

## WORK SESSION

January 21, 2020

Council President Beverly Wolfe called the meeting of Penndel 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 – arrived late  
Councilman Gary Nickerson  
Councilman Mark Moffa  
Councilman John Stratz  
Councilwoman Laura Germain – arrived late  
Councilman Joe Dudash - absent

### Also present

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

### Auto Zone

Ben Hauser stated that AutoZone is applying for preliminary/final plan approval at 200 W. Lincoln Hwy. They seek a number of waivers and other conditions for approval. The applicant went before the Penndel Zoning Hearing Board and the Penndel Borough Planning Commission.

Bill Rountree with Wright Partners and also AZ Penndel, are the developers for this project. This is development of a vacant gas station ant Hulmeville Ave. and Lincoln Hwy. They are building a 6,000 – 7,000 square foot AutoZone building. They have been before the borough with a sketch plan, the Zoning Hearing Board for the preliminary plan, subsequent to Penndot laying out their plans for widening the road and additional right-of-way taking. Calculations and impervious have changed, with the site getting smaller. They sought relief from the Zoning Hearing Board a second time and received approval from them and the planning commission. Their plans were submitted to Penndot for their highway occupancy permit. There are a few comments outstanding and another review happening from Penndot. They are close and don't expect any of the comments that will modify their plan. They have Bucks County Conservation District approval. They have everything in place to move forward. They have a review letter from Value Engineering dated January 13th that outlines various waivers that they are seeking and also plan review comments. They are proposing a wooden fence trash enclosure for the dumpsters. AutoZone specifies painting some of the hardware red. Carol Schuehler thought council should see what that would look like. Carol said the zoning ordinance says any fence constructed or erected should be neutral in color and should not be painted or be multi colored materials. This plan shows some red. Bill said it is just the hardware and it is not obnoxious. Beverly Wolfe asked Carol if they needed to take action on it. Carol said it could be something that could be interpreted. Bill said there is also landscaping around the enclosure.

Beverly Wolfe announced that Councilwoman Heffelfinger arrived.

Bill said the other item was the AutoZone signage. They are proposing a freestanding sign. Their original intent for this project was to reuse the existing pole sign. Due to the right of way taking they have to relocate it and build it to code. It is 12 feet high from the ground to the top. The furniture sign is a much larger sign than they are proposing. Allied Limousine has a freestanding sign that is similar in size. The Burger King sign is roughly the same dimension. They don't have a lot of room because of the widening and the right of way taking. He is asking for council to allow the freestanding sign. Beverly asked if there was anything he could do since they are in the middle of a revitalization effort. The TOD is close and the also the Keystone Opportunity Zone. Maybe make it look a little less institutional. Bill said they are limited by ordinance so what they are showing them on sheet one is a fully compliant sign. That is pretty

close to the smallest sign face because of visibility and landscaping. Beverly said she would like to see something a little nicer, a little ornamental. John Stratz suggested brick around the pole. Bill said that would be higher than what the ordinance allows. He's not sure when it becomes a monument sign. John said just a little square of brick like what Wawa has around the poles that hold their canopy. Something to hide the pole. Barbara Heffelfinger asked if they had looked at the borough's design guidelines. Bill said they have. Barbara said it calls for monument signs. She is totally against the sign and if it passes, she hopes they do something that looks better than what he submitted. Rich Keller, member of the Zoning Hearing Board, said the current zoning allows for a 12-foot freestanding sign and in the ordinance, it states that at the base of such a free-standing sign it could be surrounded by some sort of masonry and shrubbery. It shall not exceed 12 feet in height. It is under 405-42 of the zoning codes. Barbara said they have been working on the revitalization for a long time and they want something that looks really nice. They are trying to make it a nice-looking highway. No matter what the code says, she doesn't like it and doesn't want it. Bill Rountree asked if council would support relief for a higher monument sign that would satisfy them. Beverly asked him to elaborate on that. Bill said right now they are limited to six feet which is low and could be a visibility issue. Carol said that would be something that needs to go to the Zoning Hearing Board. She said the freestanding sign will only be permitted if it is not possible to position a ground sign on the property. In the most recent developments in the borough like the Dunkin Donuts, they did end up with a monument sign. Bill said they can fit one there. It's just that AutoZone feels it is an inadequate sign for visibility. Beverly said they could go back before the Zoning Hearing Board. She asked if Bill would make that change and present it to his client. He said they asked if it could be taller and he told them no because of the code. If council says as part of the resolution that it has to be a monument sign, he would ask for some supportive language for a slight increase in height on the monument sign and he will bring it back to AutoZone. Barbara asked if it was going to say AutoZone on the front of the building. Bill said yes. Barbara asked then why would they need this when they are going to have big bright lights on the front of the building saying AutoZone. Bill said it was for visibility because you aren't going to see that sign until you are up on it because it's parallel to the road and set so far back. Mark Moffa discussed allowing them to go above the six feet, not that they can allow that but can give supportive language. Mark asked if Bill thought his client would be ok with a monument sign. Bill said he would do everything in his power to make sure his tenant is happy with that based on walking out of here with a final approval. Mark said he understands the tenant's concerns. Looking at the site he doesn't see how a six-foot sign would not stand out. There is nothing else around it. You will have landscape around it and then the parking lot. Bill said they would have to keep the landscaping really low. They would like to have more significant landscaping around the sign. Beverly asked if the sign was going on the corner of Route 1 and Hulmeville Ave. Bill said it is. Beverly asked if that's the corner they expanded for stormwater management. Bill said at the request of the planning commission, they reduced some drive aisle widths to allow them to put their front line closer to the building. Barbara said if they put a monument sign in there, why couldn't they take out the big bushes or evergreens or whatever and put some perennials around it. She said she would find that acceptable. She said they are trying to beautify the area. Bill said they are trying to do that. Mark asked about the dimensions of the sign. Ben said there would be a two-foot base and to the top of the sign would be six feet. Bill said he would do the monument sign and speak to his tenant. They may ask him to ask to request for relief. The letter includes some of the Planning Commission recommendations. Carol said she would go through the waivers. The first is the storm water runoff. The total runoff shall not be increased from predevelopment runoff. The requirement to control the runoff was not met on this project because the common way to control runoff volume is infiltrated in the ground. There are soil conditions from the history of this property that prevent that. They have met all of the other stormwater requirements. She has no objection to this waiver. The next item on the waiver list is presented tonight which is preliminary and final plan approval. The common way of doing this is preliminary and then they come back again for final. Council can do both tonight. The next waiver is the depth of the storm sewer. The code says the top should be 24 inches below subgrade elevation. In this case the top is connected to one of the inlets that is less than 24 inches. But it does have 24 total inches to the top of the pavement. She offers no objection. The next is the landscaping. The revisions the applicant made since the Planning Commission has provided this but still need a waiver to reduce the perimeter strip along Hulmeville Ave. The next item is perimeter of parking areas where there shall be a minimum of one tree for every 40 linear feet of parking area of permitted strips. The plan notes that based on 124 feet of parking perimeter, 11 trees would be required and only three are proposed so they had requested a partial waiver of this section. The next is 13 street

