyone knows of a legitimate crafter, please let them know.

John Stratz said that ELCON was rejected by the Falls Planning Commission to not having this poisonous company in our county. The Falls supervisors announced there will be a special ELCON meeting which will be held on April 30th at the Falls Township building at 7:00 p.m.

Beverly Wolfe said she had two late additions to the agenda. They have to discuss the invitation to bid on Woodland Ave. that needs to go out and a discussion on the permit fees and engineering escrow on Woodland Ave. It's already on the agenda for Bellevue.

Special presentation by Matt Germain. Laura Germain said they have been talking about logos for a long time. When she and Barbara worked with a web designer, they tried to get quotes for a logo as well. The quotes were hundreds of dollars which apply to the initial design, no changes. Since they have to be mindful of budget constrictions, she asked Matt if he would

volunteer to make the logo. Matt is the design manager of Steel City Displays. In that position he does a lot of visual and graphic designing including logos. His work has been displayed in the Philadelphia Museum of Art and his exhibits have been nationwide including in the Franklin Institute. Matt said he put this together with some council members input. He has three different logos. It has a silhouette of buildings in the town that may be somewhat recognizable to make this more Pennel. He showed council the logos. The motto is something Beverly put together. A few aspects of the last design from the original logo is the property line and when established. Borough Hall is in the middle along with Big Marty's, the church, and other buildings. Small town feel was the concept. Laura said he made them reproducible so that they can be put on t-shirts. Ben Hauser said you can pick one as the primary and one as the secondary. Matt said he can provide the town with all versions for t-shirts, business cards and also black and white versions. Barbara Heffelfinger asked Matt what adjustments he needs to do on the logo. He said he might need to square it off to fit in letterhead. If you shrunk it down the way it is to fit on letterhead, it would get so small and you couldn't read it. Ben Hauser asked Matt what the type face was that was used in the logos and what the proprietary rights are for the borough to use them. He said he's not going to pay for set up since one wasn't chosen yet until he confirms which one they go with and how it works. Matt has the rights to all three of the logos. He has the rights to use this logo, commercially or otherwise but he did not file suit for that. Ben asked about the design that he's done, either illustrator or photo shop or both, and for the outline of the building, was that was done by him. Matt said yes. Matt said the only thing that is not his specifically are the words. And he did take our logo from our town which he believes we own the rights to. Ben asked Matt what the options are tonight for council. He said to choose one and eliminate one and then from there we can move forward with that final version. He will finalize it to make sure it works in all formats. Beverly took a poll of council and everyone picked Number 3 and Number 2 as the alternate.

MOTION BY LAURA GERMAIN TO CHOOSE NUMBER 3 AS THE PRIMARY OPTION FOR THE BOROUGH AND NUMBER 2 AS THE SECONDARY OPTION, ELIMINATING NUMBER 1 OF THE CHOICES OF LOGOS AS PRESENTED BY MR. GERMAIN. SECONDED BY MARK MOFFA. All ayes, motion carried. Beverly Wolfe thanked Matt and Laura. Laura said Beverly's motto pulled it together.

MOTION BY BARBARA HEFFELFINGER TO APROVE THE MINUTES OF THE APRIL 1, 2019 COUNCIL MEETING. SECONDED BY JOE DUDASH. All ayes, motion carried. Barbara Heffelfinger said these minutes are pages and pages of everything that goes on and she wanted to say that both of the girls do a tremendous job on these. Beverly said some of these are 20 pages long.

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING INVOICES:

PECO INVOICE DATED 4/1/19 IN THE AMOUNT OF \$263.83 FOR GAS SERVICE AT 300 BELLEVUE AVENUE ELECTRIC AND GAS SERVICES (DUE 4/23/19)

PA HORTICULTURAL SOCIETY INVOICE #40219 IN THE AMOUNT OF \$150.00 FOR THREE BARE ROOT TREES FOR THE RECREATION FIELD

COMCAST BUSINESS INVOICE #79252285 DATED 4/1/19 IN THE AMOUNT OF \$482.84 FOR BUSINESS VOICE EDGE SERVICE (DUE 5/1/19)

COMCAST BUSINESS INVOICE DATED 4/1/19 IN THE AMOUNT OF \$133.90 FOR INTERNET AND VOICE SERVICES AT 37 W. WOODLAND AVE. (DUE 4/24/19)

SECONDED BY JOHN STRATZ. Steve Lowe asked if the PECO invoice should be a combination. Beverly said it does say electric and gas at the end. Barbara asked if there was an objection to amending the motion. There was no objection. BARBARA AMENDED THE MOTION TO READ GAS AND ELECTRIC. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Amanda Mieluch asked how the trees were being paid for, if it was coming out of what the rec board has, donated money or are there other funds or were they all combined. Laura said they discussed it at a rec board meeting. She didn't have her notes but she felt that it was a budgeted item but was not going to guarantee that. She has to look back at her notes. She asked if it matters right now. Beverly said it does because they would have to hold out the invoice if there is a question. Amanda said the trees are coming on the 25th. She was just curious. Beverly said it is coming out of the borough treasury.

