

COUNCIL MEETING

February 3, 2020

Executive Session 6:30 p.m.

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

Present at the meeting

Mayor Bob Winkler
Council President Beverly Wolfe
Council Vice President Barbara Heffelfinger
Councilman Gary Nickerson
Councilman Mark Moffa
Councilman John Stratz
Councilman Joe Dudash
Councilwoman Laura Germain – absent

Also present at the meeting

Dave Truelove, Solicitor, Hill Wallack
Chief Sean Perry
Carol Schuehler, Value Engineering
Rick Halbom, Barry Isett & Assoc., Inc.

Guest Speaker

Bucks County Commissioner Robert J. Harvie Jr.

Commissioner Harvie spoke about what they would like to do at the county level. He congratulated the newly elected officials. He is hoping they all can do a lot of work together. He was a township supervisor in Falls Township for 16 years. He always felt there should have been more cooperation between the county and the townships. He would like to improve that level of communication and cooperation. There are things they can do in Doylestown to help Pennel. The new voting machines are coming in and are a completely different type of machine. The primary is in April during a presidential year. There is one month less to get used to the new machines. These machines are voter marked paper ballots. When you filled in the bubbles for the SAT's, that is basically what you will be doing. The candidates will have the bubble next to them and you color in which one you want. You take the paper ballot to a voting machine which is about the size of a desktop printer. You insert that paper ballot and the machine reads it like a scanner. It counts and then prompts you on the screen. If everything is fine, it will show you how you voted and will ask you if you want to vote this way and you push yes and the paper ballot slides through like a shop vac and goes into a canvas bag that attaches to the back of the machine and that paper ballot is kept. Not only is the machine counting it, it spits out a receipt at the end of the night, but the paper ballot you marked is kept. The county will hold those for a certain number of years. If an issue comes up and there is a recount, it's easy. You just go back to the machine. If you are worried about a problem with the machine, there are the paper ballots. If you make a mistake on voting, and the most common mistake is overvoting. If you have four borough council seats up and you voted for five people, the machine will have a red screen which tells you, that you overvoted. You get the paper back and make the changes and resubmit. There will be a lot of training over the next several months. Poll workers, machine operators, etc., should have already received a letter from the Board of Elections about training that is going to start this week. The training will be held at the

three campuses of the community college. It is free to the poll workers to learn to set them up and break them down. For the members of the public, there is going to be nine demonstrations in addition to the machines that will be available at every county commissioner meeting. The first public demonstration for anybody is February 24th at the Bucks County Technical High School in Fairless Hills from 5:00 p.m.- 8:00 p.m. Anybody can come and try it. You can ask questions to the Board of Election staff. The rest will be held all over the county. They are going to put how to use the machines on social media.

He also spoke about the census. 2020 is a census year. They have a plan in place for Bucks County. They do however, have a shortage of workers at the moment, especially in the Levittown area. These are paid jobs with flexible days and hours you want to work. We get federal funding as a county, based on the census. That is very important to us. If there is just a 1% undercount which is roughly 6,300 people, we lose about a quarter of a million dollars in federal funding. There is an estimate in the 2010 census that Pennsylvania lost more money due to undercount except for Texas who was the first highest. We were the state that lost the next most out of the 50 states. That's federal dollars coming for redevelopment, Medicaid, social programs, education. He asked the borough to publicize the census. Anyone who is interested can go to buckscounty.org. There's a button for the census and the voting machines. John Stratz said it is a great opportunity for anyone unemployed. He asked what they are paying and Commissioner Harvie wasn't sure but thought it might be \$20.00 an hour. Beverly said they would put it in the newsletter and on the website.

Council or Borough Announcements

Barbara Heffelfinger announced that the Heritage Society of Pennel is holding their soup dinner on February 29th from 4:00 p.m. – 6:30 p.m. at the Coffee Cup Café. \$8.00 for adults all you can eat, 5 and under is free. Pennel Borough has a significant part in the history of Bucks County. They are having an historical tour of the significant properties that we have in the borough. They will include what she calls the two Rumpf houses because that is who built them which are now the lawyer's office and the IHM building for OLG Church. The Langhorne Carpet Co. and they hope to have a loom running. Also, Redeemer Lutheran Church and Our Lady of Grace Church. The cost is \$10.00. It is May 2nd from 11:00 a.m. – 4:00 p.m. There will be refreshments served at borough hall.

MOTION ITEMS

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE JANUARY 21, 2020 WORK SESSION. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION TO PAY THE FOLLOWING BILLS FOR THE MONTH OF JANUARY 2020:

General Fund	\$ 32,847.91
Fire Fund	\$ 1,176.14
Refuse Fund	\$ 16,429.25
Sewer Fund	\$ 50,080.21
Capital Reserve Fund	\$100,000.00
Sewer Capital Fund	\$ 3,620.05
Liquid Fuels Fund	\$ 1,866.82
Escrow Fund	\$ 3,398.25
Payroll Fund	\$ 709.46

Payroll

General Fund	\$27,344.55
Sewer Fund	\$ 4,193.75
Refuse Fund	<u>\$ 698.98</u>
Total	\$32,237.28

Escrow Bills:

Mill Creek 2:	
Value Engineering	\$ 605.25
Schoolhouse Court:	
Value Engineering:	\$ 339.00
Auto Zone:	
Hill Wallack	\$ 720.00
Value Engineering	\$1,734.00

Pre-paid Check

Check #12998 made out to Langhorne Postmaster in the amount of \$262.09 for sewer/refuse quarterly billing postage

SECONDED BY MARK MOFFA. All ayes, motion carried.

Mayor's Report

Mayor Winkler read his report which is attached.

Chief's Report

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

Solicitor's Report

Dave Truelove reported that there was an executive session that began at 6:30 p.m. and that all council members attending the borough meeting were at the executive session as well as Mayor Winkler, Carol Schuehler and himself. Potential litigation matters were discussed ??? 21:14. The meeting concluded at 7:20 p.m.

Engineer's Report

Carol Schuehler read her report which is attached.

Zoning/Code Enforcement Report

Rick Halbom read his report which is on file in the secretary's office.

COUNCIL COMMITTEE REPORTS: (chair listed first)

(Committees were just reassigned)

The chair will be offered to report first, then other committee member(s), then questions on committee report from council.

ADMINISTRATION/CABLE (Heffelfinger, Moffa):

No report.

BUILDINGS & MAINTENANCE (Dudash, Stratz):

No report.

COMMUNITY DEVELOPMENT (Heffelfinger, Stratz):

Barbara Heffelfinger reported that she met with Carol Schuehler regarding grants that they are looking at. They met for about two and a half hours and went through a long list and are working on getting them started. Without Carol's help, they would be up the creek.

COMMUNITY RELATIONS (Germain, Heffelfinger):

Barbara Heffelfinger reported that they are in the process of getting the newsletter together and it should be out in a couple of weeks. There will be a Valentine's party at the borough hall on Saturday, February 15th from 12:30 p.m. – 2:30 p.m. Make a valentine for your sweetheart. Please support the community events. There will be a whole list in the newsletter.

FINANCE (Moffa, Heffelfinger)

No report.

INSURANCE/PENSIONS (Nickerson, Moffa):

Mark Moffa reported that he received the pension updates. The police pension is at \$166,617.00 and the non-uniform is at \$328,559.00 and they seem to be doing well.

OPEN SPACE (Stratz, Dudash)

John Stratz said they are open to any topics the residents might suggest besides the projects they will be offering during the year.

ORDINANCE (Moffa, Nickerson):

No report.

PUBLIC SAFETY (Dudash, Heffelfinger):

Joe Dudash thanked the Chief and officers because of the statistics received, the crime rate has gone down and they are doing a terrific job out there, especially on Route 1 where most of the crime passes through.

PUBLIC WORKS (Stratz, Germain):

John Stratz said in the beginning, God said let there be light. In a few weeks, Penndel will be saying the same. On January 21st, he had a final meeting with Keystone Lighting Solutions, Armour and Sons who will be putting in all of the street lights and Carol Schuehler. The topic of this meeting included contract documents. They signed everything and are ready to go. Project scope review – they will start by putting in the seven higher wattage lights and two new fixtures at Crescent and Neshaminy and Glen and Lincoln to improve lighting safety. Also, material management, construction logistics, field changes and issue resolutions such as fixture re-wiring that may be required by the national electric code. Some of the wires in the poles are not too good. PECO issue resolution said that our electric savings will be immediate and final project management completion were also talked about. Last Wednesday he held a full meeting of the public works department and council president to apprise them of his previous meeting. In a few weeks we will have bright white beautiful lights. Beverly Wolfe asked John if they have to put in reserves for the potential of bad wiring. John said yes and there is a motion later in the meeting for that. Armour and Sons does know Penndel well because they have taken care of our street lights for many years. They came to him and said that we have 20 lights as a precaution to fully rewire. They said that might not be enough so he will be asking for ten more lights in the motion later.

REFUSE (Nickerson, Dudash):

Joe Dudash brought up the Chinese Sword issue with recyclables. In 2020 they are not going to be taking straws, utensils, anything like that. By 2025 they are not taking any plastics. How that will affect us financially is all the recyclables we were collecting, we're not going to get any funds from it. He will talk to the county about it. In Illinois and Washington DC, they charge you five cents per plastic bag. And California is going to pass a bill about plastics. They have to be biodegradable.

SPECIAL COMMITTEES:

Recreation Board - Laura Germain absent

No report.

Long Range Finance – Gary Nickerson

Mark Moffa reported they haven't met since the last meeting. Gary Nickerson said there will be a meeting next week. At the work session he brought up the need for Long-Range Finance to have a scope of work so they have something to investigate like grants. He's not sure if anyone else has any ideas. Beverly Wolfe said they are developing a list of goals for them. Mark said it worked well last year when they had specific tasks.

Revitalization Task Force – Mark Moffa, Gary Nickerson

Mark Moffa said they have no update on activities because the group hasn't met. He thinks they will be in the coming months when they get the TOD through. They made two appointments to the Revitalization Task Force at the last meeting, Tom Sodano and Adam Diabelko. They are going to work on changing the resolution that establishes the group that they can have three council members present at the meeting and not be a logistical issue. Gary, himself and Beverly would still like to be involved but right now they are only allowed to have two council members there.

New Business

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE RESIGNATION OF POLICE OFFICER MICHAEL RICCIO. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOE DUDASH TO HIRE ALEXIS BRUBAKER-NATIELLO AS A SUBSTITUTE CROSSING GUARD. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY MARK MOFFA TO AWARD THE BID FOR THE BELLEVUE AVENUE CONCRETE PROJECT TO D. PASHOLLI CONSTRUCTION, INC., THE LOWEST RESPONSIBLE BIDDER. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-6 DISPOSITION OF RECORDS. SECONDED BY MARK MOFFA. Dave Truelove said every seven years, certain records can be destroyed. These go back to 2012 and some PLGIT from 2010 which are kept a little longer. This allows the borough and anybody else to make some room for new records. Over time, things may be stored digitally and this will happen less and less necessary. All ayes, motion carried.

MOTION BY JOHN STRATZ TO ALLOW AN ADDITIONAL \$3,400.00 TO THE CONTINGENCY FOR REWIRING IF NECESSARY, FOR THE LED STREET LIGHT PROJECT AS RECOMMENDED BY ARMOUR AND SONS. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY MARK MOFFA TO AUTHORIZE ADVERTISEMENT FOR THE TOD ORDINANCE #2020-1. SECONDED BY BARBARA HEFFELFINGER. Mark said he would talk more extensively when they vote on it. This is just for the advertisement of it so the public gets to read it. This is the beginning of the end of the process. It's been in motion for over a year. The Revitalization Task Force has been working to figure out how to bring more businesses and residents into the downtown area and revitalize the Business Route 1 corridor. The first thing they realized they need to do is to rezone much of what is there. They are doing that, not by changing the existing zoning but what is called an overlay. This ordinance establishes this overlay zoning called Transit Oriented District. It is to allow what developers are doing these days. Our current ordinance goes back to the 1960's. They don't allow the development that you are seeing all over especially near train stations. When they talk about that kind of development they are talking about mixed use like apartments or condos, maybe two or three stories on top and maybe some retail shops on the bottom. These are the types of things being built everywhere these days and you're not allowed to do it here. We need to bring our zoning up to the modern day. They would like to see mixed use. By bringing the zoning up to date is the first step into bringing good development into the Business Route 1 corridor. That is what this does. Dave Truelove said it has to be advertised twice within no longer than 60 days. The Bucks County Planning Commission will take one more look at it although they pretty well weighed in and helped a lot in the process. It has to comply with the municipalities planning code as well as the borough code. Anyone interested in this should take a close look and ask questions. A lot of hard work went into this. A lot of places took advantage of the proximity of transportation. Millennials like being close to the train station and having a walkable neighborhood. Mark said he would have a formal presentation on the night that they vote on it. It's a 31-page ordinance. It will give people a vision to what they are looking at. All ayes, motion carried.

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2020-7 REQUESTING PENNDOT INSTALL SIDEWALKS ON AND AROUND THE HULMEVILLE AVENUE BRIDGE. SECONDED BY JOE DUDASH. Mark Moffa said there is no guarantee at the moment that PennDOT will install sidewalks or any markings for pedestrians or bicyclists to cross the bridge. That is what this resolution does. Council requests that PennDOT install sidewalks or markings on the Hulmeville Avenue Bridge to facilitate pedestrians and bicyclists. Council also requests that PennDOT incorporate any other design measures or signage deemed necessary to provide for the safe travel of pedestrians and bicyclists on the Hulmeville Avenue Bridge. Council also requests that PennDOT install connecting sidewalks as part of its reconstruction work at the intersection of Hulmeville Avenue and Business Route 1. That is a separate project schedule for right after the bridge is reconstructed. The intersection right near the bridge is going to be reconstructed. It was ironic that they were told they couldn't have sidewalks on the bridge because there were no sidewalks to connect to them. This resolution also authorizes Carol our engineer to direct PennDOT on this and to request the incorporate our wishes into their plan. Carol said she has not seen the resolution but can tell you they were very specifically told that concrete sidewalks are not feasible at this point but are considering adjustment of lane lines and application of pavement markings and installation of signage. Mark said they are hoping on markings and signage. Carol said she and Barbara met with Middletown Township and they

appear amenable with the changes to accommodate pedestrians. Mark said himself and Beverly are on the agenda for tomorrow night at Langhorne Manor to get their support as well. Tom Sodano, 126 W. Woodland Ave., said to Carol that he is confused on the issue of the sidewalks. She said PennDOT was not intending to put sidewalks on the Hulmeville Ave. bridge. He asked if it would be normal if the bridge had had sidewalks originally that they would have to rebuild it with sidewalks. Carol said she would give her recollection. The design of the bridge is complete. If concrete sidewalks were added to the bridge at this time, they aren't incorporated into the structural design. The drainage design would be impacted because you now have a raise in sidewalk. The third problem is the bridge goes from PennDel to Middletown to Langhorne Borough. If there are sidewalks on that bridge, somebody has to be responsible for shoveling them, salting them and maintaining them. In theory she guesses it would fall on Middletown Township to take care of them. So, where they are in their contract and structural issues and logistical issues, they don't have sidewalks at this time and are not going to add them because it will delay the contracts. They asked them what can be done to make an accommodation for people to walk across the bridge and bicycle across the bridge. They indicated they could reduce just the lane widths because they have ample lane widths and shoulder so they can adjust the striping and the signage to accommodate a bike or pedestrian lane on one side of that bridge and they said they would work with us to do that. At this time there are not direct sidewalk connections on either side of the bridge. They don't exit on the Langhorne Manor side and they don't go that far in the PennDel side. The sidewalks go along the proposed Auto Zone property. They will as development and revitalization occur and sidewalks go in. On the other side it's not going to be up to us, it's going to be up to working with the neighboring municipalities in getting sidewalks over there. If we don't get pedestrian accommodations somehow, we're never going to get it. Tom Sodano said his question was if they are replacing a bridge that had sidewalks, why are they replacing it with a bridge that doesn't have sidewalks. Carol said she doesn't know if there were sidewalks because she never walked that bridge. Their perspective was that there is no pedestrian connection on either side. Tom said the bridge had sidewalks. He crossed them many times, with his bike delivering newspapers, walking back and forth across that bridge. That bridge had sidewalks until PennDOT's snowplows destroyed them. That's why it looks like there are no sidewalks. Between the salt and the edges of their plows, they destroyed them. The bridge had sidewalks. So, if they are replacing a bridge that had sidewalks, and he has seen this in other municipalities, they replace the bridge with sidewalks and put up temporary fence barrier on both ends of the bridge until the actual sidewalks were completed. Carol said he would need to ask PennDOT. Mark said Carol has been in contact with PennDOT and it was the noncommittal nature to even do the striping and markings for pedestrians that got him going. Beverly said when they came to meet with them that day, they came with the fully engineered plans that had already been put out for bid. There's no changes. Putting sidewalks in would grind it to a halt. Mark say we have to stay on top of them. He's hoping with this resolution and cooperation from Middletown and the Manor will help. All ayes, motion carried.

Dave Truelove said based upon the discussions in the executive session, there are two items to be added to the agenda for consideration by council.

MOTION BY JOHN STRATZ TO AUTHORIZE THE ENGINEER AND CODE INSPECTION OFFICER TO SCHEDULE A SITE VISIT AT 13 OAK AVE. AND SURROUNDING RESIDENCES TO DETERMINE POSSIBLE STORM WATER ISSUES IN THAT AREA. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE THE ENGINEER TO SEND A LETTER TO THE PROPERTY OWNER AT 560 BELLEVUE AVE. IDENTIFYING ONGOING

VIOLATIONS AND NON-COMPLIANCE OF APPLICABLE SPECIFICATIONS AND REGULATIONS AND TO ADVISE THE RESIDENT THAT ALL AVAILABLE REMEDIAL ACTIONS ARE TO BE PURSUED. SECONDED BY JOE DUDASH.

Suzie Drake, 629 Bellevue Ave., asked if that was because they did the job with wood forms instead of steel forms. Dave Truelove said that's part of it. There are a lot of non-compliant and non-permitted issues they are looking at. Carol said they had non-compliance with notification, providing concrete slips, documenting material that was used and backfill. She will be sending notification to that property owner. Maryann Heil, 608 Bellevue Ave., asked about 560 Bellevue Ave. curbs being high. Carol said they checked and are eight inches high but the backfill wasn't done properly. Maryann asked if they were eight inches all the way, not 10 ¼ inches. Carol said they are eight inches. Maryann said they need to be remeasured because when you walk by that house, they are higher. When you look down the street it goes up, down, up. He had 14 little cones in the street. When you come around it's a blind spot. She hit two of the cones. Carol said they had some challenges with that property. Maryann asked if he has to rip it out because it is extremely high. Carol said that would be one of the potential remedial actions. Dave Truelove said this motion is flexible and gives the engineer the opportunity to go out and look at it again and list all the different violations. They have enough now but there may be more. All ayes, motion carried.

Persons to Be Heard (time limit of three minutes)

Andrew Hart, 608 W. Richardson Ave., Langhorne, said he is the new president of Neshaminy Wildcats baseball. He asked Carol about the 7-10 weeks for the lights at the Memorial Field. He wanted to know how that would affect their season coming up during the process. Carol said the lights at the field will be controlled the same as they are now. They turn them on and off. The updates at the field will be field one which is closest to the rest rooms. The basketball court and the playground are also going to get new lighting and what they had in the specification was that they would be on a motion detector so when there is activity there, lights would come on. After a certain time, possibly 11:00, the lights go down to a quarter of a foot candle so it's enough that if something is happening back there so that the police can see back there but won't disturb the neighbors. The field lights will be the same as they are today. You have to turn them on and off. Some of the perimeter lighting, the basketball courts, the playground, the pavilion that would be motion detector and then go down to low level lighting. Andrew asked about during the work when they are switching out the heads, would the lights not be working because the season starts mid-March, April. Will they be without lights during the construction. Carol said she hopes not. Andrew said everyone is psyched about it. Carol said it is a local contractor doing the work so it will be easy to communicate with them. Gary Nickerson asked how long construction would take. Carol said the lead time is getting the fixtures which are being shipped from China. They said 7-10 weeks lead time on the fixtures. She expects two weeks to do the work.

Suzie Drake, 629 Bellevue Ave., thanked everyone for taking action on 560 Bellevue Ave. because she said it has been bothering them. The property on the corner of Dehaven and Bellevue that is currently being worked on now with wood forms, asked if that property would also be subject to the same standards and it appears that is not the proper height. They were all held to standard per borough ordinance and having worked with the finance committee, she knows they don't always like the ordinances but it is part of our responsibility as borough members to be held to that standard and she would just hope that council holds everyone to that standard because it hurts to spend a lot of money on rocks but it has to be done. She really appreciates every bit of effort that has been made on this project. Carol said the property she is referring to did use metal

forms. She has photographs. Unfortunately, the contractor set them too low and it's not acceptable so he is going to have to come back and get them back to eight-inch reveal. She feels bad that that happened but that been the borough standard. That goes out to all the contractors. She does not know why he put them in at four inches.

Bob France, 410 Bellevue Ave., said he has a problem with the curb situation because they had a meeting with contractors and told them they need metal forms and everything. The first guy he got kept stalling and never got the metal forms. The next guy he got could do metal forms but the gas company comes and says they can't dig there with machines. The guy he got was on the list from Value Engineering. He came over and dug the whole thing by hand. Then he got the metal forms and put them in and got all set up and Value Engineering was supposed to come down and oversee the whole thing which they did and sort of approved it. Value Engineering came down and watched the whole thing and it's a beautiful job. It looks great but something is the matter with the specifications and now they want it torn out and started over again. Carol said she has been in communication with his contractor and unfortunately, he ripped out four-inch-tall curb and put back four-inch-tall curb. He did his traffic control and he did his metal forms. She doesn't know why the reveal is so low. Her inspector feels bad that she didn't spot his mistake before he poured but it's four-inch curb at this point and borough specifications that was handed out with the permit said eight-inch reveal. He worked in the borough before, just this past year and had to do eight-inch reveal curbs so she doesn't know from where the problem came from but it has to be redone.

Ken Moore, K-M Auto Service, 525 Bellevue Ave., said when they paved the road last time, they told him they didn't like how his driveway went into the street so they told him to put the curbing in. He put it in across the whole front. The snow plows came and nicked it up. He's not putting in new curb again. Where it is deteriorating on one side of the shop, he will fix that. He's not doing it across the front of his shop because he had to get people in to do his driveway after they got done with that. It's not deteriorating. It's nicked from the snowplows and if the state is going to nick it, the state is going to fix it. Beverly asked Carol where it is on the list. Carol said she has listed 20 feet of curb, 54 feet of depressed curb. That does include the Spring St. frontage. It's been on the list from March of last year. Joe Dudash asked Carol if it is PennDOT, what do they do with that. Carol said salt and plow damage is part of what happens to curbs along state highways. She doesn't know what you can do to control that. Ken said it wouldn't have been a problem except the last time they paved they wanted to raise it up. He had no problem with it before and now that it's raised up the plows hit it. Carol said PennDOT spec. is an inch and a half reveal for depressed curbs from the top to the depressed curb. The new curb would be the same way. Ken said he's not putting curb in. He said he would go to court. Beverly asked how long ago Bellevue Ave. was paved. Ken Moore said 15 years. Carol said it actually happened right before she came to the borough so maybe 1994-1995. Ken asked who the engineer was. Carol said it was Rob Pingar and she took over for him.

Rich Merritt, 620 Bellevue Ave., said his curb is a quarter of an inch off. He swept the street and there is no line to show a grade. His street comes down and then there looks like frost got in there and buckled it up. If you break that away, he's more than four inches. Beverly asked Carol what the measurement was and Carol said she only has down that the curb gets replaced because it's less than four inches. He has nine linear feet that is less than four inches. Rich said he would like it remeasured and he would

like to be present when they do it. Carol said they can do that if council wishes her to do so. Beverly polled council. Gary Nickerson asked if it is possible. It's already been measured. Carol said she could pay another visit when she is in the borough again on other business to try to minimize the cost. She expects a pre-construction meeting soon. She can remeasure it. Rich asked about the properties that already have signed contracts, he wanted to know what is going to happen with them.

Joseph Sellechia, Giuseppe's Restoration, said many were aware that he had contracts and that there was an extension. He just found out about the bid at the last meeting. He has 18 signed contracts. He asked what is going to happen with the bid. Three quarters of the contracts he has deposits on. Beverly said those are between him and property owners. If he gets them done, he doesn't have to worry about the bid. Joe said everything is weather permitting. He drove through here last week and someone was doing concrete work. It states in the ordinance that if it is under 32 degrees, you can't pour. Last week almost every single night it froze. Concrete was poured. Beverly asked if that was an ordinance. Joe said it is state specs. He has to wait until the weather breaks and he can come in and work constantly like he has done for the past two and a half years. He has never let customers down and he is not about to. He wishes Carol would have called him and told him about the bid and asked him what properties aren't compliant and get a list together. He has contracts signed with deposits. He wanted to know what happens if the borough contractor comes in before he does and starts touching properties he already has contracts with. He said he could get sued for breach of contract. Everybody here was aware he was coming back in the spring because of the extension. He explained why he left. He had 10 to 15-year customers and had to do those jobs. Carol could have called him and asked what properties he has so they could put a plan together. What happens if the contractor comes in before him? He has contracts with the people. If he refunds the people and they get a big bill for three times what he is charging, then what happens. Beverly heard from PennDOT and we have a real name, on when it is going to be done. She said how is anybody going to get done with the weather. Joe said what happens if this contractor comes in and hits a problem like Joe did at Penndel Hardware? It was three days. What is he going to do? There are so many problems out there. You have to call 811. You dig, you find a pipe, you have to wait. They have to verify what it is. That can take days. If he can start at the end of February beginning of March, what he is contracted to do he will have done. The problem is what if this guy comes in and, let's say Wheeler Brothers Construction down the street is Joe's last property. Joe gets a deposit and this comes and finishes the job. Joe comes two days later and he still has a week deadline to finish it, then it becomes a conflict of interest. He wanted to know how he works with this contractor, what he's bid on and what contracts Joe has. If Joe cuts his three quarters of what he bid on, knowing what he's bid on and what contracts, his numbers are going to skyrocket, he's not going to come in here and do the work for that money. Joe Dudash said he understands what Joe is saying but the property owners knew this was coming. Joe Dudash asked why the property owners didn't come to the borough and tell them they had him working for them and here is the contract. Joe said he would have to ask them. Joe Dudash said he has other residents here that complied, right on time. He said the rest should have come to council and told them that Joe was doing their work. He said they are not mind readers. It's been dragged on so long. On that list are overdue residents who did not comply when many other residents had. He feels it's the resident's fault, not Joe's. They are putting him under the gun. Why didn't they come here earlier of just comply? They knew it was coming.

Ann Snodgrass, 610 Bellevue Ave., said she contracted with Joe. She had a block repaired and she has curb work that needs to be done. His equipment was breaking down and there were problems with the timeframe with getting it done. She has a contract. He started the job but he couldn't complete the job. That doesn't have anything to do with her not caring. Joe Dudash said this council has sent out letters galore. Ann said she got the letter. Joe Dudash said when you got the second letter and you knew Joe was having problems, if it was him, he would have come here and said he was having issues. Ann said by this time they knew that PennDOT wasn't coming and the job got delayed. They were under the impression the work would be done before PennDOT comes in April. That's why they didn't go and get other bids. Where are they going to get other bids? No one wants to come into this town and work. They have contracts and are waiting for the weather to break. Joe Dudash said they should have come to the borough and said Joe is having a problem and they know we are under the gun with PennDOT. This is what's going on. They could have worked with them then. Joe is in a quagmire, a catch 22. He has the weather and the borough breathing down his back. Ann said so do they. She asked where are they going to get people to come in and do the work. Joe Dudash said they should have done it earlier than they did. Ann said her husband was in the University of Penn, dying. She was down there every week for months and months and months. She had a contract with Joe and that's why she couldn't come up here and argue with the borough about cement on a job that's not getting done when you don't have a deadline. Joe Dudash said he just had two relatives die of cancer. The point is they should have started earlier. Joe Dudash said if they would have come and said they have Joe as a contractor, they could tell Carol. Mark Moffa said they can't say to skip everyone on Joe's list. Mark said Joe's list doubled since the last meeting. Joe said he didn't completely count all of the contracts. Joe asked what are they going to do about what he has contracts for. Carol said they have a long list of things to be done and a short amount of time to do it. Unfortunately, logistically, it's not possible to say they will only do the stuff that Joe doesn't want to do or doesn't have a contract to do because if we get to April 15th and we have pavers coming through and the work isn't done, what are we going to do. There was an August 1st deadline with the letters that were issued and there was a lot of leniency given on that because we asked PennDOT to please put it off until the spring. They jumped over us to do that and now that work needs to get done. She appreciates that Joe wants to serve all of those people but at the meeting a few weeks ago, you said 30-45 days of work to get eight contracts done and now you are talking 16-18. Joe said he believes three or four of them is strictly sidewalk. He believes two or three of them are strictly apron and maybe a couple feet of curb. The strictly sidewalk ones, after he completes all of the curbs, the sidewalk ones have nothing to do with the road. Why can't he come back after he finishes the curb work and do the sidewalks. Carol said the challenge is that once the borough awarded contractor is mobilized, that contractor is going to go until he is done and then he is going to leave. If we were to start and stop that contract, we will have a contractual problem and we will have additional costs for remobilization. She doesn't intend to stop Joe from working in any way, but everyone needs to put their foot to the pedal and get this done before PennDOT comes through here. Joe said he read on Pennbid about the affidavit they put on there to make the contractor aware that whoever was bidding on it that there was another contractor in this town working. Carol said yes it was and that is a standard clause in all her contracts. Joe said there has to be a happy medium because he is at risk of being sued. Carol said if you are working, great and whatever you get done, great. Logistically they have to mobilize the borough awarded contractor. They can prioritize the ones Joe does not have in his contract but once they get to the end of those and Joe is not done, they will

be moving into that other work.

Maryann Heil, 608 Bellevue Ave., said there's a lot of elderly in this borough and its way more money than Joe. Her work is done but if she had a contract with Joe, you couldn't touch her property because if you do, his contract becomes null and he could sue her and she's going to come after PennDel Borough. Dave Truelove said as had been indicated earlier, a lot of people have complied with this and met the deadline. There may be extenuating circumstances. Maryann Heil said money might be a problem with some people. Dave said money may be a problem but PennDOT doesn't care about people's money problems. If people waited until after August 1st to get a contract, it's not on Joe, its on the people who finally got around to doing it when they were told about its multiple times. Maryann said that's human beings. Dave said that's part of the problem and the borough can only do so much. Maryann said she understands why they are bringing someone else in. Her problem is there is a lot of elderly in PennDel. You want to bring millennials in, you're going to have to up the game with that with your rooms for rent and your ex-cons and your drugs. You're going to have to do a lot. She just meant can they honor, the people that have the contracts. Dave said it's all logistics. If Joe can get in there and get the work done, he understands the earliest PennDOT saying is mid-April. Maryann asked when the borough contractor was coming in. Carol said that was just awarded in the last hour. She has to send a notice of award to the contractor, all the contracts have to get signed, then they have a preconstruction meeting. So, it's not going to happen instantly. We're likely 2-3 weeks away, likely more, weather dependent. Maryann asked if the gas station was on the list. Their pavement is bad. Their curbs are all broken apart. It's got to be on the list.

Tom Sodano, 126 W. Woodland Ave., asked if this is something, they require a permit for. Beverly said she believes they do. Tom said when he has work done on his house, the first question to the contractor is if they are getting the permit or is he getting it. He doesn't give anybody money unless there's a permit. He's been in a situation where he got the permit, there was a weather situation, he came to the borough and said it might not happen in the 30, 60, 90-day window, whatever the permit says. He never had a problem with the borough. He paid the permit and it's good until whenever the job gets done. Tom asked if when they sent out the registered letter to these people, was a response requested in that registered letter. Beverly asked Marie if they requested a response and she said no. Tom said if they are going to send registered letters to residents with a time constraint, they should have mentioned that they needed contact the borough within a certain amount of time. As far as he is concerned, if Joe took people's money, we don't know that until there is permit paperwork filed. If there is permits on file for these properties, it isn't an issue. They will have to contact the homeowner and the contractor on file. If Joe took people's money, there should be a permit. That's how it works. Beverly asked Carol if the August 1st deadline was in a letter from May. Mark said there was a February 27th letter and a May 22nd letter. Beverly said August 1st comes and goes and the work is not done. In September of 2019, according to the NOAA weather stations, we had 25 days of temperatures and no precipitation above where they could have poured concrete. Joe said he worked in PennDel until the end of October. Beverly said in October there was 20 days. In November there was 18. There was opportunity to come in and get some of this contracted work done. Joe said he explained at the last meeting why he left. Beverly said because he had other commitments. Joe said and due to the fact that he knew they had the extension. He spoke to Bob, Karen and Marie and said he would be back in the spring. He contacted Jamie and she said she would see him in the spring. Beverly

asked if he was going to be able to get 18 properties done. Joe said he did Our Lady of Grace in two weeks and that was 400 feet. He said it was actually less than two weeks. Joe said he's an honest contractor and he's stuck his neck out for this town for two and a half years. Route 1 and he did every house on Woodland Ave. except one. He hit the deadline on Woodland Ave. On Route 1 there was so much melee with all of the contractors it was unbelievable. One contractor didn't want to deal with Carol and Jamie dumped seven jobs and he took them all on because nobody else wanted to touch them. He made his deadline on Bellevue Ave. when PennDOT stated their deadline. He was out of there before then. He had one guy say he wasn't going to do it and he doesn't know what happened to him. Give him the opportunity to fulfill these contracts. He gives his word that he will have it done, weather permitting. If it starts raining, PennDOT is getting set back. They are not going to give you a set time because weather is key in their work ethic too as far as milling and paving and whatever else they have to do. Let him fulfill his contracts with his customers. He knows about Pennbid. He wishes they could have all been in communication about the situation. Beverly said for the record with Pennbid, this council voted to allow that bid to go out. Joe said he understands. Beverly said that Carol came to them with all of these properties that hadn't been done. We have no mechanism in place to take care of them if they didn't get done. That's why they put out a bid. It's to give the borough a mechanism to take care of the problem. Joe asked if Carol let them know that he still had properties to do and that he was going to do them. Beverly said yes but there was some you didn't have at that time. It's not to take business away from him. Beverly said you have 18 properties. She asked Carol how many are not done. Carol said when they put the bid out, she was aware of eight that might be under contract with Giuseppe's and they were highlighted in discussions. There are 27 properties right now not done. Beverly said that's why they put it out for bid. Joe said if you go by the specs, concrete was poured last week and it shouldn't have been because it was freezing at night. Beverly said to use blankets. Joe said at the last meeting it was specifically stated by Carol, anything below 32 degrees you cannot pour. Carol said it needs to be 40 degrees when you pour and the ground cannot be frozen. Joe said she said it couldn't go below 32 degrees at night. Carol said she did not say that. Mark Moffa told Joe they are doing everything they can to make sure he can do the jobs. Joe said he got 40 phone calls in six hours over the letter they sent out. Mark said they can't guarantee that he is going to be able to do all those jobs. Joe asked what happens if the borough contractor goes on someone's property that has a contract with him. He gets a cease and desist order because he's not contracted with them. Dave Truelove said Joe talks about communication and they just found out from Joe that he has 18 properties. He said he just doesn't know what else the borough is supposed to do. He said they sent letters out and they've known about it for a year. They told people that PennDOT was coming. You got an extension but that doesn't mean you let it go. He used to be a laborer and work with concrete. It's tough work. But when you get the opportunity, you get it done. It sounds like you took advantage of the good nature of the borough to say they are going to give me another break. Joe said he didn't take advantage of anything. Dave said mid-April is coming up. PennDOT is coming up. We couldn't just wait because two weeks ago it was eight and now it's 18. Dave asked Joe how the borough is supposed to know that. Whose communication is worse? You've had different numbers in the last two weeks. Mark said the deadline was August 1st last year. You have to know any contract you make after that, maybe you can get it done by the extension and maybe you can't. We're bending over backwards by prioritizing the properties that you don't have under contract which they have no obligation to do. They will do that for you and the residents so that you can do it and the residents can save money. They will tell the borough contractor to do the others

first but you can't keep adding. Whatever your list is, that's it. It already grew from the last meeting. Joe Dudash asked Carol when the deadline is for Joe to have the work done. Carol said she can't give an exact deadline because let's say you get the 15th of April and Joe's not done, how is another contractor going to get it done if PennDOT is here. Joe's deadline is the same as ours. When PennDOT gets here, we have to be out. Joe Dudash asked if Joe could do the curbs first and then come back and do the sidewalks. Carol said if the borough's contractor is coming through to do what hasn't been done and that hasn't been done, what is the borough's recourse to do it if it doesn't get done. Dave Truelove said the contractor won't come back and forth once they are here and crews set up. They are going to do whatever is not done. Joe Dudash asked how many houses the other contractor will start with. Dave said nine. He told Joe to make sure Carol and the borough have his list and if there is anymore in the next few days, make sure to let the borough know. Joe said the biggest one he has left is Bellevue Court Apartments. It's been a battle back and forth with the paperwork they want. They have 200 feet to do. He does their curbs, that's done. Their sidewalk is four feet away from the road. Why can't he go to the next one to do the curbs that have to be done and go back when the curb work is done? He doesn't see anything wrong with it. Carol said the contract is between himself and Bellevue Court and if something happens and you don't come back, PennDOT would not have any recourse to get that done if there was any problem with that contract. Joe said to Carol that she's the engineer and inspector out there every day with him, and asked her if she would allow him to do that. Dave Truelove said if it costs the borough more money because the contractor has to come back, that's the problem. If people start to complain that they didn't want to pay this much, it's on them, not Joe. They didn't have to pay that much in August either. Joe asked what happens if he gets in here and starts working and PennDOT comes and he does talk to them sometimes and they tell Joe he's doing a great job and have news for him and they have another extension. Route 1 they had a lot of extensions then they got backed up and then winter came. Dave said that could happen but the problem is, one of these days it's not going to happen. If it does, Joe can finish everything and the borough contractor can do the nine left. Dave said he didn't hear anyone say they didn't get the letter. The borough sent out more letters than they were required to. A lot of the people complied with no issue. There may have been extenuating circumstances but the borough has always indicated their willingness to work with people. Now everyone is under the gun and we have to deal with the situation as best we can. Some people are not going to be happy about it.

Mark Moffa said he wanted to say this in public comment and not as a borough council member but wearing the hat of the democratic party chair, for council and any democrats in the audience, he has petitions to get some of our candidates on the ballot this year and if you are interested, come up and sign them.

MOTION BY TO ADJOURN BY BARBARA HEFFELFINGER. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer