

COUNCIL MEETING

June 3, 2019

Council Vice President Barbara Heffelfinger called the meeting of the Penndel Borough Council to order at 7:30 p.m. with the Pledge of Allegiance. There was a moment of silence in memory of 16 year old borough resident Phil Oseredzuk.

Present at the meeting

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

Also present

Dave Truelove, Solicitor, Hill Wallack  
Carol Schuehler, Engineer, Value Engineering  
Marie Serota, Borough Secretary/Treasurer  
Sean Perry, Police Chief – absent

Presentation of a Proclamation of Appreciation by the Mayor and Public Safety Chairman Joe Dudash to Nancy Angel, Intern from Bucks County Community College.

Presentation of new borough website by Adam Kovich and Chris Owens of K.E. Social.

MOTION BY LAURA GERMAIN TO APPROVE THE WEBSITE AND MAKE A FINAL PAYMENT TO K.E. SOCIAL CONTINGENT ON THE FEW MINOR ISSUES DISCUSSED TONIGHT. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPROVE THE MAY 20, 2019 WORK SESSION MINUTES. SECONDED BY LAURA GERMAIN. All ayes, motion carried. Barbara said the minutes are very long and very time consuming. Once these are placed on the website, please take the time to look at them.

MOTION BY MARK MOFFA TO APPROVE BILLS FOR THE MONTH OF MAY 2019

<b>General Fund</b>	<b>\$27,126.62</b>
<b>Fire Tax Fund</b>	<b>\$36,532.33</b>
<b>Refuse Fund</b>	<b>\$16,041.33</b>
<b>Sewer Fund</b>	<b>\$52,709.62</b>
<b>Capital Reserve Fund</b>	<b>\$10,806.00</b>
<b>Sewer Capital Fund</b>	<b>\$ 3,706.75</b>
<b>Liquid Fuel Fund</b>	<b>\$ 1,287.35</b>
<b>Escrow Fund</b>	<b>\$21,469.90</b>
<b>Payroll Fund</b>	<b>\$ 705.18</b>

**Payroll**

General Fund	\$36,437.14
Sewer Fund	\$ 4,229.67
Refuse Fund	<u>\$ 704.94</u>

**Total**                    **\$41,371.75**

**Escrow Bills:**

Auto Zone:	
Hill Wallack	\$1,780.40
Value Engineering	\$ 299.25
Mill Creek 2:	
Hill Wallack	\$1,140.00
Value Engineering	\$ 234.75
Adams SD:	
Hill Wallack	\$1,742.60
Schoolhouse Court:	
Hill Wallack LLP	\$1,559.90
Value Engineering	\$2,505.75
Robbins Avenue:	
Hill Wallack LLP	\$ 360.00
Phantom Fireworks ZH:	
Hill Wallack LLP	\$ 168.00
PECO:	
Street Opening Escrow Release (5)	\$ 9,879.25

Pre-paid Checks

Check #12609 dated 5/15/19 made out to Langhorne Postmaster in the amount of \$211.85 for newsletter postage

SECONDED BY JOHN STRATZ. All ayes, motion carried.

President's Report – None

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

Fire Marshal/Emergency Management Report – None

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

Solicitor's Report – None

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

Carol Schuehler said she was talking with the chair of the Streets Committee regarding setting up an afternoon where they can meet with property owners on Bellevue Ave. They will set up a block of time where they can meet to minimize the cost and have all the information in one place. She will give the date to the borough secretary so when people call in, they can set times for the property owners who have questions about the curbs and sidewalks on Bellevue Ave.

## Committee Reports

### ***Finance and Administration (Mark Moffa)***

Nothing on the finance side. They are still working on the employee handbook.

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

No change in insurance and pensions.

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

There was a resident who called in and gave a recognition letter for Chief Perry and Karen Kondrk for their fast response. The resident called in about used needles found in the street. Karen quickly called Chief Perry and he went out and cleaned the mess up. He would like the letter put in their personnel jackets.

He would like to thank the Mayor and borough employee, Mr. Diaz. They had a safety issue as far as debris at the old Sunday Breakfast Thrift Shop. People are still dumping stuff down there. The Mayor and Mr. Diaz went down there and moved a sofa that was wet and a Christmas tree.

### ***Community Development/Open Space (Barbara Heffelfinger)***

Carol and she met with the county and hopefully they will have something to show shortly.

### ***Ordinance (Mark Moffa)***

The main thing right now is the TOD. Hill Wallack has prepared a draft for their review but it is not ready for council's consideration yet. It is going through a review process that includes our zoning and code enforcement officer, our engineer, himself and the council president and probably will get back to the revitalization task force as well before it comes back to council.

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

For the Street Light Procurement Program, he will be attending a conference call held by Liz Compitello from the Delaware Valley Regional Planning Commission for its seven member municipal steering committee which he is a member of. The purpose of the call will be to check in on the three RFP's we have right now. They are looking for a distributor, an installer and manufacturer. The steering committee gets all the information for these people and they vote for the best ones. They can get an update on where they are on financing for the program. It was scheduled for May but was put off twice. They are finally getting the financial part done with PNC, not that we need it because we don't intend to use financing. The process is slow but we are getting a substantial savings.

Last Thursday he attended the Pennsylvania Flood Proofing Workshop at the Bucks County Public Training Center. They were introduced to flood proofing training and community assistance programs. You may wonder why a Penndel boy was there. If our neighbor Hulmeville needs any help, he will be right there for them. A few of the things in the program pertain to him with his own flooded backyard. With the three days of rain last week, other people had the same problem. He brought back some brochures.

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

He apologized to everyone for the parking situation and thanked the Diabelkos for letting them park in their parking lot. They are working on the roof. It was kind of sudden. He called and said he has good weather, he's starting.

He's been getting complaints about the Taddei Woods with all the rain. He got a complaint from a Middletown Township resident whose house backs up to Taddei Woods. It's the same as on Oak Ave. The water is starting to encroach in the backyards. He's working with Carol on it. They are hitting all of the government agencies to come back there to see what they can do about it. The survey was done and they are finishing up on that. There are a couple of trees on Holly Ave. where the roots are showing because of the rain. We have invasive plants where the vines are growing up on the tree. The forestry lady told him it's putting more weight on the trees and said they can come down. They are taking one area at a time. Now that they have the survey they know what property is ours and what isn't. Carol said there are some encroachments that we have to resolve. The next issue is Holly Ave.

MOTION BY JOE DUDASH FOR YOUNG'S TREE SERVICE TO REMOVE FIVE TREES AT A COST NOT TO EXCEED \$3,500.00, TO REMOVE DEBRIS ON HOLLY AVENUE.

SECONDED BY LAURA GERMAIN. Mark Moffa asked if he got any more quotes. Joe Dudash said they don't have to because it is an emergency and he has to get it done. The trees are ready to fall on the guy's roof. As the solicitor said, the borough knows of the situation. We can't continue to drag it out. Dave Truelove asked if they have used Young's before and they have. Barbara Heffelfinger said he's been very good to the borough and has done numerous jobs for us. She's glad he is available to take them down. She did go over and look at the one tree and it is really drooping so it is an emergency. Laura Germain asked when he would be available to do it. Joe said as soon as it is approved he could do it. They are our trees. They found the monuments. His house bumps up against the woods and the trees are hanging over his house. All ayes, motion carried.

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

At the next meeting, Community Relations will start talking about the website process, who should have access, what the access would be and we'll set up a training date with K.E. Social before it goes live.

The Heritage Society has the Ice Cream Social on June 15th from 2:00 – 4:00 at Redeemer Lutheran Church.

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

They are having the first of three summer fundraisers at Rita's from 6:00 – 8:00. When you buy something from Rita's, the Rec Board gets a portion of it. They will be on the first Wednesday of June, July and August.

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

They have not met since the last meeting and neither has the Revitalization Task Force.

#### **New Business**

Joe Dudash said he was informed by the Mayor and the Chief that Officer Dallas Krum was resigning. He handed in his resignation on May 22, 2019 and that was his last shift. He was a productive officer and Joe said he was sorry to see him go.

MOTION BY JOE DUDASH TO ACCEPT THE RESIGNATION OF OFFICER DALLAS KRUM. SECONDED BY MARK MOFFA. All ayes, motion carried. Barbara Heffelfinger said they would be interviewing to replace him.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE BOROUGH ENGINEER TO ATTEND PENNDOT'S PRE-CONSTRUCTION MEETING ON JUNE 5, 2019 FOR SURFACE

TREATMENT WORK IN BUCKS COUNTY. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Mayor Bob Winkler read Resolution 2019-17 which is attached.

MOTION BY JOE DUDASH TO ENACT RESOLUTION 2019-17 HONORING LEROY E. "LEE" DELANO. SECONDED BY JOHN STRATZ. Barbara Heffelfinger said a tree was planted in the oval with a plaque. Mayor Bob Winkler said the plaque was donated by the Diabelko family in honor of him and we will dedicate it along with the tree on Saturday at 10:00 a.m. All ayes, motion carried.

#### Persons to be heard

Kathleen McDonnell, 28 W. Lincoln Hwy., wanted to know when council found out that Levine's property was under an agreement of sale and in the process of being settled which she found out they settled on Friday. Mark Moffa said he found out about it from her. Barbara Heffelfinger said she found out about it Friday afternoon. Kathleen said she understands they were in contact with some people before settlement. She asked if they talked to the zoning officer and if they applied for a U&O. Dave Truelove said he was unaware and found out the same time as Barbara did. Kathleen asked if they knew they were using it to park tractor trailers which are parked there already. Dave said one thing they haven't determined on the information they have is whether that is a permitted use. If they bought it and they are not permitted to use it for that, it will be a hindrance to them. Barbara Heffelfinger said if she has any questions she should contact Roberta Levine since it was a private sale between the property owners. Kathleen said Roberta Levine has no reason to answer their questions. With her experience with them, they are very private people and will not discuss it with them. That's why they came to the council meeting to find out what you know and what you plan to do because with the revitalization plans, you were going to make this into something beautiful and now it's going to be tractor trailers. Dave Truelove said it does affect the TOD options. They have to determine whether it is a permitted use. Mike Smith asked how they are permitted to use it. He said the borough should give them a cease & desist. Dave Truelove said that he and the rest of council just heard about it. Barbara said they need more information before they go off half-cocked. Dave said the zoning and code officer should be directed to go out there to find out what the operation is and proceed from there.

Betsey Allegar, 22 W. Lincoln Hwy., said her husband said about 11:30 on Saturday the tractor trailers were pulling in from Bellevue Ave. over the sidewalks and blocked the entrance from Bellevue Ave. and the far end near Phil's Place. They counted 15 tractor trailers. She understands this company has 60 tractor trailers. She wanted to know if this is what you wanted for our town. Barbara Heffelfinger said absolutely not. Betsey Allegar said another thing she is not thrilled about is the fireworks place. Dave Truelove said they did go through zoning and the special exception process. Someone may be filing objections but we haven't heard anything yet.

Tom Sodano, 126 W. Woodland Ave., wanted to reiterate on something he brought up some time ago. He said we're going to have a problem with this truck situation because for a number of years we have turned out heads on the McHugh property with all of the unpermitted, not allowed uses that have gone on there for seven years. In the TOD, we put ourselves in a position, ignoring what should have been dealt with a long time ago. These people will use it against us and they'll win.

Donna Heron, 475 Washington Ave., a while ago we were told that Penndel was going to fix Washington Ave. The potholes are getting bigger and deeper. She found someone that would fix it for \$250.00 and gave the information to Betty and she said that the borough was fixing it. She has to ride through it several times a day so she would like to know when the borough is going to fix it. John Stratz said he never told Betty he was fixing it. He told her he was looking into it. The four foot wide holes are beyond what Patch Management can do for it. He's had them out there for those holes twice and the process doesn't work on something that large. Donna said Betty flushes water into the woods. She fills the woods up from her sump pump and she refuses to fix the holes. And she's really upset about the fireworks.

Frank McDonnell, 28 W. Lincoln Hwy., is surprised at the program here. Isn't there a protocol? There's a number of things he's surprised with like most of the board did not know about this. Dave Truelove said council would not be aware of a private sale of a property. Frank said he understands but there are a number of things involved here like if you are going to open a truck depot here, you're going to have running engines, all day and night. You're going to have an environmental issue. Dave said based on the info from Mrs. Allegar, the code enforcement officer will be following up on it. Frank said he understands what he's saying but they're already there and doing it. Isn't there a protocol they have to follow? Dave said there is but people don't always follow it. That's why we have to get involved after the fact. There should have been some type of permit or use and occupancy. If they did, not everyone up here knows. Frank said it looks like it's a done deal. Dave said the sale is a done deal but it doesn't mean the use is a done deal. If the buyer didn't make it contingent on zoning or any other type of approval, then they are in violation. Then they may find themselves on the wrong end of a regulatory effort by the borough that could perhaps curtail their activity. That's a whole other issue than a private sale. Frank said when he talked to Mark he was stunned.

Donna Heron, 475 Washington Ave., can Betty be made to fix the road? Barbara Heffelfinger said no, that it is not a dedicated road. Donna said Betty calls her and tells her to apply pressure to the borough to have it fixed when she's responsible to have it fixed. Donna said so she can't force her to get it fixed while she's flushing water into the woods. Dave Truelove said if there is indeed water discharge that is causing problems to the street and it is a private road not owned by the borough then it would be a private right of action by anybody along Washington Ave. that is affected by it.

Joe Dudash asked Betsey Allegar if she knew the trucking company's name. She said it has three letters. Sam Simon said it says Hatboro on them.

Kathleen O'Donnell, 28 W. Lincoln Hwy., where do we go from here? She understands they filed for a Use and Occupancy today. When they file, is the decision made by the council or the zoning officer. Dave Truelove said the zoning officer will initially make the decision and if he denies it and they don't stop, then we have to take some legal action, a cease and desist as referenced earlier. They have a right to appeal it and it goes to court. The council itself would not be making the decision. They would authorize borough officials to take appropriate action. Just as you and your husband were stunned, so was everyone up here.

MOTION BY MARK MOFFA TO ADJOURN THE MEETING AT 8:49 P.M. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

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