

COUNCIL MEETING

September 3, 2019

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

Dave Truelove, Solicitor, reported that the executive session commenced at 6:45 p.m. All council members that are present at this meeting were present at the executive session along with Mayor Bob Winkler as well as himself. It was regarding litigation, personnel information items were discussed and concluded between 7:20 – 7:25 p.m. when the members assembled in this room.

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
Councilman John Stratz
Councilman Rich Flanagan – absent

Also present

Dave Truelove, Solicitor, Hill Wallack
Chief Sean Perry
Carol Schuehler, Value Engineer
Rick Halbom, Barry Isett & Assoc.
Marie Serota, Secretary/Treasurer

Annual Pension Meeting

Minimum Municipal Obligation for 2019 Police Pension \$5,175.00
Employee's Pension \$16,523.00
On file in the secretary's office.

Presentation by Steve Lowe, Penndel Fire Co., for the 2020 RDA Grant Fund Request.
Executive summary is attached.

MOTION ITEMS

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF AUGUST 19, 2019 WORK SESSION AND TO APPROVE THE FOLLOWING BILLS:

General Fund	\$33,727.57
Fire Fund	\$ 2,744.98
Refuse Fund	\$16,164.53
Sewer Fund	\$42,231.49
Capital Reserve Fund	\$ 536.25
Sewer Capital Fund	\$ 7,525.90
Liquid Fuel Fund	\$ 135.00
Escrow Fund	\$ 2,319.00
Payroll Fund	\$ 703.68

Payroll

General Fund	\$20,956.33
Sewer Fund	\$ 3,346.82
Refuse Fund	\$ 557.82

Total **\$24,860.97**

Escrow Bills:

Mill Creek 2:	
Value Engineering	\$655.50
Adams SD:	
Hill Wallack	\$780.00
Value Engineering	\$ 51.00
Schoolhouse Court:	
Hill Wallack	\$330.00
Value Engineering:	\$322.50
Auto Zone:	
Hill Wallack	\$180.00

SECONDED BY JOHN STRATZ. All ayes, motion carried.

President's Report – Beverly Wolfe stated that Louise Dicken is not here but would make the report for everyone else. Last meeting, she had a problem with the McHugh tower with the light being out. That was already addressed. The FAA is involved. It was struck by lightning and they are waiting for parts. All the important government agencies do know about it. The lights in back of Penndel Pub are out but they are not borough owned lights. We do not have an ordinance requiring that to be lit so we can't make them fix the lights.

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

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

Solicitor's Report – None.

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

Mark Moffa asked about a piece of her report that she didn't give. Carol said she initially included a paragraph but is deferring to Councilman Stratz for that because he has more updates.

Joe Dudash asked about the Hulmeville Ave. bridge for the fire department and if there was a conclusion found. Carol said Steve Lowe actually brought it to the meeting tonight. He had asked what the bridge capacity was for fire equipment. Steve said 80,000 lbs. is the requirement for new bridges.

Joe Dudash asked Carol about the issues that Steve Lowe brought up on Hulmeville Ave. Carol said two items were brought up. One was the discharge pipe that extended across the sidewalk. That was resolved the next day by working with the property owner to pull the pipe back. As for the construction entrance, she reached out to the contractor and they are going to

get together to see what they can do about it. Carol apologized that she has been busy with the pump station. She is going to send him an email to follow up.

Joe asked Carol if there was anything new at the apartments. Carol said the apartments are now underway. They dug out the old swimming pool which was still intact. They started about a week ago. She doesn't have an exact date when they will be doing the sewer lateral yet but there is activity out there.

Beverly Wolfe commended Carol Schuehler for the action she took to preorder the pumps and control panel because if she hadn't done that, they would be looking at thousands of extra dollars spent bypassing that station. Beverly thanked her for taking that action and saving the taxpayers thousands of dollars. Carol thanked council for taking that advice under advisement.

Zoning/Code Enforcement Report – Rick Halbom read his report which is on file in the secretary's office. Rick also mentioned that he is a member of Souderton Borough Council and they have done extensive amounts of work with Derstine and have always been very satisfied with their work.

Committee Reports

Finance/Administration/Cable (Barbara Heffelfinger)

Barbara reported that they are in the middle of budget season and wanted to remind everyone that September 15th is the witching hour and to get their requests in. The first budget meeting is September 18th and has to be changed because there is a conflict that will include some of the council members. They are going to have to pick another date and advertise it.

Insurance/Pensions (Mark Moffa)

Mark had nothing new to report.

Public Safety (Joe Dudash)

Joe reported that they had a couple of complaints about trucks parking on the street near the truck parking company and the chief, with the help of the mayor, went down there and got it straightened out. He also thanked Chief Perry for his fast response last week at Cairn University for a report of gunshots fired and being the first one there.

There are trees on Washington Ave. where they are falling down. He spoke to Mr. Young. They are so behind on work but he will get to those trees. There is the issue on Parkview Ave. There are six trees hanging over sheds and garages. There is a lot of debris and brush back there. John and himself went over there and talked to the man who was upset because this has been going on for a while. This is a Middletown resident but Taddei is our property. They got some estimates on that.

Community Development/Open Space (Barbara Heffelfinger)

No report.

Ordinance (Mark Moffa)

Beverly Wolfe asked Mark if he got the issue of the Borough News. She said there is an interesting article in it for him to read called Wild Airbnb Parties Bring Calls for Crackdown. Dave Truelove said that the Supreme Court of PA recently issued an opinion backing a township or borough in the Stroudsburg area and their enforcement of a zoning ordinance as to short term lodging and Airbnb's. There is also a short-term regulatory ordinance which was recently tested which they did actually successfully enforce and they have to go to court now.

The homeowner was not being compliant but so far things have worked well with that kind of stuff. He doesn't know if there is an issue here in the borough but if you do have one, they have experience with it. Beverly said it's like the sober homes. Stay ahead of it. She knows he has a lot on his plate for ordinances.

Streets & Sewers (John Stratz)

John reported that on August 27th, he and the engineer attended a meeting in Ivyland Borough regarding our streetlights. They viewed the results of the streetlight audit and they will be directing removal of lights on that list not owned by PennDel Borough. John passed around the map of the street lights that are numbered. This list was whittled down from 189 to 167 lights and he has since identified two more that shouldn't be on this list. PECO says we have 159 and on closer inspection, he hopes to get it down to that amount. DVRPC has received a determination from PennDOT that their procurement process is acceptable and PennDel was used as a test case to help in this determination. The Phillips Cobra Head fixtures to be installed are bulletin 15 approved. Therefore, after DVRPC meets with PennDOT District 6 in the next couple of weeks, the question about using liquid fuels to pay for streetlights should be resolved.

Speaking of street lights, there is one out near the rec field, Number 65215. Unfortunately, it's inside the tree. So besides repairing or replacing, they are going to have to do some tree cutting. Mark Moffa asked John what the numbers, fives, two, threes, represent. John said it shows the wattage of the existing bulbs. The higher numbers are on the main thoroughfare like Lincoln Hwy., Hulmeville Ave. and Bellevue Ave. The lower wattages are throughout the borough so that it's not too glaring for the residents at night. The main thoroughfare's need to be more lit up. Beverly asked if this was an audit of only the lights that PennDel Borough is responsible for. John said that's why he has to whittle down that number. In the middle of the afternoon he took a break and was not with them anymore and they just saw lights and started writing them down.

Refuse (Joe Dudash)

Joe said he thinks we rectified the trash situation. Beverly said that the trash day was moved to Thursday this week because of the holiday.

Buildings & Maintenance (Joe Dudash)

Joe said as everyone can see, they definitely need a new sound system. He got some quotes and it goes from \$599.00 up to the big leagues. Barbara is going to work her magic and get some grants. Beverly said we already have grant money. He is getting quotes and will bring them in. They are getting quotes for the back up generators for the police department and borough hall. He's waiting for one more contractor to give a quote. Beverly asked Joe how many quotes he got on the sound system. Joe said he got five quotes plus Beverly's. Dave Truelove asked what the numbers were for the sound system. He asked if they exceed \$21,000.00. Joe said they do. Beverly said they have \$10,000.00 towards it. We may have already gotten a check from the balance they owe us from the Park Ave. project. Joe said they are trying to narrow it down so that they know what they want. Beverly asked Joe to share them with her. Barbara said she will also need them because she has to send a letter to the RDA explaining that they had money left and that they are going to use it for something in the building. Joe said he is still waiting for two on that and one on the generator for the PD and the borough hall. Barbara said she needs it ASAP. John Stratz asked what kind of companies are bidding on them. Joe said he wants something like a courtroom so the ones he went after are like a school district type guy, for a courtroom, something like that. Beverly said the one she got was recommended by an elected official. An audio company because that's what they do and

have the expertise. Everything needs to be rewired. It's not going to be cheap. They will give us a system that the recorder can go right into it and they won't have any of this nonsense as long as people are on the microphone. You'll be able to hear everything they say and who is saying it instead of our office staff trying to decide who was talking. She's said this a million times and she's going to keep saying it. If you have to sit and listen to our recordings which she's had to do, it is a nightmare for even her to pick this up and to figure out who is saying it. John said there are some companies that see dollar signs. This is a small room. He has a couple of companies that do churches. Beverly asked if he could give her the names so that they could reach out to them. John said he would.

Community Relations (Laura Germain)

Laura reported that two weeks ago the board game night was held and was a lot of fun. A couple of residents reached out and asked if they were going to do more here so they are trying to figure that out. Unfortunately, in the fall they have a lot of budget meetings but she would like to try to do them bi-monthly. It's easy and cheap. She brought some of her board games. She is working on the September newsletter so if anyone on council has anything, please let her know. They're hoping it will be out this month. They will be having the little free library launch party on September 14th from 11:00 a.m. – 1:00 p.m. at borough hall. There will be books for kids and adults. It is take a book, leave a book. They will have a little donation bin if anyone wants to make a donation that she thinks needs to go to the rec board because they can accept donations. Beverly asked if anyone wants to make donations of books if they could drop them off at borough hall. Laura said they could. Beverly asked what the age group of the books is and Laura said she will go through them. She said any age is fine. There are two sections. The top is children's books and young adults and regular adult books on the bottom. Beverly said that is a great project.

Special Committees:

Recreation Board (Laura Germain)

Laura said the August meeting was cancelled. They are looking for new members so if anyone is interested, see her or Karen Flowers who is president.

Long Range Finance (Mark Moffa)

Mark reported there has not been a meeting since the last council meeting. Their next scheduled meeting is next week.

Revitalization Task Force (Barbara Heffelfinger)

Mark said they have been working with John Ives from the county, our planning commission and Carol our engineer and Hill Wallack, our law firm, were putting their heads together to look at the TOD overlay ordinance that was presented here publicly. They are going to revisit that as part of their plan to move forward. Carol brought up some concerns about sewer capacity so that, in conjunction with some change in property ownership that we all know about on Business Rt. 1, has lead for the need for the revitalization task force to reconvene and address some of the issues so they are tentatively looking to have the revitalization task force meet on September 18th. They will finalize that with John Ives. That was one of the days he was available and why we are cancelling their first budget meeting. They will be doing a lot of heavy lifting that night.

New Business

MOTION BY BARBARA HEFFELFINGER TO APPROVE PAYMENT RECOMMENDATION NO. 3 FOR WORK COMPLETED ON THE I & I INVESTIGATION AND REMEDIATION PROJECT IN THE AMOUNT OF \$3,870.00. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOHN STRATZ TO DIRECT THE BOROUGH ENGINEER TO PREPARE PROJECT DESIGN AND BID DOCUMENTS FOR THE WORK DETAILED IN THE COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE MEMORIAL FIELD LIGHTS. SECONDED BY MARK MOFFA. All ayes, motion carried. Beverly told the audience that that is free money, there is no match. She thanked Barbara and Carol for that one.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-24 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION UNDER THE MULTIMODAL TRANSPORTATION FUND IN THE AMOUNT OF \$1,292,097.00 TO THE COMMONWEALTH FINANCING AUTHORITY THROUGH THE BUCKS COUNTY REDEVELOPMENT AUTHORITY. Beverly Wolfe explained that council had previously done this resolution. The people who administer the multi-modal are requiring the exact amount to be in the resolution, so it has now been put in there. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPROVE THE PROPOSAL FROM ALL OF THE ABOVE TREE & LANDSCAPING DATED 8/30/19 FOR TREE REMOVAL IN THE AMOUNT OF \$4,000. Joe explained this is for Parkview Ave. where they have six trees hanging over residents' sheds and garages. This includes debris from a tree that fell down. Somebody cut it up and left it there. In order to get in there, they need to clean it out. It is in Taddei Woods even though the residents are in Middletown, it is a safety issue. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY JOHN STRATZ TO AWARD THE BID ON THE PUMP STA #2 RETROFIT PROJECT TO DERSTINE CO. LLC OF SOUDERTON, PA WITH A BASE BID PRICE OF \$216,000. SECONDED BY LAURA GERMAIN. Mark Moffa said that Carol mentioned being in negotiations with the contractor to reduce the price by about \$30,000.00. He asked if it could be reflected in this motion. Beverly said they can't because it was bid. Carol will do change orders for every reduction. Carol said she didn't have time to get the change order processed for tonight. She met with the contractor on Friday and they went over what they may be able to trim such as scraping and painting inside of the wet well. It would be nice but if they don't have the money, they don't have the money. They looked at a couple of line items to be reduced or eliminated so now she needs to get that in writing and signed by him to present. She just didn't have time to strike line items for tonight. They did have a meeting on site and \$30,000 seemed realistic to her. Beverly said that will be accomplished with change orders and Carol said yes. All ayes, motion carried.

John Stratz said they are holding off on this final motion on the agenda until the next meeting. Beverly asked if he wanted to table it and John said yes. Beverly asked why he wanted to table it. John said the Lincoln Hwy. and Neshaminy St. locations have been suggested that it may not be on the exact intersection corner but there is a street light within a number of yards that make that unnecessary. Beverly said if he has some doubts about this then they should table it. Dave Truelove said you don't have to table it. They can just postpone it. Joe Dudash asked if it was in the emergency area where they were having a problem. Beverly said no, it is the street lights for the LED street lights' program. John said they are suggesting putting in two new street lights that weren't there but it is in the quadrant where there are some within a number of yards from the intersection corner. Technically it does have a PennDOT approved street light there. Beverly said if he has any doubts it's best to investigate it.

Dave Truelove said based upon the discussion in the executive session, there would be consideration of a motion to appoint Arro Consulting, Inc. as conflict inspector at the rate of

\$95.00 an hour. This is for an issue that has a litigation aspect to it that the current inspector, and he will explain that to Mike, will not be able to perform in that capacity.

MOTION BY BARBARA HEFFELFINGER TO APPOINT ARRO CONSULTING, INC. AS THE CONFLICT ZONING INSPECTOR AT THE RATE OF \$95.00 PER HOUR. SECONDED BY MARK MOFFA. All ayes, motion carried.

Persons to Be Heard (time limit of three minutes)

None

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 8:35 P.M. SECONDED BY JOE DUDASH. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer