

COUNCIL MEETING

July 1, 2019

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

Present at the meeting

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

Also present

Dave Truelove, Solicitor, Hill Wallack
Chief Sean Perry
Carol Schuehler, Value Engineering
Mike Italia, Zoning Officer, Barry Isett & Assoc.
Marie Serota, Borough Secretary/Treasurer

Announcements

Laura Germain announced that the new borough website is up and running, however, it will take 24 hours to propagate. She would like to encourage everyone to register for our site. That means two things. One, you will get the newsletter electronically as well as every house in the borough will get one mailed to them and you will also get any up to the minute, weather alerts, anything like that. You should be able to decide what you get. That part isn't all the way up yet. Take a look and let her know what you think.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-20 HONORING MAYOR ROBERT WINKLER FOR WINNING THE ASSOCIATION OF MAYORS OF THE BOROUGHS OF PA'S 2019 MAYOR OF THE YEAR AWARD. Beverly Wolfe read that resolution which is attached. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE MINUTES OF THE JUNE 17, 2019 WORK SESSION AND PAY THE FOLLOWING BILLS FOR THE MONTH OF JUNE 2019.

General Fund	\$39,132.76
Refuse Fund	\$16,064.92
Sewer Fund	\$56,991.81
Capital Reserve Fund	\$17,724.06
Sewer Capital Fund	\$ 1,511.97
Liquid Fuel Fund	\$ 1,145.69
Escrow Fund	\$ 6,061.70
Payroll Fund	\$ 558.72
Police Pension Fund	\$ 4,650.00
Non-Uniform Pension Fund	\$ 4,650.00

Payroll

General Fund	\$20,213.73
Sewer Fund	\$ 3,359.61
Refuse Fund	<u>\$ 559.97</u>

Total **\$24,133.31**

Escrow Bills:

Mill Creek 2:

Hill Wallack	\$390.20
Value Engineering	\$467.25

Phantom Fireworks ZH

Hill Wallack LLP	\$60.00
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Schoolhouse Court:

Value Engineering:	\$4,237.50
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Street Opening Escrow:

PECO:

Value Engineering	\$906.75
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Invoice to be paid online

DCED 2nd Quarter UCC payment of \$81.00 (18 permits at \$4.50 each)

Pre-paid Checks

Check #12680 made out to Comcast in the amount of \$370.07 for internet and voice service for the police department

Check #12685 made out to Comcast Business in the amount of \$482.84 for Business VoiceEdge Service

SECONDED BY JOHN STRATZ. All ayes, motion carried.

President's Report

Beverly Wolfe reported that they are still working on the problem on Washington Ave. with the pothole. They hope to have a resolution to present by the next work session.

Mayor's Report – Mayor Winkler read his report which is on file in the secretary's office. Mayor Winkler read a thank you note from Mary Ellen Delano for the tree and monument dedication and reception for Pennel Constable Lee Delano. Mayor Winkler also reported he received paperwork from Bucks County Tour of Honor in which they are looking for a donation towards a trip for veterans. The trip is Monday, October 7th.

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

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

Zoning Officer Report – Mike Italia read his report which is attached.

Dave Truelove asked Mike to clarify how U&O permits work, specifically for 40 Bellevue Ave. Dave said the U&O granted is not permanent. Mike said that was correct, it is a temporary access permit. It allows them access to the parcel and to the building. Dave asked if the property had water and electric and Mike said not to his knowledge. Dave said so there is no ongoing activity in terms of functions that would cause the property to be considered occupied?