#### President's Report

Beverly Wolfe said there was a question the other night about EDU's and whether they are available or not. She asked the borough engineer. Since the folks that asked the question are not here, but so that everybody knows, if we have to go to the DEP before the Act 537 plan is completed, which there is 2-3 years of to catch up on, it is possible if it comes down to it that you can trade them but that is something we would have to see down the road. They would have to be traded with another project in the borough. For example, Schoolhouse Court in 2014 was given 12 EDU's. That project is moving forward because they already had them. Robbins Ave. apartments she believes is not happening. In 2014 they were awarded 12 EDU's for that project. The Wawa site in 2015 was awarded 11 EDU's for that site. That was a concern by one of the planning commission members at that meeting the other night. How can we go looking for business to redevelop if we have no connections to the sewer system? We probably do. The real solution to this is for Carol to proceed as fast as she can, which she has been doing. Amanda Mieluch asked what EDU stood for. Ben said it stands for equivalent dwelling unit which is a sewer hook-up. Joe Dudash said we can take them and move them over to something else if needed. Mark Moffa asked if we knew what the procedure was to roll it over. Beverly said that Carol said in conclusion, you may have to use some to trade if the DEP is agreeable.

#### Mayor's Report

Bob Winkler said the Penndel/Hulmeville Memorial Day Parade Committee is going to have a 5k race on the 28th. It starts about 7:30 a.m. and ends about 10:00 a.m. Beverly asked Bob if he had the map of the streets that will be affected. Bob said it will start at the rec field, go down Rumpf, up Cynthia to Dehaven to Highland Ave. to Crescent to Monroe to Woodland to Fairview to Rumpf, out onto Hulmeville, to Bellevue down to Hulmeville Borough, to Neshaminy, to Walnut and ending at the rec field. Beverly asked if they are going to post the streets that are closed. John Stratz said they didn't close any last year. Bob said it depends how many runners there are. Bob said Hulmeville Borough and Hulmeville Police are handling Bellevue Ave. Bob said the electric line at the sewer plant has been taken care of. Bob reported that the people who are on probation have been at the sewer plant and rec field cleaning up the vines and weeds.

#### Solicitor's Report

Ben Hauser reported that they have been drafting resolutions, getting ordinances finalized and had discussions about future ordinances.

## COMMITTEE REPORTS:

### Streets & Sewer

John Stratz reported that on Tuesday, April 9th, he worked with the engineer with the smoke testing. They had quite a few calls from people thinking there was a fire in the sewer system. They were from firemen. Bob said they were given a memo with the map. John said on Thursday, April 11th, he and the mayor met with Dept. of Transportation Traffic Engineer, Patrick Wright regarding upgrades that would have had to have been done for Wawa at the intersection. PennDOT is taking an interest in helping us. This is for the redesign of the infamous intersection. Bob Winkler said they found two grates that we don't have to buy down at the sewer plant. They run about \$300.00 - \$400.00 apiece.

### Finance

Barbara Heffelfinger reported that they are going to have the final audit with the state for the Park Ave. project. If everything goes as planned, we will get some money back that the state held in escrow. This is a two day affair. The first day it is at the RDA and the second day is a field inspection. It was for storm water management and it has eliminated a lot of the flooding down there.

Barbara said they have been going back and forth on colors for the roof. One color that they thought they liked, she went and looked at a house that had it and it was ugly. They picked a color that is similar to what we have. They will be doing the windows shortly. Beverly asked if they received the documents yet for the multi-modal grant. Barb said not that she's seen. Beverly said they have to talk to Jeff Darwak to find out where it is. They were awarded the \$500,000.00 on the multi-modal grant. They have to go after the rest of the \$2,000,000.00 and see the terms of the grant so they can decide what they are going to do with it. Mark Moffa asked how long they have to spend it. Beverly said they are waiting for the terms and conditions.

### Long Range Finance

Mark Moffa reported that the Long Range Finance Committee did not meet last week. Their next meeting will be next month.

### Ordinances

Mark Moffa said they were thinking of tackling the fence ordinance next and it was suggested we take a vote on whether we want to do that one. Beverly said when our last zoning officer was here, she asked him to give her a list of things he had seen that were contradictory. Do we have a background on fences that he said is conflicting? Mark said when she gave it to him he did some preliminary research. There's two parts of our code that deal with fencing and that's where there is contradictory language.

### Revitalization

Mark Moffa reported that they had a big meeting last week with the planning board, task force and council that went very well. The Bucks County Planning Commission presented our progress to that joint group. Our planning board gave a unanimous vote to move forward. There will be changes to the TOD. The plan significantly changes the definitions of the zone and what's allowed and expands the reach of the zone. Right now it is limited to the downtown core and will expand down Business Rt. 1. They are talking to the solicitor on how to make the TOD changes and whether it constitutes a zoning map change which will affect the process. There will be another presentation at a borough council meeting in the future for those who missed it.

### Recreation Board

Laura Germain said that they haven't met since the last meeting.

### Community Relations

Laura Germain said that the big summer events meeting will be tomorrow night with Beverly, Barb, the mayor, the Rec Board and the Activities Committee to go over events to make sure they don't conflict and to see if we can plan an event together. She hopes to have the draft of the newsletter done next week. She sent everyone the website homepage. She said if anyone has any comments to let her know. Once the homepage is approved, they will put in the information from the current one. After that they will make a presentation to council and the public. Beverly said it loads, it's fast, it's clean and it has great navigation.

### Building & Maintenance

Joe Dudash said they are working on the roof. They need to get one more contractor to look at the windows. They hope to have money left over to work on the lights. Joe asked if they were moving ahead with the survey and Beverly said yes, but because of the weather, they couldn't put the survey stakes down. When they can, they will go back and put the monuments in and give a full report.

### New Business

MOTION BY JOHN STRATZ TO HAVE CAROL PREPARE THE BID DOCUMENTS FOR THE CONCRETE WORK THAT IS PENNDEL BOROUGH'S RESPONSIBILITY, WHICH ARE THE ADA RAMPS ON E. WOODLAND AVE. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO SEND NOTICE TO PROPERTY OWNERS OF CONCRETE REPAIRS NECESSARY FOR BELLEVUE AVE. FOR THE REPAVING PROGRAM WITH PENNDOT, SCHEDULED FOR LATER THIS YEAR. SECONDED BY JOHN STRATZ. Sam Simon said he brought up to the engineer at the last meeting he was at about the ditch that goes under Bellevue Ave. and Spring St. If Penndot just comes along and paves it, you are going to have the same problem every year. The pipe has to be broken because it keeps settling down. The pipe is in there from about 1954. Carol said she was going to look at it. Beverly said that Carol is going to look and see if she can do something in cooperation with Penndot with the repaving project. Joe Dudash said he looked at it and the bricks are breaking down. All ayes, motion carried.

Beverly Wolfe said she went through Carol's list and our fee schedule. Per our fee schedule, the first 20 sq. feet of concrete repair is a \$75.00 permit fee. The fee for over 20 sq. feet is \$1.00 or fraction thereof. She went through all of the properties with concrete work that doesn't come up to our code and she got a total of about \$7,700.00 in permitting fees. That does not include the \$2,000.00 escrow they are supposed to put down to have the engineer inspect it. Beverly talked to Carol and based on her experiences on Lincoln Hwy. and the 67 properties that needed concrete work, it took 130 hours of her time. She had to come down and stand there while the concrete was being poured and argue with the contractors and stop work in some cases. Her projected inspection costs for Bellevue Ave. are about \$13,500.00. That is on top of the permit fee. The escrow fee would cover the fee for the engineer to come out and make sure the concrete was poured properly and is safe. The escrow is \$2,000.00 and you draw against it. If it only took Carol one hour, they get back the rest of that money. That holds the borough harmless if there is a problem with the pour and she has to go back over and over like she had to do with several properties on Lincoln Hwy. Mark asked if it is \$2,000.00 escrow

for each property. John Stratz said he saves money by going out with Carol instead of her bringing down her assistant. Mark asked if the permit fee was for the code enforcement officer and Beverly said yes. Beverly said for example, one property has \$92.00 in permit fees. Eighty-five percent of that fee gets paid to the zoning officer and the borough gets the other fifteen percent. The borough engineer inspecting the pour and job being done is on the resident. Carol compiled a list of contractors who have done concrete work and know our rules. We are not promoting anyone over anybody else. We would like to provide that list of contractors to the residents who have done work to our standards. Beverly said she is bringing this up because in 2016, all fees were waived. We are under a different fee schedule and different zoning and code enforcement. The 2017 road project was waived by council. The 2018 project which was Lincoln Hwy. was waived by council because they were given hardly any notice. Now that the Wawa project is dead, those people are not only going to have to fix Bellevue Ave., but Lincoln Hwy. as well. Sam Simon said he thinks you should waive the fee. There's a lot of low income people and a lot of seniors. Mark asked if the precedent was started in 2016 and Beverly said as far as she knows, yes. Steve Lowe thinks it started when they did Holly, Oak & Manor. Ben Hauser asked if there was a time when fees were not waived. Bob Winkler said when he was building inspector before 2007. Mike Smith asked about Rumpf Ave. Beverly said she had no history on that. Mike said that when they pushed for people to do their curbs and sidewalks, they waived the fees. Laura Germain asked if they were talking about waiving the borough fees, not the engineer fees. Beverly said just the permit fees. The engineer fees would have to come out of the borough treasury and that is why they are discussing it. Laura asked if they could ask the engineer to give us a break if we are giving the residents a break. Beverly said you need the engineer on site to watch the pour and to make sure they are using the right forms and to get a ticket for the concrete and to see what it is made of. Beverly said she thinks she doesn't charge us for everything and Mark Moffa said her hourly rate is lower than others. Mike Smith said maybe you can just charge the people the borough's cost, whatever that percentage may be for Carol. Times are different now than in the past. You may have to go to just our costs so you don't have to put out any money. Mark said it is at cost. The only thing is they could take off 15 percent of the code enforcement fees. Mike said to ask Carol for just this project to lower her fees. Beverly said she could ask but it still goes back to past precedent and it will cost the borough a lot of money. Joe Dudash said he heard that Giuseppe's got all of Bellevue and has been helping the borough. Beverly said she heard he has a good relationship with Carol. He knows our standards and stuck right by them on Route 1. Joe asked if they got rid of the permit cost, what would be coming out of the borough's pocket. Beverly said for Bellevue it would be about \$13,000.00. Laura Germain asked if they could do a need based thing. Beverly said it was a good thought but they tried to do that before with Lincoln Hwy. with low interest loans from the government for the folks who couldn't afford Lincoln Hwy. and they weren't able to do much of anything. Laura said they have a basic idea of people's incomes from tax purposes so they can just sort of draw a line. Barbara said that is a privacy issue. Mark Moffa said the argument that this is the way things have been done is the last argument he ever wants to hear and is the weakest argument ever. If you want to convince him to do something or not do something, the fact that it's been done that way, he doesn't care. He wants to hear an argument for or against something, not what has been done in the past. Beverly agreed but said there's a difference with that's the way we've always done it and setting a precedent. Amanda Mieluch asked, if she was to have her curbs and sidewalks done right now and it had nothing to do with the street project, she would have to pay the zoning person and the engineer to come out and inspect. Beverly said \$75.00 for the permit and if she had a good contractor, it would probably be less than \$200.00. Barbara said also the escrow. Amanda said she was trying to figure out the savings. You would save the homeowner but the borough would have to pay. So there is no savings. It doesn't make any sense to her. It's nice that you want to do something nice for the residents but in the same respect if it's her street

being done, she has to worry about getting her money together. You may not give her the same courtesy so enough is enough now. You have a different zoning set up so that's something else you need to think about. You have to stop giving away the bank. Steve Lowe said back in 2017, he got hit with both Cynthia Ave. and Dehaven Ave. because he is on the corner. They were given notice four years in advance but then it got cancelled. They were given notice again and it got cancelled. When the time came, they had seven months. The good side was that he didn't have to put the \$2,000.00 in escrow or \$4,000.00 for him because of his property with two frontages. He led the Cynthia Ave. contractor parade. Not one contractor was willing to put escrow into this town. The fees being waived was nice. Fast forward to now. He understands it is a burden. Would you consider waiving the escrow money but charge a flat permit fee of \$100.00 or \$75.00. See how many houses need repairs. Something that makes him mad is that we have a code enforcement guy who works for us, and if Carol goes out right now because we have a street that needs to be paved and deems a sidewalk or curb needs to be repaired or replaced, where is our zoning officer or code enforcement officer who should be inspecting these properties? He or she has the authority in PennDel to say this is a safety hazard. He never sees this going on. Amanda Mieluch asked why the engineer is going out. Beverly said the borough engineer did 2016 & 2017, Gilmore & Assoc. Steve said his property was signed off by Frank Orfe so the zoning officer did his inspection. Mark Moffa asked where the \$2,000.00 figure came from and Beverly told him the fee schedule. Mark said, they as a body could, for these projects, decide that a certain fee doesn't apply or is reduced. Ben Hauser said you can but would advise to come up with a standard. Ben asked under what conditions the fees were waived. Mark Moffa suggested charging the residents 85% which is what we are charged by the code enforcement company. Beverly said 85% of \$75.00 is \$64.00. Barbara Heffelfinger said there are some things we have to do and when you come to the end of the year, there won't be any money. Mark Moffa said they only print one page of the newsletter in color. They asked the employees to contribute to their health care for the first time this year. They are trying to scrimp and save around every corner and to say that \$28,000.00, we don't need it is a little alarming. We have the revitalization project that we know we need at least a marketing firm or a manager. Beverly said we can't go back to not doing anything just to save money. There are 22 properties that are at the minimum of \$75.00 and everyone else is over. Steve Lowe asked what the contingency plan is for those who say they aren't doing anything. Ben said the borough would bid it out and when the work is done, do a municipal lien. Steve said the contractor wants to get paid; where is that money coming from? Steve said there were three properties who didn't do the work for the last street project and the borough didn't put a lien on them and they didn't do the work. Beverly said our previous solicitor said our ordinance at the time did not allow them to do that. Ben said if we lien a property and do the work ourselves, you can include attorney's fees in that cost. Barbara said we didn't know they were doing Route 1 and then they were going to, then canceled, were going to do it and then cancelled again. Then when they were ready there was very little time for the property owners. If they weren't done, how would you market the community? Beverly said the engineering fee, if you divide it between all the properties on Bellevue, by the number they were given for the inspections, comes out to \$159.00 a property. There are 85 properties total. Mike Smith said he understands what the escrow is for. If the contractor screws up the road, you need to have that covered because it has to be put back to PennDOT standards. Maybe cutting back on the engineering fees by having the pouring done on a certain day and have Carol come through and digging is done on a certain day. If you recommend the contractor, you are responsible. You can have a list of contractors who have done work in the borough, but we're not telling you to use them. Put a disclaimer on it. Beverly said the fee schedule wasn't put into place until after Route 1. Out of the 85 properties, 72 of them need work, divided out is \$187.50 a property. Laura Germain asked how much time they have to do the work. Beverly said they are seriously running out of time. And for Woodland Ave., Middletown is not waiting for us and they won't

give us an exact date. The concrete work needs to be done now. The borough has sent out letters to the residents, one last year, telling them this is going to happen anytime from March 2019 through the summer. We are at Middletown's mercy. They just put out for bid the ADA ramps. Carol is in constant contact with Pat Duffy. We don't know where our road fits in the paving schedule for the summer. Joe Dudash asked if the zoning officer inspects these properties. Beverly said he does to issue the permit. He isn't going to put his license on the line just blindly issuing permits. He will go out and say, yes your curb looks screwed up to me but Carol is the one who will make sure the right kind of concrete is used, the right type of molds are put in. Joe said he hasn't seen the code guy. He had his basement done and they didn't come out until he came in and told them the project was done. Mark Moffa told Joe he has an issue with our zoning/code enforcement officer and how that whole thing works and that can be discussed when we determine if we are going to hire the same guy, what the procedure will be. We're stuck with him right now, we have a procedure and a fee schedule. We can't change that mid-stream. Beverly said we are not stuck with him but we have a contract with a 60 day notice. You can arrange to sit down with him and discuss your concerns. Mark Moffa said he would like reports. Joe Dudash said he's looking at the bill. If he is going out there, like he sees Carol doing, he's fine with that. But if we're paying someone just to do paperwork, and they are taxing the residents with it, that's not going to fly. Beverly asked Joe if he had ever seen the guy sitting in the hall, typing and sitting at the table. She said that's him. She said their old inspector, they paid an hourly rate for him to sit there and play solitaire on the computer. You were suckered into \$75.00 an hour for that. One who wouldn't go look at a swimming pool without a cop and was afraid of the people. He did that one day when she was in here and that did not go over well at all. You paid this guy out of taxpayer money to do that. Plus the taxpayer had to pay for the permit. Fast forward. The taxpayers don't pay for the new guy. The permit fees do. Mark Moffa said the downside is that you don't have someone on the clock driving around looking for things. Someone has to report a problem. Beverly said we are not paying him to do that. He does report stuff if he drives by. Mark Moffa said if council is not in agreement to waive the fees this time, is there anything they can do to still charge all or part of the fees and try to give a break on the escrow side. Can they set it up that way? Barbara said yes it violates the fee schedule. Ben Hauser said the fee schedule is a resolution. They have some evidence tonight that at some point in the past, the fees were not necessarily being waived. You can amend the fee schedule and explain why you are doing that. Beverly said as Mike Smith mentioned earlier, you don't want to not have the escrow because if there is a bad job done, Carol has to go out there again and again because they haven't fixed it, you have no leverage. Beverly said they have to do something with Woodland Ave. tonight because they are at the 11th hour. Sam Simon asked about Rt. 1. Beverly said when they waived them because of the Wawa project, they knew that chances were that PennDOT was going to come through before they had the chance. The resolution was until April 30th. They have to abide by it. Ben said that is not before council tonight. It will be in the near future and he would advise council not to predispose to a resolution on that issue. Mike Smith asked if anyone has started concrete work on Woodland Ave. yet. Beverly said no because they are putting out the bids for ramps now. Mike said he was talking about individuals. Beverly said no, they sent the residents the notices that they were going to do the work. Now they have to send the ones where it tells them what they need to do. Middletown has not let them know when the trucks will be here to pave. Beverly said they have to decide tonight what they are going to do about the permit fees and they need to decide how much time to give them to put in the letters. Steve Lowe said he was frustrated when they did Cynthia and Dehaven because for four years they were told they are going to do it and then it was cancelled. Then it was on again. Barbara Heffelfinger explained that they had the grant for the reconstruction of Cynthia Ave. The new regime came in and they were told to pave as many streets as you can and everybody will love you. So they went back to the county and told them they wanted to change the parameters of



the grant. So then they decided that all they were going to do was overlay. That's why it took all that time. Beverly said they have to decide about the fee. Mark Moffa said you would have to have guidelines for when they would reduce fees and when they don't reduce fees. And just to take 15% off the top to save someone \$12.00, they will pay a lot more to Ben to try to figure out how to make this work. Mark said his personal opinion is they don't give them a break. Do not waive anything. Beverly took a poll of council. Joe Dudash, waive the permit fees, keep the escrow. Laura Germain, waive the permit fees, keep the escrow. Mark Moffa, no break. Barbara Heffelfinger, no break. They can't afford to do this anymore. John Stratz said he liked Mark's first idea about waving 15%, even if it is \$12.00. They are showing the residents they are doing their best. They can't afford to make the rest of the town cough up \$28,000.00 for two blocks. So permit fees at cost and charge the escrow. Beverly Wolfe, permit fees at cost and have to give the escrow. Barbara Heffelfinger changed her vote to permit fees at cost and charge the escrow. Beverly said they will be very diligent when the reports come in that the checks go out immediately to the residents. Mark Moffa asked Ben Hauser if he saw a problem with giving a 15% discount on these jobs. He said not at present. Laura Germain asked if people came as an individual to ask for a waiver because of hardship, is that something they can do. Ben said they can always ask. He said moving forward, council should come up with an objective set of criteria under the assumption that they could waive fees. Beverly said they are talking about six properties on Woodland.

MOTION BY MARK MOFFA TO CHARGE 85% OF THE PERMIT FEES AND 100% OF THE ENGINEERING FEES WHICH IS \$2,000.00 ESCROW FOR EAST WOODLAND AVENUE. SECONDED BY JOHN STRATZ. 5 ayes, 1 no (Joe Dudash). Motion carried.

MOTION BY JOHN STRATZ FOR THE EAST WOODLAND AVENUE PAVING PROJECT LETTERS TO GO OUT TO THE RESIDENTS TOMORROW AND GIVE THEM 45 DAYS TO COMPLETE CONCRETE WORK AS DESCRIBED BY THE BOROUGH ENGINEER. SECONDED BY MARK MOFFA. Steve Lowe asked 45 days as of what. Beverly said as of the date of the letter which will be dated tomorrow and go out certified. 5 ayes, 1 no (Joe Dudash), motion carried.

MOTION BY MARK MOFFA TO CHARGE 85% OF THE PERMIT FEES AND 100% OF THE ENGINEERING FEES WHICH IS \$2,000.00 ESCROW FOR BELLEVUE AVENUE. SECONDED BY JOHN STRATZ. Laura Germain asked how many properties on Bellevue Ave. are affected. Beverly said there are 85 properties and 72 of them require work. Laura asked if they received letters yet and Beverly said they did not. They have four months to do the work. 5 ayes, 1 no (Joe Dudash), motion carried.

MOTION BY JOHN STRATZ FOR THE BELLEVUE AVENUE PAVING PROJECT, LETTERS TO GO OUT TO THE RESIDENTS FOR 90 DAYS NOTICE TO COMPLETE THE WORK AND HAVE NOTICES OUT NO LATER THAN MAY 1ST. SECONDED BY MARK MOFFA. All ayes, motion carried.

Laura Germain said that going forward, she would like to see some consistent procedure for someone that would like to apply for relief. They have seen in cases like fire as an example. Beverly said they would have to come up with criteria and keep in mind the privacy laws. They can look at that.

MOTION BY MARK MOFFA TO TAKE A FIVE MINUTE RECESS AT 10:10 P.M. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

The meeting reconvened at 10:15 p.m.

MOTION BY BARBARA HEFFELFINGER TO HIRE TERRY FORREST AS A PART-TIME RIGHT TO KNOW CLERK. SECONDED BY JOE DUDASH. John Stratz asked who she was. Barbara said Marie was in charge of this and received about 100 applications and narrowed it down and they interviewed six people and thought she was the best fit. Part time, no benefits and is willing to work to Marie's schedule and do whatever is necessary. Steve Lowe wanted to know about the right-to-know and how many are requested in a month, in a year, what the pay is, is it part-time, what are the hours, how many hours a day, how many a week. Barbara said the hours are four, four & two per week and can be varied according to what is needed, how many right-to-know requests, how long it takes, how extensive the requests are, how much she has to pull. It is \$10.00 an hour, 10 hours a week. Beverly said it is a waste of time having one of your highest paid employees digging through file boxes looking for files for right-to-know requests which we must do. That takes them away from the duties they are supposed to be doing. There are a lot of savvy right-to-know requestors. This clerk is to try to cut down on legal fees and other fees and to see what we can find in paperwork to try to satisfy these requests and cut down a little on some costs. We will have some of the research done before turning it over to the solicitor. Steve Lowe questioned the data showing this clerk is needed. Mark Moffa said they started breaking out the legal fees and they were substantial. There is \$5,000.00 in the budget for the clerk. Steve Lowe said he sees two people who are here full time and he doesn't understand how many right-to-know requests come in. Beverly said they separated it so that the residents could see how much this unfunded mandate costs. They were up to probably near \$20,000.00 in fees. This is something we could possibly do in house and do some of the simple requests from the files that we have. Mike Smith said since the culprit isn't around anymore, if there was still a lot of requests. Barbara said outside entities request marketing information and we are required by law to give it to them. Ben Hauser said there are large entities who like to file right-to-know requests, basically to construct mailing lists. As the law is currently written, we can't stop them. You also find people interested in real estate transactions. You'll find potential buyers wanting to do due diligence on the property. All ayes, motion carried.

Beverly Wolfe asked Joe Dudash to explain the lawn service contract. He said that Burcz Landscaping was the lowest bidder. Back in October they got into a whole discussion whether the maintenance person would be doing the mulching, the trimming of the trees and the flowerbeds. They never made a motion to accept the contract. With just cutting the grass it was \$192.00 for the Memorial, the municipal building, the police station, pump station 1 & 2, the main pump station and Taddei Woods entrances. With Taddei Woods they said it would be bi-weekly and if it got really dry, why cut the grass.

MOTION BY JOE DUDASH TO ACCEPT THE PROPOSAL FROM BURCZ LANDSCAPING FOR THE REC CENTER, MUNICIPAL BUILDING, POLICE STATION, PUMP STATION 1, PUMP STATION 2, THE MAIN STATION AND THE TADDEI WOODS ENTRANCES AT \$192.00 A MONTH. SECONDED BY BARBARA HEFFELFINGER. John Stratz said this is for cutting, trimming and picking up trash. Beverly said it doesn't include landscaping. Mark Moffa asked if it was determined that the borough maintenance man wasn't going to do any of that. Joe Dudash said in October it was determined that he was going to do the planting, mulching and the trimming of the bushes. All ayes, motion carried.

Beverly Wolfe read the information from Carol Schuehler on the Master Casting Agreement. Pennel Borough sewer manholes are located within the street to be repaved (Bellevue Avenue). It is sometimes necessary to adjust or repair the manhole rim when repaving. For

example, the contractor might encounter a broken manhole rim, or a lid set too low. The Borough does not have staff available to fix these issues. This master casting agreement authorizes the PennDOT contractor to perform the necessary adjustments or repairs. The Department will pay the contractor, then bill the Borough. All work is performed at predetermined (bid) prices. This allows paving work to proceed without undue interruption, accomplishes necessary repairs or adjustments, and reduces the chance of a manhole lid being sealed under pavement during resurfacing. Beverly said the last agreement that was signed was in 2017 by the former council president. PennDOT would like one signed by the current administration.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-14 AUTHORIZING COUNCIL PRESIDENT TO SIGN MASTER CASTING AGREEMENT FOR PENNDOT. SECONDED BY MARK MOFFA. Laura Germain asked if there was a time for the agreement. Beverly said it is until 2020. Ben Hauser said from his recollection this is not the first time they had to execute new agreements to acknowledge the transfer of signer. All ayes, motion carried.

MOTION BY MARK MOFFA TO ADOPT ORDINANCE #2019-4, AMENDING CHAPTER 155 – “CONSTRUCTION CODES, UNIFORM,” SECTION 2 – “ADOPTION OF STANDARDS; AMENDMENTS,” AND CHAPTER 209 – “PROPERTY MAINTENANCE” TO ADOPT THE CURRENT EDITIONS OF THE INTERNATIONAL BUILDING CODE, THE ICC ELECTRICAL CODE, THE INTERNATIONAL FUEL GAS CODE, INTERNATIONAL FIRE CODE, THE INTERNATIONAL ENERGY CONSERVATION CODE, THE INTERNATIONAL EXISTING BUILDING CODE, THE INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, AND THE INTERNATIONAL RESIDENTIAL CODE AS INCORPORATED INTO THE PENNSYLVANIA CONSTRUCTION CODE, AS WELL AS THE INTERNATIONAL PROPERTY MAINTENANCE CODE; ENACTING A NEW CHAPTER 202 – “FIRE PREVENTION; FIRESAFETY AND EMERGENCY EQUIPMENT INSPECTIONS” IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODE; REPEALING INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES; CONTAINING A SAVINGS CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE. SECONDED BY BARBARA HEFFELFINGER. Ben Hauser explained that the PA Uniform Construction Code has been updated to adopt the 2015 International Codes. They separated some things out. The fire code, which was requested by the code officer, they are getting rid of the 2009 codes. They will be pulling out the fire code to its own separate chapter. The property maintenance code is its own code to the 2015 levels. All ayes, motion carried.

MOTION BY MARK MOFFA TO ADOPT ORDINANCE #2019-1, ESTABLISHING NEW ZONING USE CLASSIFICATION, PROVIDING FOR THE CREATION OF REGULATIONS RELATING TO SOBER LIVING FACILITIES USES. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Ben Hauser said for the record, both ordinances have been properly advertised in the Courier Times and have a Planning Commission letter recommending all the changes that have been done.

MOTION BY MARK MOFFA TO ADOPT ORDINANCE #2019-2, ESTABLISHING CERTAIN NEW ZONING USE CLASSIFICATIONS, PROVIDING FOR THE CREATION OF REGULATIONS RELATING TO MEDICAL MARIJUANA DISPENSARY USES AND MEDICAL MARIJUANA GROWER/PROCESSOR USES. SECONDED BY JOE DUDASH. Joe asked about the water and Mark explained that since marijuana uses a lot of water, it was more for out in California where they have droughts. He said that Joe might have been thinking about what Kory had said about the water discharge. They would have to do it by a case to case basis to

see where the place was going to go, what the setup is in that area, what they are proposing for discharge and what connections they are using. It's hard to address that without an application and what they are going to do with it. Beverly said that Carol would look at the sewer for the discharge to see what contaminants there are. This is new territory for everyone. All ayes, motion carried.

Beverly Wolfe said they have a letter from Dan Marrasso from Laundry Properties, LLC regarding sewer billing units. The zoning officer went out to verify and she has an email from him stating there is only one visible sewer vent and the other is covered by a parking lot or driveway. Beverly said he would like to reduce his sewer bill by half.

MOTION BY MARK MOFFA TO REDUCE THE SEWER BILL FOR DAN MARRAZZO. SECONDED BY JOE DUDASH. Mike Smith asked if there is another pipe in there for the connection. Beverly said it was cut off years ago. He has been paying two when there is only one. Mike asked if there was a possibility of connecting to that old pipe again. Mike said before you grant him anything you better check because if you grant it he can turn around and hook in later on. Ben Hauser said if they believe he hooked in, it can be reinspected at that time but doesn't see why it would be an issue right now. Mark Moffa asked if they could use that EDU. Steve Lowe asked if it is paved over, was the pipe disconnected from the main lateral. If you video the main lateral and that pipe is still there, is groundwater going into it. Beverly said when they get to that quadrant they will look into it. Steve asked if they should make it a priority to video since we have I & I. Bob Winkler explained that the taxi cab stand was on the corner which was originally 47 Durham Rd. You had a ranch house between that and the old liquor store which was 43 Durham Rd. 43 Durham Rd. was condemned by himself because a tree was growing through the wall and was pushing it in. Beverly asked when he condemned it. Bob said in either 1986 or 1987. They made them rip the building down. The pipe was capped by a plumber and sealed because they were thinking of rebuilding at the time but they never did. All ayes, motion carried.

#### Person to be heard

**Sam Simon, 126 Holly Ave.**, asked if they adopted the logo and whether it was going to be on the police cars. Beverly said it is just a logo for marketing purposes. It will be on our website and probably used for the revitalization.

**Mike Smith, 127 Dehaven Ave.**, said that the old Getty Station on E. Woodland Ave. is full of cars and the overflow sits on the street. He is selling cars out of there. Beverly said she has sent the zoning officer over. Mike wanted to know why it is allowed to go on. Beverly said that Mike Italia said they were within code. Mike said the stop sign on Centre St. & Crescent St. either got hit or kids twisted it and it needs to be fixed. Mike said there are potholes all over Noeland Ave. and Lincoln Ave. They also need to seal the center of Park Ave. Mike said he wanted to talk about the white elephant in the room. He wanted to know what council is going to do to make him step down. This is the third meeting he has missed. Beverly told Mike he knows the borough code. Ben Hauser said that the gentlemen thinks that missing three consecutive meetings is grounds for disqualification. Only the legislature can remove a borough councilor from office. There are other means beside council removing him that may persuade him to do what the public wants. Steve Lowe wanted to know what he needs to do. Steve said write them down, put them on the table and he will pick them up later. The guy doesn't do anything for us. You must be a borough resident. Beverly said isn't it just that you have to be a borough resident at the time of election. Ben said that is to be on the ballot. He will check on that. Mike Smith said he moved out of the borough, he's gone. Beverly said they never received official notice of that. Mike said every time he does show up for a meeting or he's on

the phone, he's asking questions that have been answered over and over for hours. Ben Hauser said the short answer is council cannot remove the gentleman. Mike Smith said there are other things that can be done. Ben said there is something called quo warranto which is an action generally signed by the DA's office. The commonwealth has put it as a form of power given to the DA's office to proceed in that direction. Other than that, the other alternative is the state assembly would literally have to impeach him. Mike Smith said don't we have a friend in Tina Davis or Frank Farry? Ben said the burden of proof works is for the gentleman or person accused in that issue. Beverly said they cannot do it. She said everybody here is very serious about what they do. They spend a lot of time to have to deal with that. Mike Smith said that they, the public, has to listen to the stupidity of what comes out of him. He does not live here anymore. Beverly said they work hard and it's hard when you have a flat tire. Mike said he knows how hard you work and you need that seventh person to do something. He does nothing. Ben said he is sure the council here appreciates his concern however the gentleman is a member of council and unfortunately, other than your insinuations, there has to be some sort of evidence. Mike said he will bring it up when he is here. Mike said Mark doesn't want him to because he is the laughing stock of the town. It's not helping us to have a person not here. He doesn't live here, bye-bye.

MOTION BY JOE DUDASH TO ADJOURN THE MEETING AT 10:55 P.M. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Submitted by:

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Marie Serota, Secretary/Treasurer