trees are required and five are proposed and they are requesting a partial waiver. Bill said they were able to reduce the drive aisle widths with the curb line closer to the building. The problem is Penndot is chasing them with their proposed widening. They are taking additional right-of-way and pushing a left turn lane which pushes the highway curb onto their site so they have a severely limited green area so the Planning Commission suggested to reduce the aisle width. The other was the ordinance says seven-foot sidewalk and the Planning Commission suggested to reduce it to five feet to allow two extra feet of room. Carol said the next is the light poles which the ordinance requires them to be at least five feet from any parking spaces and they have it at less than five feet so a waiver was requested from that. Bill said by reducing the sidewalk width and pushing the curb in, the Planning Commission suggested adequate separation from the parking area and the light polls at two and a half feet or so. Carol said the next is the sidewalks which are proposed at five feet along Lincoln Hwy. and Hulmeville Ave. The code calls for seven feet. The Planning Commission was supportive of that to maximize green space. The next is a technicality. The code says the sidewalks should be laterally pitched to the slope not less than three eighths inch per foot to provide adequate surface drainage. The ADA requirements have gone past our code. ADA standards say a quarter inch per foot; therefore, the three eighths inch standard is obsolete. The next is not a waiver request, it talks about sidewalk grading at the end of the project where it is trying to match existing conditions. The applicant's engineer has been in contact with her on how they can address this. For the most part it is a will comply but at the western edge of the frontage along Lincoln Hwy., there is a driveway down into someone else's property and it is a steep driveway and they would have to make it meet that it won't be compliant with ADA standards. What she recommends and she shared this with the solicitor's office is that a waiver is granted from this section with the understanding that the applicant will upgrade that sidewalk when the time comes to upgrade that driveway. The next is all sidewalks should be handicap accessible. Normally they would require the applicant to update the accessible ramps at the intersection which would be silly right now since Penndot is going to upgrade the intersection in a year. The next is off street loading facilities which requires no less than 14 feet wide and 55 feet long. The proposed area does not meet the 14-foot width requirement. They have a 10-foot-wide loading area. The last is the curb height which is required to be at Penndot standards which is an eight-inch curb reveal. The applicant has requested a six-inch reveal, interior to the site. She recommends the eight-inch curb reveal in the vicinity of a loading area. The applicant has indicated they will comply with that at other locations. She offers no objections for the six-inch interior site reveal. She understands the applicant will comply with all of the items. Bill said they would.

**MOTION BY JOHN STRATZ TO APPROVE PRELIMINARY AND FINAL WAIVERS AND CONDITIONAL FINAL LAND DEVELOPMENT APPROVAL FOR THE PLANS FOR THE PARCEL 32-003-004 PROPERTY AT 200 W. LINCOLN HIGHWAY FROM PLANS FROM AUTOZONE PENNDEL DATED OCTOBER 3, 2019, LAST REVISED DECEMBER 16, 2019 CONSISTING OF 17 SHEETS APPROVED BY COUNCIL AND SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Applicant shall comply with the PennDel Borough Subdivision and Land Development Ordinance (SALDO); the PennDel Borough Zoning Ordinance and all applicable state and federal ordinances, statutes and/or laws;
2. Compliance with the specific comments as stated in the Value Engineering, Inc. January 13, 2020 review letter and any supplements to said letter;
3. Compliance with the conditions attached to the requested waivers as listed in the Value Engineering, Inc. January 13, 2020 review letter and any supplements to said letter;
4. With respect to Paragraph 2(c)(4) of the draft letter provided to Applicant, also stated in Comment 17 of the Borough Engineer's Review Letter dated 1/31/2020, if the Borough accepts a section or sections of sidewalk installation that is not ADA compliant to meet the existing driveway on the western end of the Lincoln Highway frontage, the property owner will be responsible to upgrade the sidewalk when the driveway is altered, reconstructed, or eliminated. This shall be noted on the record plan;
5. Compliance with PennDel Borough Planning Commission Review dated October 30, 2019;
6. Compliance with the Decision of the PennDel Borough Zoning Hearing Board Decision dated December 3, 2019;
7. Full or partial waivers are granted as listed, as indicated in the previous paragraphs subject to compliance with all other conditions noted;
8. Where applicable, Applicant shall comply with all comments from the appropriate authorities

- responsible for the approval for the proposed utilities;
9. Applicant shall pay required and appropriate fees associated with this project.
  10. Design of all proposed retaining walls should be prepared and sealed by a licensed professional engineer and submitted to PennDel Borough;
  11. Per Section 322-41 of the PennDel Borough Code, the sewer lateral must be video inspected at the time of property transfer;
  12. Applicant should be required to submit evidence of authorizations, approvals, permits, acceptances, or exemptions from all agencies with jurisdiction, including but not limited to:
    - a. PennDOT;
    - b. PADEP;
    - c. Bucks County Planning Commission;
    - d. Bucks County Conservation District;
    - e. Bucks County Water & Sewer Authority.

SECONDED BY LAURA GERMAIN.

Mark Moffa asked if Carol had any concerns about the loading area and Carol said no, they provided what was needed. Mark asked why they couldn't meet the requirements for the perimeter strips along Hulmeville Ave. Bill said they are very limited in site geometry and now have less space. They are creating some along Hulmeville Ave. where there was none. Carol said the only way is to reduce the size of the building or making the loading area even smaller. Mark said his main concern is the trees. Carol said there can't be any in certain areas because of the truck turn. The delivery truck is parking along the curb line that parallels Hulmeville Ave. The door on the Hulmeville Ave. side. Mark asked how long it takes to unload a truck and Bill said about 1-1 ½ hours. Mark asked what they are proposing to put in the space on the north of the driveway. Bill said at this point it is a grass strip. Mark asked if deliveries were made when the store is open or closed. Bill said there was discussion with the Planning Commission where they mandated where they provide the smallest loading area that they could. Carol said there was a concern that a truck would park along Hulmeville Ave. and would obstruct traffic so they wanted to make sure there was a very specific loading area. Beverly said they were concerned that a tractor trailer would be backing in to unload and would block the traffic on Hulmeville Ave. while they were unloading. It will be done in a manner to not block traffic on Hulmeville Ave. Mark said he would rather have trees and a shorter loading area. Carol said there is a program that generates turning templates. Engineers use this program to make sure a truck can navigate a site. It is a computer-generated path. Bill said he thinks they have some flexibility with that.

Discussion with applicant regarding free standing sign and trees. Applicant agrees to increase the minimum number of trees from 5 to 7 with respect to Engineer's comment 13 on Section 355-36.C(4) and to withdraw its request for a free-standing sign.

Beverly Wolfe asked if there were any objections for the motion for unanimous consent to amend the main motion regarding preliminary and final land development approval to insert the following additional condition.

Compliance with Applicant's representation that it will withdraw its request to place a freestanding sign and, in its place, that it will place a compliant monument sign. To the extent relief from the PennDel Borough Zoning Ordinance is required, Applicant will seek such relief and comply with all decisions and conditions issued by the PennDel Borough Zoning Hearing Board.

NO OBJECTION TO AMENDMENT. AMENDMENT IS AGREED TO BY UNANIMOUS CONSENT.  
All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO HAVE A 10 MINUTE RECESS. SECONDED BY MARK MOFFA. All ayes, motion carried.

Beverly Wolfe announced that they were back in session. She also announced that they were going to go out of order from the agenda to allow public comment.

### Public Comment

**Rich Keller, 107 W. Woodland Ave.**, stated he was representing his twin brother Dan and his wife Joanne as they are named on the letter. They own the hair salon at 124-130 Bellevue Ave. He said he has sat where council is sitting and curbs and sidewalks are always a problem. He understands the state of Pennsylvania has their own little schedule. He read the certified letter and he doesn't see where it says the new current date that the state is going to do Bellevue Ave. He had gotten notice before and they had contracted with Giuseppe's Restoration to have the work done. For one reason or another, Giuseppe's was the only contractor to look at the work on Bellevue Ave. Joe was not able to get to the work that he was contracted to do. These letters, and he knows it's a formality because by borough code, they are required to do it. The cost of the sidewalks and then to add on legal fees, seems to be a disservice to everyone in the room. What his brother and he are asking is to let them know what the final date is and when they are going to pave Bellevue Ave. He would like to ask for an extension from the 30 days because with the weather you will get a subpar concrete job and will have to add an accelerant to get the concrete to cure and two years from now it will deteriorate. He would like a date in March or April for the work to be done. Ben Hauser explained to Rich how the Municipal Claims and Tax Liens Act works. He said the legal fees only come in if the borough does the work, you don't pay and there is a lien filed on you. Carol Schuehler said she contacted PennDOT and they can start paving any time after April 1st. PennDOT specifications would require that the ground not be frozen and the air temperature be above 40 degrees. There is over 700 feet of linear curb still to be addressed out there in addition to sidewalk. They are most focused on curb right now so they can get that done before they pave. She said they started this back in the beginning of the year and in February letters were sent out saying that paving was going to happen late this year. She did inspections in March 2019. On May 22nd, certified letters went out detailing the work that needed to be done and set a deadline of August 1, 2019. At the end of September, PennDOT contacted her and informed her that the contractor was gearing up to do the work at the end of October, beginning of November. On the 15th of October, she spoke with PennDOT as well as the contractor and said there is still so much to be done out there that PennDOT actually agreed to delay until March or April of this year. The last day that curb work was happening out there was the 23rd of October. They've had some unseasonably warm weather in December and mid-January and nothing has progressed out there. We are looking at a potential start date of April 1st and they still have a lot of work but she understands that some of it is under contract and some of it is not. At this point the borough handed out a bid for contractors to give us unit prices for curb and sidewalks so the borough can do what hasn't been done. It has to be done before the resurfacing project comes through. If the work is not done when the contract mobilizes, then it will be done by the borough's contractor and the property owner would be assessed the price based on that bid. Rich asked in her professional opinion, could concrete be poured in the proper fashion when it's 18 degrees at night and warmer during the day. Carol said they can't pour concrete this week because it's too cold. It has to be 40 degrees. The problem is, the August deadline has passed and we have a contractor coming so the borough needs to take action and get a contractor in accordance with all the state laws with prevailing wage, bonding and all of that. We need to get a contractor in place that will finish what hasn't been finished. If the successful bidder for the borough has warm weather and can start in March and some other contractor is out there at the same time, we're not throwing him off the road but this work has to get done. Rich said Carol said March but it says in the letter 30 days from the date of the letter which is January 13<sup>th</sup>, then you're looking at the middle of February. It's not realistic if she's saying the borough won't do it until March. Why couldn't they do it in March. Carol said the work needs to be done before PennDOT comes through. Whatever contractor the borough gets needs to be able to mobilize when the weather gets warm. Rich said if the contractor he has can mobilize when the weather gets warm, are they still bound by the 30 days. Ben Hauser said that the 30 days comes from state law and the borough ordinances so we have to give you no less than 30 days' notice. It is council's discretion whether to give you more time. Rich said maybe they need to talk to Giuseppe's Restoration and he can give them a realistic timeframe. Joe Sellechia will have to let them know how many linear feet he can do in a reasonable timeframe based on PennDOT's new schedule and also based on the weather. Rich said his brother has 30 feet of curb and a couple hundred feet of sidewalk to replace. Beverly said she has an email from one of the residents who said she was given a date by Giuseppe's of May 2020 to have the work done which is way over when they expect PennDOT to start.

Joseph Sellecchia, owner of Giuseppe's Restoration, said when he was in Penndel at the end of October, a Penndot official approached him and he was told the end of April, beginning of May the milling will start. The customers that he had remaining, he had spoken to them because he had prior customers already outside of Penndel for the past 15 years, that he already had work scheduled with. That's why he left. He spoke to the customers and they were all in agreement that he would come back and do it in the spring. As soon as the weather breaks, he will be back in here to do the work. He said he has roughly 8-10 contracts right now that are properties under contract. Mr. Keller, his neighbor the doctor, Penndel Pizza, 154 he believes it is, her neighbor at 146, Bellevue Court Apartments and two further down on Bellevue. They took longer to get back to him about the work. It's hard to do the work he's doing out there. They only have between 9:00 – 3:00 to do the work. There are other contractors that he sees out there at 7:30 in the morning. Nothing's been done. 5:00 in the afternoon and nothing has been done to them. He tries his hardest. Our Lady of Grace Church in front was 400 feet. They did that whole thing in two weeks. He thinks he has roughly 350 – 400 feet of curb, at different properties. Streets have to be cut, scheduling asphalt guys, all that stuff comes into effect. The work he has to do, if the weather is permitting, he can have done in roughly less than a month. He doesn't know what bringing in a big contractor with prevailing wage and all that is going to do. He guaranteed his work to these people, just let him do it. Beverly asked if he had the name of the person from Penndot who gave him the information. Joe said he did not remember his name but he spoke to Bob after the person approached him and that was when he was told the end of April, beginning of May. Beverly asked if that was when they had the original Penndot meeting. Joe said no, it was when he was out on the street doing the borough hall, next door and the next house. He said the guy said to him that he sees he's the only one doing the work in here and Joe said he told him nobody else wants to touch the work here because you have to do road signage, you have to shut down, steel forms. He has five guys working for him and two trucks. You can only shut down so much otherwise you have traffic congestion. There's a lot of work involved here. The house down the street has a gas pipe 4 inches under the curb that has to be hand dug. It's hard to judge how much time it's going to take to from one job to the next to get done. Some jobs they ran into serious problems and other jobs there wasn't any. The one down the street was open for three days because 811 couldn't figure out what the pipe was. What are you supposed to do? You don't want to go to the next property, leave that one open and then have another job and you can't get back to that one for a few days. He tries to open two or three properties right next to each other and knock them out. When the weather breaks, he will do all the work he can possibly do with his own hands. Beverly asked Carol what the date was that Penndot is giving her. Carol said it's not date specific; she was told they can begin any time after April 1st. Beverly said it is a big discrepancy. Joe said if he knew that, he wouldn't have left. He knows what's at stake. He did Route 1 and Woodland Ave. and he knows what's involved. Ben asked Carol how much notice Penndot would give if they started before April 1st or April 10th. How many weeks' notice, hours' notice, no notice, or do they just show up? Carol said she is talking to the Penndot official who is working with the contractor. The contractor who is doing the resurfacing ultimately sets the schedule and is adjusting it per his request. The same way in October it was adjusted to his request for the spring. There may be some latitude in weeks but not months. Penndot would like to close this out. They have been remarkably cooperative with us. If we need an adjustment of a week or two that might be possible.

Rich Keller asked if because of the time constraints, could Joe from Giuseppe's come back later to do the sidewalks. Beverly asked Carol how confident she is that we could go to Penndot about April 15th, or 30th, since we've delayed them before. Carol said they can continue those discussions. They will need to award a bid and mobilize a contractor to do those properties. Joe Sellecchia asked if it would help if he gave documentation on what properties he has signed contracts with so they know what properties have to go out for bid. Carol said the problem is logistics. She's not sure how they make it all balance out. They are at a point where they passed all of the notification deadlines. Joe said all he's asking is for the council to let him finish what he is under contract to do. He won't bid on the rest. Beverly asked Joe the eight to ten contracts he has, realistically when he could have them done. Joe said a month to a month and a half, weather permitting. It may be faster. He said it doesn't matter who you bring in here. You can only get so much done in a day because they can only work from 9:00 – 3:00. He might be able to start at the end of February, beginning of March. He said the asphalt plants are shut down right now. You couldn't do anything right now if you wanted to. The biggest problem is the time. It's only six hours. By the time you set up, you're a half hour in. At the end of the day you have to stop 15 – 20 minutes prior so

that you are off the road. Carol and Jamie both gave him some leniency. Ben asked Joe when he entered into the 8 -10 contracts. Joe said some in September and some in October. Ben said leave the 30-day requirement in place and operate under an understanding that certain work would be prioritized, is it conceivable that our contractor goes through an initial pass to do the non contracted properties and then turns around and finishes up whatever remains, is that a possible scenario? Carol said she needs to see the list from Joe before she can give a firm answer on that. She said in concept that seems like a reasonable thing to do. Beverly asked if Carol felt confident that she could reach out to somebody at PennDOT and see if there is any leniency on April 1st for a couple of weeks. Carol said she thinks its reasonable that they would work with us since they have been working with us although she can't guarantee it. She said if the borough had a choice, you would rather Joe do all the curbing because everything the borough does, they have to pay for it and seek reimbursement from the property owner. The property owner might not be happy because it may cost more. Beverly asked when the bid opening is and Carol said January 29th.

**Cindy Feeser, 621 Bellevue Ave.**, asked if it was the borough that wanted the curbs and sidewalks because she talked to someone at PennDOT who said they don't care about the sidewalks and curbs. This person asked that she not use his name and he said milling could possibly start in April, but not necessarily in April. Last year they were told they had to get them done. She had her sidewalk done thanks to Joe. It's the stress she hears from her neighbors. When they were told they had to get them done, she kept looking at the PennDOT website and nowhere on the site did it have the schedule of Bellevue Ave. to have it resurfaced. She doesn't understand why they are giving us a tentative date of April, now you are enforcing her neighbors to get their sidewalks. They were told when their sidewalk was done, they needed to use steel forms. She noticed a man a couple houses down the street that looks to be about 8 foot high. She knows that's an exaggeration but she wonders if it was even inspected because it's a tripping hazard. She knows for a fact that he used wood forms. Why is it ok for one resident to use wood forms and they had Jamie come out and inspected their sidewalks and curbs to make sure they were done to code and yet this man dug out his entire sidewalk. There were no lane closures. For months this sidewalk was dug out. You had to walk in the street to get around it. Overnight it seemed like that curb was put in. She wanted to know if the curb was ever inspected because it's a tripping hazard. And walking in here she noticed the concrete by the door that there is a couple of blocks of concrete out there that need to be replaced as well as Old Lincoln Hwy. and Bellevue Ave. where the trucking company now is and how unsightly that is, why have you not enforced that with them. Ben Hauser said the sidewalk and curb requirement is in the Pennsylvania borough code which enables the borough to enact an ordinance requiring curb and sidewalk and certain qualifications for deficiencies. As part of the project, the borough engineer last year, did mark the non-compliant curbs for this project. Carol said as for the metal forms, there was one property on Bellevue Ave. where there was some problems and it was brought to their attention. That property owner's curb was finally filled in. They didn't give them permission to not use steel forms. They had some problems with that property owner and council has been notified of that. That is a separate issue. Cindy asked if that curb was allowed to stay. It's a hazard and you can trip over it. It's higher than every other curb. Carol said she can go look at it but the property owner was put on notice that it might not be accepted. Beverly said as for Bellevue Ave. on the other side of Route 1, they were informed by PennDOT that side would not be part of the project. Carol said they removed it from their resurfacing project last summer. Cindy asked if the ordinance applies to the entire borough. Beverly said when road is being resurfaced, any deficient curbs and sidewalks must be repaired or replaced.

**Dave Smith, 146 Bellevue Ave.**, said he was disappointed in the response of Joe since the borough recommended contracts for this that they would be behind them. They talked to Joe last summer about doing the curbs and Joe explained he was working along with PennDOT and he was taking care of certain sections and he would get to them and then the time ran out. He feels that the borough should have had more contractors in the beginning and if the work didn't get done in time, he would end up being the contractor. He's uneasy with the weather because in March you will probably get a lot of freezing temperatures and April is a rainy month. The 15th doesn't even sound realistic. The people that have been waiting in line to get the work done and now they're on the fence because they called the contractors you suggested in the beginning, he thinks Joe should be given the confirmation that he complete the contracts that he started off with and they're not left wondering what's going to happen if

someone else comes in twice the price and they end up getting a lien put on them. They gathered their money to have the work addressed and he doesn't think they should be penalized for that. Beverly asked if he was talking about official recommendations of contractors. Dave said they were given a list by three different people in the borough. They went with the recommendation of what they got from the borough. Carol said before this started, they talked about some of the problems they had on Lincoln Hwy. with contractors meeting specifications so they reached out to a number of contractors that had been working in the borough, went over the specifications, made sure they fully understood the specifications and if so, they were put on a list of contractors so that when somebody called the borough hall and said I don't know who to call, there was a list of contractors that were aware of and understood the specifications. It was not a recommendation for any one or two contractors. It was to provide a resource for residents. Mark Moffa asked about the bids and excluding some properties. Carol said they are out right now and will be opened on January 29th. If they exclude those properties, by the time PennDOT comes around, they do the properties no one had under contract and let's say Joe got three quarters of his done but now they have a piece that's not done. They've put out a unit price bid that said it's up to a certain quantity. It's not by address but by linear foot. Mark said the bid has a total linear foot number. Carol said it does but it is made clear that this is not a guaranteed number. She hopes Giuseppe's gets his contracted work done to reduce the borough's obligation. She wants a list from Joe who he has a contract with. Joe said with the work he's done here and everybody knows him here, he wanted to know why he wasn't notified of this big bid. Carol said it's hanging in borough hall and it's on Pennbid. The work will require working under prevailing wage and a performance bond and payment bond which is state law. Joe asked why the prevailing wage matters. Carol said because of the cost. If you go over \$25,000.00 in accumulative cost, then state law says they have to use prevailing wage. Joe asked if the Our Lady Of Grace job should have been prevailing wage. Carol said no, the borough is paying for this. Joe asked if he could bid and Carol said he could if he would pay prevailing wage.

Beverly Wolfe said she has four things she thinks should happen. In regard to the letter. It said 30 days. As Ben pointed out, day 31 doesn't mean they are going to come in and push poor Joe around. Joe was going to provide them with his list of properties. Beverly asked Carol to reach out to PennDOT and feel them out a little bit. And they revisit this at the February council meeting to see what new information they can get from Carol and PennDOT and that the homeowners in the room know that on day 31, the hammer does not come down on them. Laura Germain asked if they could do anything with the time since 9:00 – 3:00 really constrains him. Could they do a temporary emergency to allow him to work longer. Carol said that is up to PennDOT. Laura asked if she could bring it up to them. Carol said, no, they do not negotiate on that. Joe said the house down the street was working whatever hours he wanted with no road signage, no nothing. As long as he has the right traffic control and signage and barriers, what's good for one is good for the other. Carol said when they talk about the 9:00 – 3:00, it's about enforcing the PennDOT rule and if we start ignoring that, we are going to get shut down by PennDOT. Joe wanted to know why he wasn't shut down by PennDOT. Carol said she doesn't want to keep going back to that because that situation has its own issues. PennDOT inspectors will shut down contractors who don't abide by that rule and call and give her an earful because the borough didn't talk to them. Joe said he tries to stick by the book as best he can and they have been gracious to him. He said maybe he can talk to PennDOT to see if he can put his signs up 15 minutes early and down at 3:15. Even a half hour would help.

**Adele Smith, 146 Bellevue Ave.,** said she has contractors written down and you may not want to take their bids. FTD Contractors would do the sidewalk work but not the curbs. Ground Up Landscaping, LLC. Giuseppe's was the only one who answered their questions and worked with them and called them. She never had any contractor call back like he does. You call him three times; he would call you back three times. He cares about them. That letter was actually insulting. It did worry a lot of us people who care about the borough because of the 30-day time limit. It made it sound like they weren't doing anything or care about their property. It wasn't right. She understands they might want to flush out some other people who weren't compliant at all but they were compliant since last year. Joe really cares about you and that's why she feels the letter was over the top. Mark Moffa said the January 2020 letter was stern because of the letters sent last year and the August 1st deadline. Beverly said they didn't know about her contract with Joe. They are going to get the list now.

**Rich Merritt, 620 Bellevue Ave.**, said he did comply. He had an apron and one slab of sidewalk and he was written up for nine feet of curb. Everything was done. Jamie the inspector said she was going to waive my curb because it is only 1/8 shy of four inches. That's crazy to make him go through that expense for 1/8 of an inch. Ben asked Carol about the code that says the actual height of eight inches below four inches then the curb becomes dangerous. Carol said the curbs are constructed with an eight-inch reveal. When the reveal is less than four inches, it is in violation of the borough code. Rich Merritt said an 1/8 of an inch. Carol said the cutoff is four inches. If it was 4 1/4 inches, you're fine. If it is 3 3/8 or 3 7/8, the four inches is the cutoff defined by code. It's not her idea. Rich said he has to do nine feet of curb for 1/8 inch. Carol said she has an email from her inspector that she remeasured and it is definitely less than four inches and needed to be replaced. Rich asked why she waived it. Carol said she did not. Joe Sellechia said she did because he was going to rip it out and she said no. Joe said they measured and one end was four and something and the other end was 3 7/8 and Jamie said ok, just let it go. Carol said it's less than four inches. She cannot waive it. Joe said he was there, Rich was there, Jamie was there and two of his employees were there. Jamie is changing her story. Carol said she will get an updated report from her inspector.

**Ann Snodgrass, 610 Bellevue Ave.** said she called Penndot herself and she spoke to someone who didn't want her to give his name, said according to the schedule, they are going to start milling the street in mid-March and they may pave it the beginning of April but because of other streets and weather conditions, he thinks it won't start until May. There are so many variables. If you get a snow storm or a rain storm it will push everything back. Main St. in Hulmeville is going to be done and everything might be switched around so there is no guarantee that it will be done in April. She had concrete work done in the summer. Her husband passed away in March and she was back and forth to Penn and wasn't around and Joe took care of her to make sure she was compliant. She has six feet of recessed curbing where he has to dig out the street and you have to stop traffic. Most of the non-compliant people are probably on her side. It makes sense to do one side and then the other. Joe was going to come over and do the one side because of the flow of traffic. She was upset when she got the letter. She called and spoke to Marie and asked when Penndot was coming out and she didn't know. She asked how she could find out and Marie told her to call the District 6 office and she did call. Someone called her back and gave her those dates. She said they're not making it up. It's what they've been told. Beverly said she is not accusing anyone of making it up. It's just hard for them to go to Penndot and say this person said mid-March, mid-April and another one said May and we have no names. Penndot is going to pave that road and if the curbs aren't done per our ordinance when the road gets done, they will have to dig up a new road to fix them. Ann asked why they have to dig down ten inches. Joe said that is standard code for all townships. Beverly said they are going to contact Penndot and get clarification and names. Carol said they just don't know when they are going to start. It will be depending on their contractor, the weather and temperatures so it could start as early as April 1st but they don't have an actual start date. Carol said she is in constant contact with Penndot. She will keep them apprised of the schedule. All we know is that it will be sometime after April 1st. Joe said he is going to bring in all the contracts he has. He asked if they are going to go into the bid or not. Carol said they are getting a unit price to a certain number of linear feet. They are not committing in that contract to doing a certain number of linear feet. Joe said his problem with that is it is a big conflict. He said let's say he has Rich Keller's left to do out of every property he has. He's starting in two days. Rich gives him a deposit and the next day they come in and start breaking it out. What happens now. He's in a contract with Joe and has given him a deposit. Carol said then Rich is going to be paying the borough for it. Joe said it's a big conflict. Carol said she doesn't know that it's a conflict. The borough would prefer not to be doing it. Joe said he is in a binding contract with him. What do you tell those guys who ripped it all out? That one's already spoken for. Are they going to leave? Carol said they would prioritize the ones that aren't under contract but the work has to get done before Penndot gets in here. Laura asked Carol if in the process would they notify the homeowners that work has been scheduled at your house for that day or if they just show up. Carol said they have a pretty good record of being in contact with the residents. Beverly said they don't want to do this. They are not in the concrete or building business. Laura said if they notify people before they come, it would make people feel better. Beverly said they will be in communication with them. Joe said all that he has done in Penndel so far, he gives them a day notice or sometimes a week notice. Beverly said Joe needs to be in contact with her with updates right away. She will give him her email address. She wants to be included in all the updates on all of these people. Last year when he did the work he was in contact with Karen

and Jamie. He told Bob and Marie and Karen. Everyone in the office knew what was going on. Beverly said he wants him to contact her. This wasn't done to undermine anything he is doing or anything these people are doing. It was meant for the people who have done nothing.

**MOTION ITEMS:**

MOTION BY MARK MOFFA TO APPROVE THE MINUTES OF THE DECEMBER 18, 2019 COUNCIL MEETING. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY MARK MOFFA TO PAY THE FOLLOWING INVOICES AS LISTED ON THE AGENDA:

Armour & Sons Electric Invoice #910015375 dated 12/4/19 in the amount of \$800.00 for the Annual Traffic Signal Maintenance Agreement

Bucks County Boroughs Association Dinner meeting fee of \$35.00 for Mayor Winkler to attend on 1/29/2020

Comcast Business Invoice dated 1/1/2020 in the amount of \$175.27 for police internet & voice services

Comcast Business Invoice dated 1/2/2020 in the amount of \$129.46 for internet service at 790 Neshaminy Street

SECONDED BY LAURA GERMAIN. All ayes, motion carried.

**President's Report**

Beverly Wolfe offered to spend time in borough hall with her laptop to help residents sign up for Ready Bucks. She thinks it's important for all the residents to be signed up. If they don't know how, she will do it for them. She is going to do the committee assignments, but for the committee conferences for the upcoming season, she would like to have one per month and whenever possible, she would like to be present because she felt disconnected from what was going on because they were happening during the day. However, the vice president gave her detailed notes from the other day. She has given council the handbook and the sunshine act. As she said to Gary Nickerson, she will sit down with anyone and go over everything. She's no expert but she might be able to help. They are going to revisit the fee schedule starting immediately.

**PENNDel BOROUGH COUNCIL COMMITTEE ASSIGNMENTS 2020 (CHAIR LISTED FIRST)**

Administration/Cable:	Heffelfinger/Moffa
Building & Maintenance:	Dudash/Stratz
Community Development:	Heffelfinger/Stratz
Community Relations:	Germain/Heffelfinger
Finance:	Moffa/Heffelfinger
Insurance & Pensions:	Nickerson/Moffa
Open Space:	Stratz/Dudash
Ordinance:	Moffa/Nickerson
Public Safety:	Dudash/Heffelfinger
Public Works:	Stratz/Germain
Refuse:	Nickerson/Dudash
Planning Commission Liaison:	Beverly Wolfe
Revitalization Task Force Liaison:	Mark Moffa
Recreation Board Liaison:	Laura Germain

Mark Moffa asked if there was just one council liaison for revitalization. Beverly said there was only one in the beginning. Mark said other council members attend and you have to make sure that there is no quorum. Ben Hauser said Resolution #2017-26, membership should be no

more than two members of council on the Revitalization Task Force. Ben said the resolution can be amended but you should have no more than three council members on it.

#### Engineer's Report

Carol Schuehler read her report which is attached.

Mark Moffa asked about the 537 Plan and an item in Kelly's letter that addresses our TOD ordinance and they are aware that we are working on one, that it would necessitate upgrades to our sewer system and that we would have to contact the DEP to complete any required sewer facilities planning for the necessary sewer upgrades. He wanted to know how they are going to deal with that. Carol said the need to get the Act 537 plan approved with the understanding that we may need to do more planning if the TOD takes off. Mark asked about the Hulmeville Ave. bridge and how PennDOT doesn't require sidewalks over bridges if there are not connections on the other side, there was an email that said they should be able to accommodate the striping for the pedestrians which is a compromise. As he read further it says they probably can accommodate and will investigate and was noncommittal yet in his conversations with Carol, his understanding was that this was going to happen. He asked Carol if it was going to happen or maybe going to happen. Carol said nothing is set in stone at this point but she has multiple emails that they have been in contact with the traffic department they seem quite positive about this all working out. Mark was thinking of asking for a resolution to express their strong desire for the engineer to lobby for pedestrian signage and crossing.

MOTION BY MARK MOFFA TO AUTHORIZE THE SOLICITOR TO DRAFT A RESOLUTION MAKING DIRECTION TO THE BOROUGH ENGINEER TO MAKING CERTAIN BOROUGH POSITIONS CLEARLY KNOWN TO PENNDOT AND TO PERSUADE PENNDOT TO DO THE SAME. Beverly Wolfe said to be clear, that is to express our concern and desire to PennDOT that there be some kind of pedestrian or bicycle crossing over the repaired new bridge over Hulmeville Ave. once it is done. SECONDED BY JOHN STRATZ. Steve Lowe, 409 Cynthia Ave., asked if they could reach out to Middletown Township and have them do the same. It would be better to have both municipalities fight for the same thing. Mark Moffa said even Langhorne Manor because they expressed interest. All ayes, motion carried.

John Stratz thought it would be advantageous for someone to go and say a few words at their meeting. Beverly said the vice president of council will reach out. She doesn't think they need to attend a meeting. If they have to, they will.

#### *COMMITTEE REPORTS:*

##### Revitalization Task Force

Mark Moffa said the TOD Ordinance should be ready. Ben Hauser said it should be authorized by one of the two February meetings.

##### Old Business

Beverly Wolfe asked if they authorized the sewer lateral repair letters to the residents on Bellevue Ave. who need the repairs done that the borough is doing. She believes they wanted John to hand deliver the signoff form to them. She asked council how they wanted the actual letters to go to the property owners. It should go certified mail and, in that letter, should include that Councilman Stratz will be out to speak with them and have the release form to allow them to go on their property. Ben Hauser send to send it first class mail as well. John said he thinks it's best for them to sign it and hand it to him so they can't say it got lost in the mail. Beverly said he will do that with the ones who don't send it back.

##### New Business

MOTION BY BEVERLY WOLFE TO RATIFY APPROVAL TO SEND FINAL CONCRETE REPAIR NOTICES TO PROPERTY OWNERS ON BELLEVUE AVENUE. SECONDED BY MARK MOFFA. Laura Germain asked what it meant because they sent out the letters. Beverly said they authorized the letters to go out ahead of this meeting to meet a certain deadline and they are ratifying that right now. Ben Hauser said he believes authorization had been made before but in the absence of the audio recording it

wasn't clear and in absence of a public meeting, by four members of Council approve it. Beverly said it wasn't clear in any of the minutes or audio tapes previously that they ever voted to send those letters out. Ben said the way that they ordinance reads is that the letters do not have to go out with full direction of council. This is just additional. All ayes, motion carried.

MOTION BY MARK MOFFA TO ACCEPT GARY NICKERSON'S RESIGNATION FROM THE PLANNING COMMISSION. SECONDED BY GARY NICKERSON. The vote was 4 ayes, 2 nos (Beverly Wolfe and John Stratz). Motion carried.

MOTION BY MARK MOFFA TO APPOINT BUD MURPHY TO THE PLANNING COMMISSION. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY MARK MOFFA TO ACCEPT THE RESIGNATION OF RYAN CONOVER FROM THE REVITALIZATION TASK FORCE. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY MARK MOFFA TO REMOVE JOSH COHEN FROM THE REVITALIZATION TASK FORCE. SECONDED BY BARBARA HEFFELFINGER. Gary Nickerson asked if he resigned. Mark said he did not technically resign. Mark said he has been in several discussions with him and he has missed several meetings and he has indicated he is not sure he can attend. Mark feels at this time they should find another member. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT ADAM DIABELKO TO THE REVITALIZATION TASK FORCE. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT TOM SODANO TO THE REVITALIZATION TASK FORCE. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Gary Nickerson said they had a meeting with the Long-Range Finance Committee last week and discussed looking into some things that council requested they do. Starting a new year, they want to start thinking of things to do. Some of the things kicked around was investigating grants for capital improvement, open space or revitalization issues. Beverly said that was something they promised. To give them direction which is something they didn't have. The newly appointed finance committee, they need to give them things to do.

Persons to Be Heard (3-minute time limit)

**Steve Lowe, 409 Cynthia Ave.**, the one thing that sticks in his mind about the concrete is why it is so difficult to get contractors to come work in Pennel. Steve said they should talk about it amongst themselves.

MOTION TO ADJOURN THE MEETING AT 11:05 P.M. BY MARK MOFFA. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

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