Mike said no. Dave said the residents have seen vehicles parked there. Dave asked what the purpose of vehicles being parked there was. Mike said it is for storage use only. Dave said so they are not being maintained or repaired? Mike said not to his knowledge. Dave asked if when it was owned by Verizon, if they stored vehicles there. Mike said it was before his time. Dave said, if a person bought a house and the house itself did not have water or electricity, would the person who bought the place be allowed to park a vehicle in the driveway? Mike said by state law they have to allow them access to the parcel. Dave asked if it was the same thing with this situation. Mike said yes. He said they would be allowed to access the house to make repairs and clean it out, whatever they needed to do. They are not allowed to sleep in it. Dave asked for any purposes of drainage or expansion of the opening of the driveway onto Bellevue Ave., was that beyond Mike's authority. Mike said it would be PennDOT's since it's a state highway and they would have to go through them and most likely land development. Dave said that's where Carol's and his office come into play for review. Mike said at this point they have not indicated anything. Dave said Mike's office is in contact with the owners and will check on the situation from time to time and Mike said yes. Mike said they met with them numerous times including last week. Joe Dudash asked Mike to explain to the residents about the zoning code down there. Mike said it's from the 50's or 60's that a truck terminal was allowed by right there as well as an incidental use which would be the maintenance of the vehicles and warehousing is allowed by right in that parcel which would be the parking lot. He was inside the building and it looks like they are going to have to tear it down. There was actually a fire in that building at some point and squatters living in there. They found multiple burned up couches. Joe asked about updating the zoning ordinance. They talked about facilitating that and not just the overlay but the underlayment would need to be fixed. They just have to be careful of exclusionary zoning or someone would file a challenge in court saying basically that you are violating their civil rights by excluding everything. Joe asked Mike to explain the difference of the overlay and the code. Mike said when you have an overlay your development or proposed use needs to meet all sections of that overlayment including acreage, impact, uses and everything. If that doesn't happen, you would need a variance or you would fall into the underlayment. If you wanted that entire parcel, the six or seven parcels there that are individual owners and someone wants to buy the whole thing like a Wawa, it would be in play there. They would have to meet those specifications of the overlayment in order to qualify for that. It's like an incentive. Joe said part of the confusion with the zoning, would he suggest that the 2015 code be up to par. Mike said it is not 2015. Each municipality in the commonwealth is required to establish a zoning ordinance. It has nothing to do with 2015, that's the building codes. The zoning code is a completely separate rule. And it is up to council to undertake that challenge if they want to refresh, modify, or update it. There's some municipalities that their zoning ordinance is on the books from the twenties and they talk about sauerkraut manufacturing and prohibition. That's how stale it can be. Basically, his recommendation would be a comprehensive overhaul of the borough's zoning ordinance. Joe asked if that would assist in future plans and Mike said it absolutely can. Joe asked in his opinion, would that have possibly helped the borough with the whole thing down there. Mike said it could have. He said you have to have buy in from the property owners because they have their rights too. If everyone is not on the same train at the same station, then you're going to have a problem. Joe Dudash said with the PECO building as it is now where the grass is real high, an eyesore, can you go after it? He's not here for a feud, it's about appearance. Mike said they would look at it as appearance but they basically look at it for safety. If people are breaking in or a wall is starting to lean. He said the roof is intact. Unless they get a complaint or they see something or if everything is broken, the building is tight. It would take something to get in there. Joe said he's looking at the building as an eyesore with the grass. Mike said it is property maintenance and UCC Chapter 403 Section 84 where it becomes unsafe then we tell them they have to tear it down. It's not there yet but it's not far away. Short of a wall popping out or the roof caving in, that building is built very soundly.

He said they told them with lack of maintenance, in a couple of years, it's going to have to come down anyway. If they wanted to renovate it, it would be a substantial amount. They recommended that they get a structural engineer to figure out what they want to do with it. Mike said they would look at the maintenance. Joe Dudash said as far as the zoning, Mike recommends they start working on that. Mike said they have to. Joe said in talking to Mike, he asked if he was always willing to appear before this council and Mike said absolutely, that he always available. Joe said anything with the residents, if they ask questions, you'd be willing to answer them? Mike said his cell phone rings all day long. It's not like he's not reachable. Extension 102 auto forwards to his cell phone.

Mark Moffa said in their packets they received, what is the Municipal Officials Training Account Report that you provided? Mike said that is the \$4.50 that goes on building permits. They have to send it up quarterly. Mark asked where it goes. Mike said it is part of the DCED training fund. It's just a collection box for the state.

Committee Reports

Finance and Administration (Barbara Heffelfinger)

There will be a finance meeting Tuesday night. Barbara said she would like some feedback. When Mr. Delano died, people gave donations for a project to honor him. The plaque they got was donated by the Diabelko family so there was no cost for that. They did have costs for the reception and wreath and the decoration for the tree. So there is leftover money. The people who gave, if they want their full amount back they can do that or if you want they can figure out what they used and how much they can give back to everybody. They have receipts for everything. Just let her know what you would like to do.

Insurance and Pensions (Mark Moffa)

They had some questions on insurance that relates to Parks and Rec such as what is required for certain activities, so just some back and forth with the insurance company. He is still waiting for some answers.

Public Safety (Joe Dudash)

Nothing for Public Safety except that the police are doing a fine job.

