

## WORK SESSION

May 20, 2019

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

### Present at the meeting

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

### Also present

Ben Hauser, Hill Wallack, Solicitor  
Carol Schuehler, Value Engineering

### Announcements

Beverly Wolfe said that tomorrow is Election Day and she asked for volunteers to help put the chairs up after the meeting. Polls are open from 7:00 a.m. – 8:00 p.m.

If anyone cannot come up to the podium, they will bring the wireless microphone to you.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE MAY 6, 2019 COUNCIL MEETING. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING INVOICES:

Comcast Business invoice dated 5/1/19 in the amount of \$482.84 for business voice services

Independence Blue Cross Invoice #190508137792 dated 5/8/19 in the amount of \$5,022.82 for medical insurance installment

PECO invoice dated 5/8/19 in the amount of \$1,680.07 for street lighting electric

PECO invoice dated 5/3/19 in the amount of \$117.11 for 300 Bellevue Avenue gas service

PECO invoice dated 5/9/19 in the amount of \$130.09 for 37 W. Woodland Ave. electric and gas service

PECO invoice dated 5/9/19 in the amount of \$26.78 for recreation field electric service

PECO invoice dated 5/13/19 in the amount of \$79.82 for borough hall electric service

PECO invoice dated 5/16/19 in the amount of \$39.62 for traffic lighting electric service

SECONDED BY MARK MOFFA. Amanda Mieluch, 16 Oak Ave., asked if Blue Cross was monthly or quarterly. Beverly said monthly. Amanda asked about the electric bill for the rec field. Barbara Heffelfinger said it was for the whole field. All ayes, motion carried. Barbara said Marie has been working with PECO to try and get all of the bills moved to when they do the monthly billing.

### President's Report

Beverly passed out a map of the borough property which is located in Middletown Township. Mark Moffa asked her at the last meeting for information about the decommissioned sewer plant property. Ben Hauser said it is in the OR district bordering the Neshaminy Creek. Beverly said it is in the Open Recreation District. Beverly said she reached out to Carol Schuehler and Pat Duffy who is the Director of Building and Zoning for Middletown Township. She asked if they could rent out portions of this property. He said the zoning does not allow contractors or landscaping or business uses. It does allow recreation, nature, education and municipal uses. He said they could apply for a use variance but would need very specific details on the exact use and there would be no guarantee the variance would be granted. Any site improvements could trigger a grading or land development permit. She passed around Middletown Township's fee schedule. The property is 6.1 acres and they would have to have it surveyed which would cost about \$20,000.00. Barbara said there was one done by Carol's firm a few years ago. Carol said there was a boundary survey done but if you are going to do land development, you will need to do topography and locations on the entire site. Beverly said we will need blueprints and deal with impervious surface requirements and do storm water management. We would have to contact Penndot for an HOP because it is a change of use. Beverly said in escrow alone it will be close to \$50,000.00. She has no idea of the cost for any of the things they would need to do for storm water management, the blueprints and whatever Carol would have to do for that. Barbara Heffelfinger said when Carol's firm looked into this years ago it was for development and there was only room for 4 homes at the top of the hill. Carol said one of the challenges was the site distance with the driveways. Ben Hauser said if anyone is looking at Middletown Township's zoning codes, that is section 701-704 describing requirements for the OR District under chapter 500. Beverly said she would have to verify Amanda Mieluch's question of whether we receive \$5,000.00 a month or a year from the Shore Club. Beverly said this warrants more investigation to see what they can do or not do there. Maybe they can sit down with Pat Duffy to discuss it. Mark Moffa said if they are looking at selling, they can look into what kind of resistance there would be to a zoning change there and make it residential. Beverly said her biggest concern is Penndot.

John Lo Piccolo, 132 Crescent St., said we receive \$5,000.00 a year. That lease goes back to 1997. You can talk to the Shore Club but he's sure they will bring up the manholes that shoot out debris during storms. His advice would be to sell the property because of the liability. With the power lines, you'll spend thousands of dollars to clear it out. They recommend that biannually. Those buildings are in disrepair. All they are doing is housing a bunch of old rusty tools and whatever junk the mayor has down there and tractors that the borough hasn't used in years. He's sure that you can find a place for the borough to store the trucks. He spent a lot of time cleaning up down there. He would explore Middletown Township purchasing it because it has access to the water which was all we cared about but thanks to Bob White, that property is irrelevant to own now, especially since it is in Middletown.

Beverly had information for Donna Heron, who was not there.

### Mayor's Report

No report.

### Engineer's Report

Carol Schuehler said that most of her issues appear later in the agenda so she will explain them at that time. She would like to advise Council that the corners were set at Taddei Woods today.

### Solicitor's Report

Ben Hauser wished everyone a nice Memorial Day. Someone was inquiring about the status of a business. His office is working on the TOD overlay revision ordinance. They believe that to be a map change. The parcels in the affected area will be getting notices.

### *Committee Reports:*

#### Insurance & Pensions

Mark Moffa said just some routine stuff with insurance and pensions. The TOD update that Ben just mentioned is the biggest thing with the revitalization. On the finance side of administration and finance, they are reviewing the solicitor's version of an employee handbook and it should be done shortly.

#### Taddei Woods

Joe Dudash said Carol helped him with the survey of Taddei Woods. An individual called in from Holly Ave. about some trees that are on an angle. Since all of the rain we've been having, the roots are starting to show. He went out and tagged them and talked to Mr. Young who is going to give him an estimate. There are six trees that need to come down. There is one bad one with roots showing and if it goes, it is going to go onto his property.

#### Refuse

A couple of people called on trash and yard waste. Karen took care of it. There seems to be some confusion on certain streets with the yard waste. That was taken care of. The other thing he came across was people complaining about a yard that had high grass. The zoning officer went over and sent a letter. They were out there yesterday or the day before cutting it. He wasn't happy with the job because it looks like hay laying there.

John Stratz reported, it has been reported to him that the DEP has provisionally denied Elcon's request. Elcon has tried five times to get a permit for this dangerous project. He's sure they will continue to try. He will put the address of the DEP on the website so you can send a letter to them opposing Elcon once and for all

#### Community Relations

Laura Germain said the newsletter went out. She hopes everyone saw the summer events. As for the website, they are waiting for two pieces of information. They will set up a meeting for him to come in to present it to council and public and we will be able to ask questions and suggest changes. It's in the contract that they will make any changes we want until we are satisfied. They will sit down and discuss who will have access.

#### Recreation Board

For the rec board, Laura Germain was not at the meeting but Alison who is the secretary sent her an email recapping about the idea of moving the food truck event to the fall because it is hard to get the food trucks rented now and the pavilion contract which is still in discussion.

### Streets

MOTION BY JOHN STRATZ TO FILL POTHOLES WITHIN OUR COMMUNITY NOT TO EXCEED \$1,800.00 BY POTHOLE KILLERS. SECONDED BY BARBARA HEFFELFINGER. John Lo Piccolo asked for the streets that they are doing. John Stratz said he has a blank map and he goes around with Pothole Killers. They are looking at Noeland Ave., Monroe Ave. and various streets. All ayes, motion carried.

John Stratz said he attended a webinar/conference call the past two Wednesdays regarding street light design using the PECO bill as a guide. Also creating uniformity, visibility and safety. John will be going around with him when he comes in to do the full feasibility study, looking at each street light individually. He would like to bump up the wattage on Neshaminy St. At the major arteries he would like more light. Beverly said there is a lighting engineer that will come out and make recommendations. Last Wednesday's webinar was on lighting controls. His primary concern is efficiency and simplicity. And for that he will be asking for photo cell. There are options. They could put an entire control board in borough hall. When it gets dark, it's bright and when people go to bed, it gets dimmer. He doesn't particularly like that. Someone took out a pole in the middle of the night. He does not want to take away light.

### Long Range Finance

Mark Moffa said Long Range Finance met this month and they entertained a presentation from Keystone Collection on the Earned Income Tax.

### New Business

Joe Dudash said he put out bids for the windows because of the grant received to do the roof, which will be done after Memorial Day according to the weather. We have leftover money so Barbara went before the grant committee and asked if we could use the leftover money for windows and they said yes but we needed to get bids. He had each company give him basic standard windows and then the higher end Perfect Fit windows. Banner came in for the basic at \$13,300.00 and for Perfect Fit, \$14,600.00. The next one was Dennis Roofing who is doing the roof. He was against the foam windows and wouldn't give him a bid for them. The quote for the standard basic window was \$14,296.49. These companies will pop the windows out from the outside and put the replacement in. New coping is included in the price along with taking the trash away. Banner's windows are Ideal. Dennis is using Harvey windows. The other bidder was 215 Build. His basic windows were \$16,500.00. The Perfect Fit windows were \$20,925.00. He just wanted to see high end windows so Pella came in with a bid of \$17,791.65 for basic. Their Perfect Fit window is \$24,275.12. We are still going to have money left over after the roof and windows so Barbara talked to the grant people again. His next step is to bring in PECO to see what kind of lights to put in here to save energy and for brightness. Hopefully we can get all the lights in the interior done with what is left over.

MOTION BY JOE DUDASH TO AWARD BANNER THE CONTRACT FOR THE BOROUGH HALL WINDOWS FOR AN AMOUNT NOT TO EXCEED \$13,300.00. SECONDED BY BARBARA HEFFELFINGER. Mark Moffa said they bought cheap windows before and now they have to be replaced. He asked how confident Joe was going with the cheapest windows in this case. Joe said he got all the specs. on the windows for him to read. They were the same for each one of the contractors. They have references and insurance. Barbara and Mark said Pella is a really good window. Ben Hauser said the general principal is for the lowest responsive and responsible bidder. If council were to go with the higher quality type window and you cross a certain threshold, you will then be required to get formal bids. The threshold is \$20,600.00. Beverly asked Joe about the warranty and he said they are basically the same. The windows are vinyl except for the high end Pella which are wood. John Stratz asked if they

were double pane and Joe said they are. Joe said they should hold off until council and residents take a look at them.

MOTION BY JOE DUDASH TO TABLE THE WINDOWS UNTIL THE RESIDENTS AND COUNCIL TAKE A LOOK AT THEM. SECONDED BY MARK MOFFA. All ayes, motion carried.

Woodland Ave. and Bellevue Ave. concrete work

Beverly said after some discussion with Carol and taking a look at the information they had before and just to clarify, the council previously decided that we would waive 15% of the permit fee and have a \$500.00 escrow for the cost of the inspection. Beverly said, for the record, the reason this was done was so that all of the residents of Pennel didn't have to shoulder the cost for the engineering or any of the inspections for those projects. It was in the interest of fairness to everybody. In thinking about it and after discussion with Carol, they took a look at an example property. Property A had a permit fee of \$140.00. That permit fee covers everything on the front end of the project which includes the initial inspection, the identification of what is needed, the tabulation and then presented to council. The purpose behind the escrow was to cover the cost on the other side of it for the inspections for when the forms go up and the inspection afterwards. After mulling it around, with the amount of properties, it would be an accounting nightmare keeping track of how much time and how much these residents need to be refunded. It started out at \$2,000.00 and they brought it down to \$500.00. Now she proposes to change it to a flat fee for both projects and they came to a number of \$125.00 and that would cover everything on the back end. The permit fee and \$125.00 escrow for engineering and ancillary fees. People were not happy with the \$500.00 escrow but we need to make sure that it is doable, billable and fair. That's the whole idea. It needs to be fair to everybody. It may be a total of one hour between when the forms are up and the inspection. We have to keep track of it and refund the rest of it. She thought you could charge \$125.00 flat fee for all of the engineering and ancillary fees for the entire project. Carol Schuehler said early in the discussion the question was raised what the anticipated cost would be for inspecting the curb and sidewalk replacements on Bellevue Ave. They went back to Lincoln Hwy. and what the numbers added up to. It averaged out to 2 hours per property. They had some challenges and complications there and she is hoping they will not be as prevalent on Bellevue Ave. Applying that to Bellevue Ave., the number she came up with was \$13,500.00. They looked at the permit fees that would be associated with Bellevue Ave. and it looks like it will come to about \$8,000.00. Balancing that out was the remainder of that discussion. That \$500.00 escrow idea sounds very reasonable and fair but the reality is it's a real accounting challenge for the borough secretary to keep each separate and refund by each account. When they go out and look at three properties at once they have to divvy up that time between three properties. That is how they came to the discussion about \$125.00 to balance out the cost. Beverly said administration costs will skyrocket because of having to keep track of more and more. They are hearing a lot of feedback from the residents. \$500.00 is a lot of money considering what they are putting out for the job. We want to make it fair to all Pennel residents, not just to those on these streets who will directly benefit. We will all benefit from them looking better. We don't want to cause any hardships for the residents. Beverly explained to Joe Dudash and Laura Germain about the \$125.00 escrow fee and the permit fee. She said the permit fee pays the engineer to go out and see what work needs to be done, tabulate the fees and then the work is done. On the other side, Carol has to go back out and inspect the work when the forms go up to make sure it's done properly, when the concrete is poured and then goes back for a final inspection. Instead of putting the old amount of \$500.00 into an account and asking Carol how much time on each property, then figure out the amount and refund the resident. She and Carol came to a flat fee that they believe is fair to everybody concerned and will cover the borough's costs. Mark Moffa

said after receiving information from Barry Isett & Associates, they do not get 85% of the permit fee in this case. We are billed by the hours that he works issuing the permits. Since they are not getting 85% on the front side, they can lower the escrow fee on the back side. Barry Isett & Associates is getting a lot less money. Joe Dudash said they set a precedence in the past like on Route 1 and this is a debacle and he believes there should be no fee. The residents are mad and are saying I'm not doing it, take me to court. He thinks they should do like Route 1 and forgive the fee and move on. Beverly said then we would spend \$25,000.00 - \$30,000.00 taxpayer money.

Kathleen McDonnell, 28 W. Lincoln Hwy., said at the last meeting they were told by council that PennDOT was requiring the curbs and sidewalks. Beverly said, no, that is in PennDel Code. She said she would pull the tape.

Mike Smith, 127 Dehaven Ave., said it is in PennDel Borough Code that the borough requires them. It is ridiculous that they have sat here for six hours talking about the same thing and what you are talking about doing is what Joe said the first go round. You're saying Mike Italia maybe can do four to five permits in an hour. He wanted to know what happens to that rest of the money that he's not being paid. He asked if it is going back to the residents. He said most likely not. It stays in the borough. If Carol says its two hours, then you take the two hour fee, period. You still have the right to lien if the people don't do it right. He understands what the \$2,000.00 escrow is for. If someone has to open the road you have to make sure it goes back the right way. People have called him and are mad because they weren't given the proper information from the start. You have to make a decision and stick with it. He doesn't know what Steve Lowe paid for his permit but he didn't get a break. Beverly said just so it's clear, what she said was a proposal on her part so they could talk about it. If they want to stay with what they had before, fine, if they want to look at it differently, fine. It is to make it fair for everybody and they are charting new territory here that they've never done before. We are going to have to look at the fee schedule again because we need a concrete policy that we are going to stick to and is fair for everybody.

Beverly polled council. Mark Moffa agrees with Beverly's arrangement. He understands the frustration of the residents that it's taken three meetings to get it right. They made mistakes with this. They didn't have all the information when they started the discussion. They didn't know how the code enforcement officer operated in these cases. There was assumption on some people's part that we would waive the fee again and this discussion wouldn't happen. Then we said we didn't want the tax payers footing the \$30,000.00 bill for these very specific projects on those two streets. They wanted the permit fees to cover the costs which is the procedure in most cases. Let's have the permit fees cover the cost so they don't have to look for \$30,000.00 in the budget to pay for this. Joe Dudash said he would have to vote no because they residents weren't given enough notice. Laura Germain said for Woodland Ave., she feels they didn't have enough time. She feels they do need consistency from now on. She feels you can do something different for the Woodland Ave. people because they had less time. Going forward she agrees you can't waive fees all of the time and do need to be consistent about it. Barbara Heffelfinger thinks that the way it is measured is wrong, that it should be in linear feet. If they can't do it now, they should for next time. Comparing Route 1 to these projects is not right. They did not know about Route 1. They only had two months and they felt they could not impose that on people because of the time frame. Mike Smith said Barbara's statement was wrong. This council aside from Mark and Joe voted to give another 90 days to Verrichia so you can't say the businesses didn't know. Barbara said the previous council did not give them notification that Route 1 was going to be done.

John Stratz thinks that what Beverly proposed is good. It would be nice to waive the fees for everything but you're penalizing the rest of the town. When he bought his house the seller paid for replacing sidewalks out of his pocket, not the rest of the town. By waiving fees we are asking the rest of the town to put into the pot.

MOTION BY MARK MOFFA TO SUPPORT THE PROPOSAL TO REDUCE THE ESCROW FROM \$500.00 TO A FLAT FEE OF \$125.00 AND KEEP THE PERMIT FEE AT 85% OF THE FEE SCHEDULE. Beverly said this is only for Woodland and Bellevue at this time and then they can look at the fee schedule. SECONDED BY JOHN STRATZ.

Joe Sellecchia, owner of Giuseppe's Restoration, said that last year he did roughly 2,200 linear feet of curb. This year he is doing all of the properties on Woodland and as of right now, he has roughly 35 – 40 properties on Bellevue. As far as the permit fees, this is the only problem he has. Under Pennsylvania law, the contractor is 100% responsible for all permits. He called seven different townships. He has been out here for 20 plus years. The fees right now for Woodland & Bellevue are astronomical. Joe read off permit fees at other municipalities. The cost right now is what he figured at a cost of \$75.00 per property which he pays in almost every township. If he tells the homeowners on Bellevue Ave. what the borough's fees are, 50% of them will tell him where to go. He is trying to do this at a fair rate for everybody. Woodland Ave. is over \$3,000.00 in permit fees. He had four properties on Woodland Ave. prepped so Carol could take a look at them. Since the contractor is responsible for the permits, if the fees stay the way they are, he cannot do Bellevue Ave. If someone else comes in to do it, the fees are going to be astronomical and people won't be able to afford it. He's never heard of concrete permits this high. Two years ago he did a two-story addition in Yardley and the permit fee was less than \$700.00 and that had footers, foundations, block work, framing, and there was 20 inspections. Here you have two before he pours and a final. This is standard concrete work. He cannot afford the fees and he doesn't want to pass it on because the homeowner will tell him to get off their property. Mark Moffa asked about the average cost and Joe said it varies. He has one person who has one block and he's charging him \$250.00. The permit fee is \$80.00. It is going to cost him more for a permit than to do anything. The Our Lady of Grace permit for standard concrete work is \$3,000.00. It is outrageous. He explained that concrete is high right now and how he would have to charge so much more because of the permit fees. That's not fair to the homeowner or the contractor. He has not had to put escrow up anywhere except \$500.00 in Bristol Township last year and that's because they just paved the street and the guy was selling his house and had to get the curb fixed. Joe Dudash asked him what the feel was on the street from the residents. Joe Sellecchia said they are not upset with fixing it, they are upset with the escrow situation. And they are finding out about the permit fees and are now irate and have told him where to go. He is at a standstill with Bellevue. He found out about it two months ago. Nobody even knew if there was going to be a fee so he told the homeowners and average of other townships. He has 40 properties. You don't work for free, and he's not going to work for free. You tell the people and they're not going to do it. He knows of at least 10 that won't do the work.

Ramona Ward, 150 E. Woodland Ave., they received letters about the project around a year ago and nothing was said about anything except they want to beautify Pennedel so go find somebody to do the work. They received another letter saying nobody is doing work so get it done or they can put a lien on your house. They are confused about why that wasn't mentioned. She is also confused about the quality of cement dictated instead of what they want. They were told this is overkill by two of the contractors they talked to.

Chris Rooney, 199 Monroe Ave., wanted to know, for those who already paid the \$500.00 escrow, would they take the permit fee out of that. Beverly said they would refund the rest. Laura Germain wanted clarification on the cement quality. Carol explained that the specifications have been in Penndel's ordinance for decades and parallels what Penndot's is. Ben Hauser said the initial fee schedule that was passed by council last year was brought to the borough modeled after Lower Southampton Township where the prior solicitor was its solicitor. In consultation with the code office, the fee was changed. There are boroughs in this county, Newtown being one where they have a permit fee for road openings and any borough highway for curbs, etc. is \$50.00 for the first 20 square feet, \$1.00 per square foot thereafter. That also includes a \$50.00 issuance fee, perpetual service escrow of \$500.00 and administrative charge of 10%. You have to deal with townships and boroughs and the requirement to fix curbs is variable. Joe Sellecchia said he has used 4,000 psi all his life. 3,000 is weak, 5,000 a little stronger. 4,000 is very efficient. Ben Hauser said looking at the 2015 fee schedule, the street compliance escrow is \$2,000.00. Carol said the \$2,000.00 is applicable to PECO road openings so that if the road were to settle, there would be money and they would come back and repair it. Beverly said the 2015 fee schedule page 14 shows 0 – 1,000 linear feet is \$50.00, 1,001 – 2,700 linear feet is \$100.00 and over 2,700 linear feet is \$100.00 plus 1% per additional foot. Sidewalks, driveways, parking lots and patio were done by square foot and curbs were linear feet, which was not repeated for the new one. This was provided by the prior solicitor's office. The next page goes into road openings and mirrors what we have now. Beverly said she doesn't understand how the other boroughs and townships can absorb the fees. Joe Sellecchia said he deals with code enforcement not the engineer in the other places with concrete. Beverly said what if they were to go back to the fees on the fee schedule she read earlier for these two streets. She doesn't believe a zoning or code officer is qualified to say what is structurally ok with concrete, what it is supposed to be. She was told our current code company will not do this type of inspection because he is a building code officer not a roads or streets officer, he is not an engineer. Beverly said to go back to the old fee schedule for these two streets to move along and then go back and revisit the entire thing. Ben Hauser asked Joe Sellecchia how many curbs he had between 1 – 1,000 linear feet and Joe said all of them. Joe said he heard them mention code officer versus engineer for inspections. He is doing standard concrete work. They can read the specs. that Carol provided. There is nothing elaborate with what he is doing. Beverly asked Joe if there was any place else where the engineer did the inspections for concrete work and he said not that he can recall, it's just code enforcement. Joe said Carol is good. She is by the book and does good work but he doesn't know why she is here. Mark Moffa asked Bob Winkler when he was the code official, did he do the concrete inspections and Bob said yes. Mark said they have multiple issues. Our code enforcement officer does not want to do these inspections and that is an issue they can't resolve tonight. Carol said that would be a change to the code because the borough's code sites the engineer. Beverly called for a vote for the original motion. 0 ayes, 6 no, motion failed.

**MOTION BY MARK MOFFA FOR THE BELLEVUE AVENUE AND WOODLAND AVENUE PROJECTS, THE FEE IS COMPARABLE TO THE 2015 FEE SCHEDULE, PAGE 14, THAT LISTS CURBS, SIDEWALKS, DRIVEWAYS, PARKING LOTS, PATIOS UP TO 1,000 LINEAR FEET A \$50.00 FEE, 1,001 – 2,700 LINEAR FEET, \$100.00 AND OVER 2,700 LINEAR FEET, \$100.00 PLUS 1 % PER ADDITIONAL FOOT. SECONDED BY JOE DUDASH.** Laura Germain asked if there was anybody over the 2,700 linear feet. There is no one over. She asked if this included escrow and Beverly said there is no escrow. Mark Moffa said the borough will be absorbing the engineering fees. Beverly said they will have to revisit the whole thing and tear it apart. Joe Sellecchia said he is doing everything in his power to do everyone together to save money. It will save her time, him time and the borough money. He helps Carol and Carol helps him. Beverly said that Carol has said that he is very cooperative and the work was done very

well. Beverly said anything that was paid that is in excess of what they just discussed will be refunded. All ayes, motion carried.

MOTION BY MARK MOFFA TO SEND CONCRETE REPAIR NOTICES TO PROPERTY OWNERS ON BELLEVUE AVENUE FOR REPAVING BY PENNDOT WITH THE APPROVAL OF THE NEW FEE SCHEDULE AS WAS JUST VOTED TO BE PART OF THE LETTER THAT IS GOING OUT. SECONDED BY LAURA GERMAIN. All ayes, motion carried. Laura Germain asked if the residents that paid would get a refund. Beverly said they would, that it is only the residents on Woodland that are affected.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2019-16 FOR DCED GRANT APPLICATION TO INSTALL CDS INLET IN WALKER AVENUE AS RECOMMENDED BY BOROUGH ENGINEER. Carol Schuehler explained about the inlet in the MS4 program which are very expensive inlets. The inlet alone, delivered is estimated at \$86,000.00. There is a grant opportunity out there and this is a resolution that would be included with the grant application. Carol read the resolution, which is attached. Beverly asked what the match was on the grant and Carol said 15% which would be around \$39,000.00. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AWARD THE CDBG CONTRACT TO T. SCHIEFER CONTRACTORS FOR ACCESSIBLE RAMP INSTALLATION ON EAST WOODLAND AVENUE AS RECOMMENDED BY BOROUGH ENGINEER. Carol Schuehler explained that three bids were received for the accessible ramp installation on E. Woodland Ave. T. Schiefer Contractors, Inc. was the lowest responsible bidder at \$29,585.00. The bids ranged from \$29,585.00 to \$32,481.00. Carol recommended that council award the contract to them. This is paid for by the Community Development Block Grant. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE CHANGE ORDER #2 for I & I CONTRACT WITH SEWER SPECIALTY SERVICES AS RECOMMENDED BY THE BOROUGH ENGINEER. Carol Schuehler explained the I & I investigation with the smoke testing and the video inspection of the sewer mains. We have an \$81,000.00 contract which is 85% grant funded and only \$55,000.00 has been expended to date. While we still have them under contract and some grant money to utilize, she is recommending retaining Sewer Specialty Services at a day rate to grout some of the leaks they found inside laterals but under the street for which the borough would be responsible and also to do some additional video investigation of the sewer laterals that are suspect. The good news is there are not a lot of repairs. The main was in reasonably good shape. This would be an opportunity to resolve more I & I issues. Even with this change order, the final amount would be under \$72,000.00 as opposed to the original contract at \$81,000.00. SECONDED BY LAURA GERMAIN.

For the record, Laura Germain exited.

Mike Smith, 127 Dehaven Ave., asked Carol, once the repairs are made do they have plans to send a video camera back in there a month later because once you repair that section, the next spot down the line starts leaking. Carol said they were talking about the laterals. The mains have all been addressed in that quadrant. There are some areas with suspicious laterals. They are going to do a video inspection of the lateral itself. If the problem is in the street then it's the borough's to solve. If the problem is further back, then we will be sending notices to those property owners. We will not be going back a month later because we don't have a contract to do that. They will be fixing the leaks that have been found to date. Mike said since we will have

money left, why wouldn't you address that now and set up a time two months down the road. Carol said the video inspection and grout repair is the crew and truck at a flat day rate under the Davis Bacon wages for \$4,300.00 a day and additional for traffic control so she is trying to maximize the value for that and go after the leaks that they found. It would be great to go back and revideo again later but the reality is all those laterals get revideoed upon transfer of the property in years to come. Mike said as you are well aware, they spent \$400,000.00 fixing our sewer system and repairs that were made just moved the leak from one spot to the next and that's why he is suggesting to council to have them come back. Carol said when they went through and videoed all of quadrant one, they only found two leaks to fix. What that tells you is the real problem is not in the main, that the real problem is coming in from the laterals. Now we've proven that and can start focusing on the laterals with the funding that's left in this contract. Laura Germain returned. All ayes, motion carried.

Discussion on Lincoln Hwy. waivers for curb and sidewalk installation. Carol said as requested by borough council, they have tabulated the properties that received limited waivers for repair of curb and sidewalk on Lincoln Hwy. Multiple properties received waivers in anticipation of road improvements related to the Wawa land development. The developer has withdrawn the plan. The owner of 15 W. Lincoln Hwy. was also granted a waiver because two inlets along the frontage of his property were in need of repair. These inlets have now been stabilized. An issue at the last meeting by Kathleen McDonnell expressed concern that installation of curb and sidewalk would adversely affect vehicular access to the front of her property. The tabulation calls for depressed curb and driveway apron in front of that property. Repaving of Rt. 1 is already underway. Beverly said they did the waivers by resolution because they thought the Wawa development was going to tear everything up. The resolution originally said that when they were notified of the Wawa project not happening, within so many days of official notification, by letter from the borough to the property owner that they had to do the repairs as noted. There are 10 properties that are part of the original waiver that will now need to do the repairs. Council discussed charging them the \$50.00 fee like on Woodland and Bellevue. John Stratz said it wouldn't be fair to those 10 properties to make them pay when the rest of Rt. 1 was not charged. Mark Moffa said the people on Woodland and Bellevue could say the same thing that Rt. 1 didn't have to pay but they do. They are looking at a flat fee of \$50.00, not hundreds of dollars. Mark Moffa said the chief reason they waived the fees on Rt. 1 was because they didn't have much notice. Council decided to charge the \$50.00 fee and have the letter and resolution ready to go for the next meeting.

#### Persons to be heard

Bob Miller, 209 Neshaminy St., said that there was an issue in town last night with a boy and girl that got into a little argument. Words were said and the police came to the house. He approached the house because he's known the kids for years because they played ball with his grandkids. He gets there and this person Michelle, he doesn't know her last name, who is the cleaning lady here, is posing as a police officer, with a t-shirt on that says Penndel Police. She has her squawk box, communicating with the police. Ben Hauser advised council that since his comments do raise the possibility that this may be a borough employee, it would not be appropriate for council to discuss this matter. They may certainly listen to the gentleman's comments and take them to mind. Bob Miller said she is a borough employee but how does she have the right to come in and tell him or anybody else to leave the street because this is a personal police matter and she's representing herself with a t-shirt on that says Penndel Police on the back of it and holding a microphone or radio to listen to all of the police calls. It is absurd and a disgrace to the police force. This police force, in all the years he's been here, is doing a good job. He doesn't think they need a cleaning lady to come out there and tell them how to do their job. He would really like this addressed and stop this from now on. How can she do this?

You talk to her sometimes and she thinks she's the mayor of this town. She knows everything and everybody. It's horrible. Please do something about it. Joe Dudash said as the chairman of the police committee along with the mayor and the police, is it proper to inform the police chief of the situation? Ben Hauser said that all that needs to be said is that this council and the professionals will look into this matter.

Steve Lowe, 409 Cynthia Ave., asked about the 10 property owners on Rt. 1 if it was passed for them to pay the \$50.00 fee. Beverly Wolfe said they will draft a letter for the next meeting. Steve said one of his questions is, now that Lincoln Hwy. is three quarters of the way paved and in anticipation of the rest being done in the next few nights, do those property owners now have to apply to the state for a Highway Occupancy permit. Carol said as long as they are repairing or replacing what was previously there then they would not have to apply for one. They would have to talk to the department about the restoration standards for bituminous that is disturbed at the property. She will talk to them.

Steve Lowe said he remembers a few months ago there was talk of a grant. Beverly asked if he meant the Multi-Modal grant for \$500,000.00 and he said yes. He asked if that was for the intersections. Beverly said it is to be used in that general quadrant. They are reviewing all of the possible ways they can use this money along with the RDA and they are going to apply for even more. Steve said about two weeks ago they had the revitalization presentation and the TOD was expanded. He would think that would be the first area you would want to see revitalized. He wanted to know if it would hurt to wait a little bit longer before doing the curbs and sidewalks. Beverly said that was a good question but they aren't sure where they are in the process in figuring out what they are going to do with part one. Steve said he's sure the property owners would not want to pay money and then in a year or two, in the revitalization plan, it needs to be done again. You don't know if a developer wants to come in and make changes. Beverly said they haven't sat down yet with Jeff Darwak to figure out what the plan is going to be. That's coming maybe in the next 60 days with what's going to happen with the Multi-Modal.

Leo Spaddacino, 14 W. Lincoln Hwy., said he agrees with Steve Lowe.

Kathleen McDonnell, 28 W. Lincoln Hwy., she agrees also and respectfully asks the council if they could extend the waiver because she spoke to Sandra Farry today and she has the Levine property on the market and she is working hard to get a buyer for the property which would hopefully include their properties too. They've had a lot of expenses with the Verricchia deal. She has kept her property vacant for almost five years. Now she is trying to fix it up and rent it short term. She asked if this is where they were looking at putting apartments. Beverly said it was their target zone because it is right near the train station. Kathleen said she doesn't think 90 days is enough and would like them to extend it. Beverly said it would be from the date of the letter and they have not gone out yet.

Frank McDonnell, 28 W. Lincoln Hwy., said you talked about the people on Woodland Ave. and the other street, they didn't put out anything. He knows you have to deal with their problem, but they put out a lot of money in this. They weren't really dealt with very well from Verricchia. At the end of it they felt the township should have notified them of the negotiations. They didn't have any contact from anybody in the township about what was going on. The sales agreements had expired. They thought it was being negotiated with the township and they were holding on for that reason. Nobody spoke to them except Verricchia and that didn't do them any good. They took a shafting in this thing. Some of them even went to court over it. There were

some hardships built into this. So if you could consider the waiver because he doesn't think 90 days is enough. It's not going to help them at all.

Betsy Allegar, 22-24 W. Lincoln Hwy., said they are not only property owners, they live there. This is a very difficult time being in limbo. Now you're talking about large scale, grandiose ideas about some big developer coming in buying up everything. That would be wonderful but in the meantime, for council's information, the front of their property, if nothing happened for five years, they would all want to rent it out and there has always been parking there. Now you're telling us we need to put in curbs and an apron. Carol said it is depressed curbs. Betsy asked why they needed an apron and Carol said it's because you are pulling cars in. Betsy said they have been doing that for 50 years. Carol said you need to replace depressed curb with depressed curb and replace the damaged sidewalk or apron, whatever is there today with apron. It's nothing that would restrict your access. Betsy said this town has lost a lot of businesses and if you don't get somebody in here soon with developers, they are going to have to do something to survive. They've put surgeries and dental work that they both need on hold. They don't have the money. They may have to try to rent out their store. If you make it so they can't pull cars in there, any of them, how do they have a business that would even want to be there? Right now they are struggling with a closed business as well as Kathleen. Sunday Breakfast and Burger King are gone. Are you going to do something or are you just going to sit here and talk and talk or are you going to get out there and see who is interested? Who can you talk to? She asked if they are moving on that and Beverly said they are. Betsy asked them not to make it harder on them if they are stuck there for the rest for the very last years of their lives. She thinks if something isn't done soon they are going to carry them out in a box. Then you're going to have to deal with their kids and you don't want to do that.

Lou Vasger, 450 Washington Ave., never got notification of what was going on in Taddei Woods and now he has survey markers right in the middle of his driveway. He asked someone to explain. Joe Dudash said they are having so many problems over there with the water. He had the forestry service come out because trees are dying because of the water. Barb and Carol are trying to get grant money so they had to have it surveyed because we didn't know where the boundary lines were. Carol said they put the monuments in today and the surveyors are done and all the corners are set. Lou Vasger said he has a stake in his driveway and Carol said that means his driveway is over the property line. She said there are a number of encroachments out there as she reported to council like fences and sheds. Whether the borough wants to address that is up to council. The purpose of this was to delineate and define the boundaries of Taddei Woods so that when a complaint comes about trees falling over, the borough will know if it's theirs. If the borough wants to obtain grant funding or wants to transfer the land, a survey was necessary. Joe Dudash said when they get grant money they need to do a buffer line around the property. The aim is to take care of the trees. They are working to make it into a park.

John Lo Piccolo, 132 Crescent St., said since he was called out publicly, minutes from a budget work session from November 1, 2017 which he sent to council members while he was sitting here at the October 25, 2017 meeting said things to consider for 2018 in part of our budget discussion was sending out notices to the property owners along Route 1. In attendance that night was Barbara Heffelfinger so if you want you can ask Marie for a copy of the November 1, 2017 minutes and the October 25, 2017 minutes. He was not re-elected in 2018 so this was all theirs. It was a lot more than 90 days as the newsletter pointed him out. He let that one slide but when you point him out publicly like that, that's not right. You're wrong. He has the facts in the minutes and he is stating it publicly again. So next time watch what you say and don't point people out publicly like that.

Frank McDonnell, 28 W. Lincoln Hwy., just wanted to say thank you for the consideration given to them. Beverly said they all have a lot of sympathy for what happened to them over the last years with that developer. It's terrible that it didn't turn out the way that everybody thought it would. He was not a good person and was less than forthcoming.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN. SECONDED BY JOE DUDASH. All ayes, motion carried.

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