Community Development and Open Space (Barbara Heffelfinger)

The roof has been completed. They have one portion of the grant done. They need to decide on the windows. They are working on a time frame so if you have any comments on the windows, they are at the end of the dais. They would like to get that authorized no later than August 1st. Joe Dudash said he would have figures that council wanted.

Beverly Wolfe said they are taking a break from committee reports because it was brought to her attention that someone had a question for Mike Italia.

Betsey Allegar, 22 W. Lincoln Hwy., said to Mike Italia that where the trucks park now there are two different parcels zoned differently. From the entrance driveway to Park Ave. is industrial. From the entrance driveway to Route 1 is retail commercial. They have been there since 1965 and to the best of her recollection, PECO never parked their trucks in the retail commercial zone. She believes their employees just parked their cars there and the trucks were in the industrial part. At the left side by Thompson's they had spools of wires and transformers and that kind of thing was stored. With the two different zonings, is the new owner permitted to park tractor trailers on the retail commercial part of it? Mike Italia said there are four parcels, two industrial and two RC and they are allowed to have storage vehicles and trailers on all of their

parcels. It is the use of the land. Betsey asked if the tractors were allowed there. Mike said they are not permanently stored there. They are moving around so it's temporary access of it. Just because PECO didn't do it doesn't mean they can't. Betsey said she really doesn't see it as storage. They mostly come on the weekend and park. If it's all legal and allowed, great, more power to them. She just wanted to make sure because it has had a great effect on all of the owners of the properties there. Mike said everything they are doing there is by right.

Bill Allegar, 22 W. Lincoln Hwy., asked if they are allowed to take the tractors and trailers and move them out on Bellevue Ave. Mike said it is their access. Betsey said when they do come in, because of the length of the vehicle, they drive over the sidewalks. Mike said any damages is on them. Betsey said they have even seen them go out on Lincoln Ave. over the sidewalk and curb and they don't own that. Mike said the damages are on them. It's just like any other tractor trailer coming in to town and maybe hitting a pole. They are responsible for the damages. Unfortunately, that's the way it is.

John Stratz said with this new information that Betsey gave them, he was not aware that the trucks were driving over someone else's property to get to Lincoln Ave. He wanted to know what they could do to stop that. Mike said a written complaint would have to be filed by the property owner. Mike said they were under the understanding that it was part of the parcel that they purchased that has two accesses. Both driveways are theirs, according to the GIS satellite he has. They are not violating anything.

Ordinances (Mark Moffa)

Ben from Hill Wallack and Carol have been working on the TOD and will get a more thorough update from them on where it stands. They are going to continue working on the zoning as it relates to revitalization. The question is do they want to start working on underlying zoning as well. Right now they started the TOD process and are going to keep going with that.

Streets and Sewer (John Stratz)

The Lighting Program auditors are ahead of schedule and KLS would like to start auditing in Pennel as early as next week. But he was on a conference call today regarding our street lighting project and he is happy to say that the audit will start tomorrow. This is the first step of the development phase which is phase two of our total project.

Patch Management has finally scheduled us for pothole remediation and since this week is a short week, they asked if they could start next week. It is finally here.

Just when you thought it was safe to breath, Elcon has started again. Falls Township rejected Elcon's proposal on April 30th. Elcon has already sued them. The Pennsylvania DEP issued a direct decision with intent to reject Elcon's permit application. Unfortunately, Elcon has until July 15th to try and change the DEP's mind. He will be leaving papers out if anyone has the ability to send these to the DEP protesting this, please do so.

Laura Germain asked John Stratz to read off the list of where the potholes are. Beverly told Donna Heron that they talked about it earlier but she wasn't here yet. They will have an answer by the next meeting. John Stratz read the streets as follows: There are 40 areas of repair. Crescent, Walker, Glenn, Highland, Holly, Oak, Lincoln, Noeland and the other side of Noeland. There are eight on one end and on the other end there is eight more. There are 16 altogether on Noeland.

Refuse (Joe Dudash)

They have been getting a lot of complaints about trash pick up. Karen has been trying to keep up with it with our new refuse company, Advanced Disposal. He does not know why but it's like some streets they're not hitting. He's going to have a meeting with Joe, the regional guy, probably next week he will set something up because it is just continuous. They keep missing Neshaminy and even Bob's street. And with the grass clippings, you can put it in your trash cans but he thinks it's screwing them up because they are used to bags. Beverly asked if it was just grass and Joe said it is a mixture. Bill Allegar said he watched them one morning take the garbage and yard waste and put them all in the same truck. He asked them what they were doing because he thought there were separate trucks. Joe Dudash said they are supposed to have three trucks here. He was following them and taking the truck numbers down. For a while they were ok after he sent an email to them. It seems like they are going back. He thinks what they are doing is that they are loading up and it is too much and they have to the dump and then they come back and forget where they left off. That's what he needs to talk to them about. He said don't feel bad because Hulmeville is having a problem with their hauler, Republic Services, also.

The other thing he is seeing and maybe Mike can help them out because they may have to call the owner of Sunday Breakfast because they are dumping stuff there. Donna Heron said she rode by today and saw the dumped stuff there. She was thinking that maybe they should take down the sign that says what it is. Maybe put a donation box there and people can put what they want in it and then they would have to come and get it. Joe Dudash said he had Bob and Mr. Diaz pick stuff up.

Pat Dicken, 35 Oak Ave., said they have signs that say clothing, toys and stuff that's written inside the glass on Lincoln Hwy. It needs to come down. People see that and think they can dump their stuff. Dave Truelove said you would have to contact the owner of the property. Mike Italia said those donation boxes attract more than that. You put a box there and it will be worse. Joe said he wanted to thank the police chief because he had been trying to catch the people. Bob and Mr. Diaz have also been there picking stuff up. Beverly said we need to send out a letter.

Building and Maintenance (Joe Dudash)

He thanked the resident of Penndel who brought in the presidential picture of Trump.

They had another emergency at Taddei Woods. Mr. Young started cleaning out the trees that were hanging over Holly Ave. Mr. Young called him in a panic because he thought this one tree was solid but it was not. If the tree comes down it is going to hit the wires and land in the street. Beverly asked if it was dead and Joe said it is and that it is an Ash tree. The three he cut down already were hollow. What kept them up was that one tree was laying on the other tree and there was a lot of vines.

MOTION BY MARK MOFFA NOT TO EXCEED \$300.00 TO TAKE THE TREE DOWN.
SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Joe said thanks to Karen again, and a lot of calls from the residents on Oak and Holly, the mosquitoes are going wild back there. Karen immediately called the Board of Health. The lady went back there and said she was attacked by the mosquitoes. In the email from Karen, she said the mosquitoes in the daytime are good. You're not going to get West Nile Virus. But if you're out there at night and they bite you, we'll be putting out a tree out here with a block on it. Donna Heron asked what they were going to do about it. Joe said the lady said they are so

behind as far as getting all of these areas sprayed, that they haven't gotten first ones done yet. We're lucky, we got our first one done already. But they are supposed to come back two and three times so we are on the list. He tried to find something bio that he could do but there's nothing. Donna Heron said the frog population is good back there and they're not even eating them. She said you can hear them all night. Beverly said when they were young they used to ride behind the spray trucks sniffing what they were spraying. Joe Dudash said we'll send them emails to keep up on it. Donna Heron said they are big as bees back there and black. Joe said everyone has to remember that not all of the Taddei Woods is Penndel's property. Some of it is other people's properties. You go in there and you think it's all part of Taddei Woods because of the trees. It's not all ours. The people whose property it is can't be dumping stuff because that's where mosquitoes breed. They're dumping grass and leaves and stuff but the problem is with all of the rain, it is all wet and the mosquitoes go in there and plant their eggs and that is defeating the purpose. We are taking care of the borough's property but there are some woods out there that are not ours. Donna Heron said you can't go out in the daytime. You can't go out at night. It is horrible. She was working on her tomato plants and literally got attacked. There is standing water back there where the frogs are. Joe Dudash was trying to look up a Bat Association for bat boxes.

Joe told Carol Schuehler he needed a favor. He asked that she go down to Oak Ave at the circle. When it rains there is a massive puddle that is on two properties. There is a gully there that goes to the main gully so the water should be flowing to that gully but the problem is that there is a curb there. The blockage is that curb. Is there any way they can do something so that the water goes down the little gully to the big one. Carol said she would look at it when she comes into the borough. She has been in that area a number of times and to her recollection there is a bigger problem. There is a swale along Spring Street improperly draining and they need to get that figured out. Joe said he went down there and one driveway is completely flooded. Carol said they've had a water problem back there for some time now.

Community Relations (Laura Germain)

Laura said she would like to keep the website more dynamic so she would change the news items at least twice a month. If anyone has any exciting news about the borough, they should forward it to her and she will post it on the home page. You can write it up or tell her and she'll write it up. She needs council's help so that it is constantly changing. They will be doing the training in the next week or two because all of the changes to the website comes under the umbrella of the original payment to them because this is still a launch period. After the launch period if we want them to do major changes, we would have to pay extra for that.

Penndel Playdates is starting July 10th from 10:00 – 11:00 at the rec field. The movie night which they are hosting with the rec board will be July 19th, rain date July 20th, movie to be determined. There will also be a card game night here at borough hall on July 23rd, which will be some different card tables set up with some snacks so if you play cards, come join them.

Recreation Board (Laura Germain)

Karen Flowers, president of the Rec Board was able to find a company to donate work on the pavilion roof. We would have to pay for the cost of materials which would be \$1,260.65 with a \$500.00 rebate from the company. Since it is donated funds, she doesn't think she needs council's approval but the rec board did ask her to bring it to council to get council's blessing. Dave Truelove said they could do a motion.

MOTION BY LAURA GERMAIN FOR THE RECREATION BOARD TO ACCEPT THE BID FROM GRIMMER CONSTRUCTION TO DO REPAIRS ON THE PAVILION ROOF FOR

\$1,260.65 FOR SUPPLIES WITH A \$500.00 REBATE FROM THE COMPANY. SECONDED BY JOE DUDASH. Joe asked Barbara about the grant money. He said if they get it, can they use it for something else. Barbara said they could probably use it for additional fencing. They would have to go to the DCNR to request that. All ayes, motion carried.

MOTION BY BEVERLY WOLFE TO WAIVE THE PERMIT FEES FOR THE RECONSTRUCTION OF THE PAVILION ROOF WITH THE WORK BEING INSPECTED WHEN THE WORK IS DONE. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Laura said they talked about insurance and the insurance committee sent it to Mark. They said anything that wasn't heavy machinery, that sort of thing, would be covered but they are going to send descriptions of each individual just to be sure.

Laura said last night they received an email from Amanda Mieluch resigning from the rec board. Laura emailed it to Beverly who read the email to Council and the public.

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE RESIGNATION OF AMANDA MIELUCH FROM THE REC BOARD. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Long Range Finance (Mark Moffa)

Long Range Finance did not meet last month. They have a meeting scheduled for next week.

Revitalization Task Force (Mark Moffa)

After the last meeting they were asked to convene a meeting soon. They haven't gotten that schedule yet but they will be doing that. Beverly said along those lines, she has personally spoken to John Ives. She has scheduled a call with Evan Stone this week. She also spoke with Jeff Darwak and explained to them the situation and the fact that they are still moving forward with our plans.

Old Business

Beverly Wolfe said at the last meeting they talked about the bike lane on Bellevue Ave. that they wanted to put in. They had some questions about it. It would have been a question they would have had to bring up tonight. They didn't have enough time to wait until the next council meeting to move forward with the plans. They are short time this first round and they look like they are going to have more time to review in the future with municipalities. They are not going to be getting it this time.

New Business

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2019-18 SUPPORTING HOUSE BILL NO. 1585 OF 2019 AND SENATE BILL NO. 725 OF 2019 (RESTORE PA LEGISLATION). SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2019-19 OPPOSING HOUSE BILL NO. 1400 OF 2019 (WIRELESS SMALL CELL SITING LEGISLATION). SECONDED BY MARK MOFFA. All ayes, motion carried.

Persons to be heard

Tom Sodano, 126 W. Woodland Ave., asked Mike Italia if any permits have been issued on the Bellevue Ave. property they were discussing, the trucking place. During the weekend there are people in the building. They would intermittently open the garage door and throw something in

the dumpster. Mike said no. Tom asked if they needed a demo permit for what they are doing and Mike said no. Tom asked the Chief about the bicycle rodeo that seems to be going on around the borough. He recently saw a few kids almost get hit with seven of them going down the street at the same time. He wanted to know if the police were addressing it. Chief Perry said they are and that he believes the root of the problem is bad parenting. They have addressed it with the parents and have gotten the opposite response than they expected. They thought the parents would say they would address it with their kids but the parents wanted to know why the police were harassing their kids. They have been trying to address it as best they can. This month alone they've had five or six complaint calls involving a group of kids. They know who they are but they haven't quite crossed the threshold of being cited for different things, at least what they have witnessed but they are definitely looking into it. Tom said he had conversations about bus stop issues but he is more concerned about the kids getting hurt and then we will have some sort of legal problem. Chief Perry said they have addressed it with the kids directly and with the parents but he got push back on it. There is only so much they can do. Tom said to council, in looking over the budget, he noticed there is a higher, at least partially, out of the sewer while they are paying someone else to maintain our sewers. He wanted to know what the function of the person was for sewers if they are paying someone else to handle the sewers. Beverly said the salary splits into the sewer fund were to partially fund our maintenance person for any of the work he does down at the plant, cleaning up the plant, throwing out the trash. We also had a volunteer crew down there that was cleaning out the pump house from the water problem that we had. Tom asked if he was working on the sewers and Beverly said he was not working on the sewers, he is doing maintenance in the sewer department.

Meredith Becht, 132 Holly Ave., said they bought their home four years ago with the intent to be lifelong adult Pennndel residents and unfortunately, probably over the last year or so, there has been a change on their property. They stand before council tonight as, what they think as good residents. As taxpayers they keep up their property, improve their property. What they have now is a terrible situation with drainage at the rear of their property. They talked to their neighbors who were not the only ones in this area who face the same issue. Her husband has talked to Mike Italia probably since October on and off about the situation. She has some photos and tonight they just wanted to formally bring it to the attention of council to see if anything can be done because what has transpired since they bought their house is that the borough has approved permits for new building and structures but has not taken into consideration the adverse effect that those structures have on drainage and storm water. You talked about mosquitoes and drainage and when it rains, their entire rear property floods causing issues to their assets. Their garage floods and it leaves standing water that pools for days until it just gets absorbed. They are requesting a formal review to see what's happening to see if there is any kind of drainage that can be installed to help them.

Mike Becht, 132 Holly Ave., said there is a direct cause. This didn't happen the first 2 ½ or so years they lived here. The garage was permitted and then their neighbor paved his entire backyard. Since then their garage has been flooding. There is a direct correlation. He didn't go on the new website but on the old one there was something about impervious surfaces and using rain barrels and stuff like that. There's no way the structure permitted is in line with impervious surface regulations. Beverly asked if the picture they handed her was coming from their home from their back patio. They said it was. Their garage flooded three times in the last year. They are not the only ones having problems. Some of the neighbors are having issues and a couple of them said they were coming but it doesn't look like they made it. Mike Italia is true to his word. When he said you can get in touch with him, you absolutely can. Joe Dudash asked if Oak Ave. was having problems. Mike Becht said one of their neighbors is and they

said look at the timeline. Meredith Becht said the person behind them knocked on their door last week and said they had so much water in the backyard that their crawlspace is flooding now. She said they actually hired Barry Isett & Assoc. to come out and look at their property and they said the water is meant to drain but there is nowhere for it to go. They are at a loss. Joe Dudash asked Mike Italia, as a borough, what are they doing about it. Mike Italia said the permits for the garage were approved prior to his arrival and they allowed this which is complicating the issue. The zoning officer at that time approved it. There is a larger issue besides the neighbor paving his entire yard. It's a low spot. He was there right after it rained and it was a mess. It's the whole area that backs up to Oak. There is just nowhere for it to go. Mark Moffa asked if there were permits issued for that prior to Mike and he said yes. Mark asked if it was for the garage and paving and Mike said yes. Mark asked if the garage and paving should have been allowed. Mike said the garage is a little large. It's a stretch. He is concerned whether anything was taken into consideration to mitigate the problem. As a zoning officer, if another zoning officer says yes, it's good to go, that's a problem. Mark said he understands it puts him in a difficult position. Looking at it on paper it seems like it should have required variances? Mike Italia said yes and probably even storm water management because the garage is pretty sizeable. Joe Dudash asked how we rectify this for the resident. Mike said he will have to work with Carol and figure out something. It's a larger issue. Joe asked if it was four houses and Mike Becht said as far as he knows, yes. Beverly asked for Mike Italia to show her on a map exactly where the properties are. He has a previous snapshot of the backyard and what it looks like now. Joe asked if he could give them a plan of what they can do to help the residents. Mike said Carol and he will work together. Even a storm water basin there is going to cause problems. It's going to overflow. If you look downstream to Oak, it would be nice if there was a gully to send the water but it's not there. Everybody over the years has built up. You're going to have sheds, pools, all kinds of stuff in the way. There's just nowhere for it to go. Beverly said they have to work on this immediately.

Donna Heron, 475 Washington Ave., said she flooded out four times this year. Her basement has slowly taken on water and luckily her son was there and got it out. It's worse ever since you allowed that house to take the retaining basin away and put some kind of pipes in and don't know where he hooked those pipes to. The house that sits back by the apartments had to have a retaining basin. They got permission from the borough to put pipes in and don't know where the pipes went to. Ever since then, everything has been flooding. Oak Ave. is flooding, she's flooding. It's horrible. Joe asked if she was talking about Washington Ave. and Taddei's Pond. Donna said there is a house, the driveway where you go back. Beverly asked if she was talking about Spring St. and Donna said no. It's on Washington right before you get to the pillars. Beverly said the house is in Middletown. Donna said she was told it was in Penndel. Beverly said it's not. Donna said since that was allowed, it's started all these problems. Spring Street is horrible, she's horrible, and everything around here is horrible. The woods are horrible and you need to figure out a way to pump it out. Carol said if authorized by council she will take a look at the area with the code enforcement officer.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE THE ENGINEER AND CODE ENFORCEMENT OFFICER TO INVESTIGATE THE REPORTED WATER PROBLEMS IN THE AREA OF HOLLY, OAK AND WASHINGTON AS INDICATED BY MR. & MRS. BECHT AND CONFIRMED BY THE OTHERS TONIGHT. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Steve Lowe, 409 Cynthia Ave., said many months ago they talked about Mill Creek Village Apartments that was going to put a parking lot behind the building and are waiting for excavation to start. They were going to fix their sewer lateral. He asked if it has started yet.

Carol said they did some demo back there but they are on hold and have not really proceeded with any work. They are waiting for them to move forward. Beverly said they would follow up with them on the sewer lateral repairs. Steve asked what's the timeline they have. We know we have an infiltration problem with the sewer system. Rain is going into that we're all paying for that shouldn't be paying for. Can council give them 30 days from a certain date to fix the sewer lateral? Carol said she would give an update. Beverly said they would look into that. Steve said getting back to the old PECO building, he asked a few months ago about x-raying the sewer lateral there. He thinks he heard here tonight that it hasn't been done because there is no water to the building. Mike Italia said when they give us their intent that is when they will have to do it. Beverly said they have to video it because that is in our ordinance. Mike said when they are going to use the building but they haven't given us the intent yet.

Mike Smith, 127 Dehaven Ave., said that our ordinance says you have to video the lateral prior to the sale. Mike Italia said if there is no water going through they can't video at this time. Mike Smith asked if they know this. Mike Italia said it is as is. Once they give their intent, what they are going to do with the building, at that point they will have them do it. Dave Truelove said they bought it as is and the more we learn, there's a lot they took on which is surprising to a lot of people.

Tom Sodano, 126 W. Woodland Ave., asked if they turned off the water, are they not paying water and sewer? Dave Truelove said it was turned off before they moved in. Tom said he's been under the impression in this borough, if you stop paying the water and sewer bill, and it's off, you're not going to get it turned back on as long as there is a moratorium. Karen Kondrk, Assistant Borough Secretary, said that they have been paying the sewer bill. Tom said, ok, the water is off but they are paying the sewer bill. Beverly said they still have the EDU. Mike Smith asked why the video wasn't done. Dave Truelove said there is no water to assist them in accomplishing that task. Once they turn the water back on, the water will flow through the pipes and they can do that. Mike Smith said the video is for infiltration so it doesn't matter if there is water to the building. We'd be grateful if our sewer water was getting out. Carol said they are looking for infiltration. Her understanding is that it happens when the building is transferred. Most plumbers when fishing the cameras down and don't have the high end cameras that the sewer contractors have, they need water to flush that line clear enough to get the camera down the line. Most of the local plumbers do use water to help the camera down the line. Mike said we had an ordinance put into effect so that we know what's going into our sewer system. From what he is gathering is that this line has been sitting down there, dormant for many years, in a very wet area. How many gallons of water are we treating and paying for that are infiltrating that line? Our own ordinance says it's supposed to be videoed before the property is transferred and we allow it not to happen. This is common around here. Extremely common.

Donna Heron, 475 Washington Ave., asked what they did on Legrande Ave. Mike Smith said that was storm water.

Leo Spaddacino, 14 W. Lincoln Hwy., said most of you people know who he is and why he is here. To talk about the sewer rip off. They were promised years ago something was going to be done. He said nothing will be done. This thing that happened on the Levine property as far as he is concerned, is you need an investigation. He thinks you should hire Mr. Mueller to investigate Pennel. Leo asked how they could move in without a U&O, without the sewer system hooked up. Where are the truck drivers going to use the restrooms? There's none there. Everything is a joke. And he knows who is responsible for that. It should have never happened or it should have happened the right way. Not sneaky. He is surprised at all of you up there. How you people have treated the people in Pennel who have been here since

Penndel was South Langhorne. You people come along and try to make a fool out of everybody. It will all come out in the wash. It will all catch up to you. We had to do something with that property to get some money. But in such a sneaky, sneaky way? And the sewer thing, as long as these people are in line, it will never change. It's a rip off from day one. If he had the money, he would get himself a good attorney out of the city and have Penndel investigated. What you people have done to this town. God fearing, God loving people. People raised their families and look what happened to Penndel now. It's a truck depot and a grease pit. Why? He knows why. He thinks he knows why. He's 93 years old. He has a feeling what you are trying to do. You didn't follow the rules and regulations for what Penndel says you have to do. Why stick it in overnight and not do what our ordinance says? Nobody followed the ordinance in Penndel on this property. He doesn't know how a lot of you people can sit at the dinner table and face your wife and kids and say, well, it worked. But it will catch up to you. Joe Dudash said he was born and raised here. Apparently you were not here at the last meeting where he flipped over it. There is a task force investigation right now. He knows these people will not let it go. We want to know what happened. Mike and the solicitor are helping them. All the documentation will be coming in and will be going to the revitalization committee. You have individuals there. You have an Independent, a Republican and a Democrat. The residents will be sitting on this revitalization committee. It's a task force and that's what this man will not put up with. When this comes out, we will give you the information. None of them knew about it. There's no way council could prevent you from selling your property. She did her part. She had good lawyers and they moved ahead. As Mike said tonight, the zoning is from the 60's. He understands he's frustrated but don't sit there and say the council and some of these professionals knew. They are working on it. His suggestion tonight with the revitalization is that Mike starts working with the solicitor. He's seeing that there is poor communication. He understands his frustration. They've had drawings since 2012. There is potential in everything they have in this town. This is years how this has progressed to where we are right now. There is a lot of decision making they all have to do to get it back on track. If you want to throw in the towel now just because that one section is gone, then we all might as well move. You're going to get the results. If he's up here, unless you throw him out at the next election, then you'll have your results. Mike came in upon their request and gave us all the information he had. It was a complete shock to all of them. Leo said it wasn't a shock. Joe said maybe not to him but it was to himself. He wasn't depressed, he was demoralized. Leo said he has known since April. Joe said if you knew you should have come to them. Leo said he's owned the building since 1951. He'll be 93 in October. He has it rented. How many more days is the good Lord going to give him? The part that bothers him is the way it was done. It should have been done the way our ordinance calls for. If everything would have gone according to Hoyle, he would not be here complaining. But you people did not do it. Somebody here knew since April. He read there's some money coming in from that. He doesn't agree with this sewer thing because it's been putting off. He believes the people on the sewer system should resign tonight. Put somebody in there that wants to do something. The part that bothers him the most is the sneaky way it was done. He's glad something is there. He's 93. How many days does he have left? He has a little rant. He's glad someone is there to pay this crazy water and sewer bill. You people up there are trying to tell him it was all done legally. It was not done legally. That's what he's trying to tell you. He doesn't care. When he moves on, let the boys worry about it. Who cares? The way it was done was not right to the people in Penndel. He loves everyone in Penndel. He's known them all his life. They are great people. You people know it wasn't done right. It was not done according to the rules and regulations of Penndel. And the people of Penndel do not deserve this sneaky thing that went on. That's the way he feels about it. If you like him, thanks. If you don't, tough. That's the part that bothers him. The way it was pushed over on these great people of Penndel. Why try to make a fool out of the great people from Penndel. They've known since April. It's been going on for years. And it's

not going to get any better until we get some people in here who want to do something. Beverly told Mr. Spaddacino that they get his message. Like Joe said, they are all a part of trying to figure out what exactly happened and how to fix it for the future. They will look into it and report back.

MOTION BY MARK MOFFA TO ADJOURN. SECONDED BY JOE DUDASH. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer