

Penndel Borough Council Meeting  
Via Zoom Communications

May 4, 2020

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

Present at the meeting via Zoom Communications

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

Also present via Zoom Communications

Dave Truelove, Solicitor, Hill Wallack  
Chief Sean Perry  
Carol Schuehler, Value Engineering  
Nick Foufas, Fire Marshal/EMC  
Mike Italia, Barry Isett & Associates  
Marie Serota, Secretary/Treasurer

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF APRIL 20, 2020 COUNCIL MEETING AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF APRIL, 2020.

<b>General Fund</b>	<b>\$14,947.04</b>
<b>Fire Tax Fund</b>	<b>\$ 7,279.51</b>
<b>Refuse Fund</b>	<b>\$ 24.98</b>
<b>Sewer Fund</b>	<b>\$32,135.34</b>
<b>Sewer Capital Fund</b>	<b>\$ 1,690.50</b>
<b>Liquid Fuel Fund</b>	<b>\$ 39.44</b>
<b>Payroll Fund</b>	<b>\$ 569.56</b>

Payroll

General Fund	\$18,163.55
Sewer Fund	\$ 3,318.68
Refuse Fund	\$ 553.10
<b>Total</b>	<b>\$22,035.33</b>

SECONDED BY MARK MOFFA. Roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

## President's Report

Beverly Wolfe discussed items from the last meeting. She asked council if they all received Carol Schuehler detailed report on Bellevue Ave. She said there were questions raised at the last meeting about if the borough contractor did the right thing. It was suggested that wood curbing was used and so on. She asked if everyone read the report and if the questions and concerns were addressed. Barbara and John said yes. Gary said the big thing was going to coordinate things. Beverly said several properties were discussed. In Carol's report and having discussions with her, the property owners were contacted and were told and was reiterated to them that they will make everything right. The borough will not leave anything in the condition shown in the photographs. When the governor shut everything down, everything was shut down in a rush. The property owners were told they would be back as soon as the governor opened everything back up. Barbara Heffelfinger said she received a phone call today about one of those properties. Beverly told Barbara to bring it up under committee reports. Joe Dudash said his main question was with the Wheelers. Beverly said there were several messages left for Barney Wheeler from the engineer's office letting them know what happened and when the governor reopens everything, it would be put back to their satisfaction. Joe said the cost of making the traffic sign, putting it up, the cost of the police officer being there still needs to be deducted from the contractor. He said he guesses Carol is trying to get him paid but to him that's even Steven. He doesn't think the residents should pay for the police officer's time, Mr. Diaz's time for putting it up, the Mayor for paying for it and that's not counting his time and the councilman from Hulmeville's time setting up barricades. Carol said the contractor is responsible for the sign. Beverly said to Joe that he mentioned that someone told him or saw the contractor just rip it out and throw it in the trash. She asked if they identified him as the borough contractor and Joe said yes. Beverly said it will be addressed because that's not the proper way to do things. The March 20th site conditions at the Wheeler property, the sawhorses were up and it looks like proper measures were taken to prevent people from falling into it. Giuseppe's was told they had to put up barricades on the sidewalk where it was ripped out and take out concrete pieces that were left there. That was in front of the hair salon. Joe said it was Wheeler's he was perturbed over. And the pouring was horrible. He could have done a better job. Beverly said she reread the minutes to make sure she covered everything and he did mention the hairdresser and KM Auto. That's why she mentioned it so she could make sure all his concerns were addressed. The borough contractor will make things right. Joe said they should shelve his payment until he sees it done. Beverly said they would talk about it when they get to the motion. Beverly said she just wanted to report to everyone the concerns about the condition everything was left in which could not be helped. It was stop everything immediately. They will make sure the borough contractor makes everything right for the properties. On the issue with metal and wood forms, wood forms can be used on the sidewalks and metal forms need to be used on the curbs. Joe asked if when contractors come in, they know they can use wood on one thing and metal on another. Beverly said when they come in for a permit application, they are given a copy of our standards which tells them what they can and cannot do. Joe said when KM Auto came in, he was griping about the height of his driveway. He asked why they are beating KM Auto up. He's just confused about the whole thing. He understands the virus and all but you still need to maintain safety. We still can get sued if somebody falls. He asked who is watching the projects right now and keeping an eye on everything because he doesn't see anybody. Carol said she has an inspector out there today because work is just restarting. Joe said prior to today there have been no inspections on the sites. Carol said that is correct because they are staying consistent with the governor's orders. They have not been on site and neither has the contractor. Joe said one thing is the governor but the solicitor will tell you that you can still get sued. Joe said in her report, don't take offense but Mr. Truelove, in Joe's government experience and seeing politics down in DC, he thinks her report would be what they call dumpy. He thinks there is a lot of menusha in this report

because safety is the whole thing there. They might have put the barricades up but they weren't up when he was down there. Mr. Wheeler was afraid of getting sued. Beverly said someone from the borough should have gone over and made sure the barricades were up. She asked if he thought Giuseppe's was going over to drive over from NJ to take a look. Joe said so no, our engineer and zoning officer. From what he heard at the last meeting the zoning officer was going around inspecting things. Mark Moffa said he appreciates Carol's report. The three properties in the report were referenced at the last meeting. There was a question of which contractor was at which job. In Carol's report, one was Giuseppe's Restoration and the other two were our contractor. The question is whether to cut a check to Pasholli, not the menusha of how it had to be left due to the governor's shutdown. Mark asked if it is appropriate to cut a check for one day's work which was started and couldn't be finished. His opinion is it's not appropriate to cut a check. Beverly said she was just addressing Joe's concerns which were in the minutes. Mark said Carol's report does address the questions raised at the last meeting but that doesn't convince him they should cut a check. Mark said to get this procedurally correct, this item and one other substantial item regarding payment for the LED lighting project were both tabled at the last meeting. He asked if when an item is tabled, it is tabled indefinitely meaning they don't have to vote on it tonight and can stay on the table if no motion is made. Dave Truelove said that is correct. The first vote would be to remove it from the table.

#### Mayor's Report

Mayor Winkler read his report which is attached.

#### Fire Marshal/EMC

Nick Foufas read his report which is on file in the secretary's office.

Beverly said as was in Nick's report there was very little assistance to the municipalities on any government level. We're on our own and have been basically doing it alone the whole time.

#### Chief's Report

Chief Perry read his report which is on file in the secretary's office. Chief Perry said later on they will be voting on a new part-time officer for the department. The officer, Ryan Gaffney, will bring a lot to the table. He has a lot of training and experience that will be beneficial to the borough.

#### Solicitor's Report

Dave Truelove reported that they had an executive session which started at 6:30 p.m. and ended at about 7:10. All members of council were present as well as himself and the mayor. Personnel issues were discussed. They've been doing a lot of work with the mayor and others on emergency management related items. It has been discussed that Mr. Foufas has been performing wonderfully in his position. The emergency management position was not a budgeted position this year and given the circumstances this year and his performance and his work it was felt by council that it would be appropriate to entertain an independent contractor agreement with him with a set hourly amount.

MOTION BY JOE DUDASH TO APPROVE AN INDEPENTDENT CONTRACTOR AGREEMENT WITH NICHOLAS FOUFAS TO SERVE AS EMERGENCY MANAGEMENT COORDINATOR, AT A RATE OF \$30 PER HOUR, SUBJECT TO A CONTRACT TO BE DRAFTED BY HILL WALLACK, LLP, WHO IS AUTHORIZED TO PREPARE SAID INDEPENDENT CONTRACTOR AGREEMENT. SECONDED BY BARBARA HEFFELFINGER. Dan Keller said he agrees with that motion. He has met with Nick a few times at the hair salon and he is more than thorough so he thinks he's a perfect candidate for the position. A roll call

was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

#### Engineer's Report

Carol Schuehler thanked Mark Moffa for his kind words. She said it is her job to provide good information to make decisions, never try to convince you of one thing or another.

Carol read her report which is attached. Barbara Heffelfinger asked if she is considering the job as finished since they got the network report. Beverly said that Carol was not part of the project. The project manager is Mike Fuller. She was just helping us out a little like she always does.

#### Zoning/Code Enforcement Report

Mike Italia read his report which is on file in the secretary's office.

Mark Moffa asked what their policy is if they are on inspections, do they need masks. Mike said they have masks. It's only Rick and one other who floats around. If they are in a house, they ask the person to move to a different room or step outside and all of their guys have hand sanitizer. Mark said he asked because he saw Rick on an inspection today and he wasn't wearing a mask. Mike said that is unusual for him unless it is outside, most of them do not wear masks for the outside part. Mike said he was doing a bunch of sewer laterals today. If he is going inside the house, then he would have it on. Rick is hypersensitive to it. If it is a risk, he's got it on or he's not going in.

Beverly Wolfe said Mike Fuller of Keystone Lighting Solutions, is the project manager and will answer all of the questions because the networking is an important part of all of this and what the status is and where they go from here.

Mike Fuller said they were hired to do the LED lighting project which is the Regional Streetlight Procurement Program. They started the project in February and in a couple of weeks, got to the point of substantial completion. Armour and Sons Electric was the selected installer for the project. Mike said the borough essentially has two contracts for this project. The first one is for Armour for about \$71,000.00. The total project is \$85,000.00. The difference between the \$71,000.00 and the \$85,000.00 is fees for his firm, contingency, some program fees to coordinate everything. Basically, the borough is paying Keystone Lighting or Armour. On the payouts that Armour submitted, they have been contracted to purchase and install the lighting system. They did everything that was asked of them as of the end of February which is the point of what he would call substantial completion. He's never been involved in a project where you don't get to 98%-99% complete where they essentially were with the borough at substantial completion. It is appropriate for Armour to submit invoices that reflect that substantial completion. They have not submitted a final invoice. There is still retainage and unbilled amounts. They installed the lighting fixtures and control system. They installed the gateway for the control system before they even started installing the fixtures and they completed all of that. They worked really hard with the network control manufacturer to have the system functioning at every fixture the day it was installed. They usually like to commission an entire system at the end of a project, but we didn't want that. We said we wanted it commissioned daily so essentially the network control system has been functioning and functioning correctly since the day of installation back in the two weeks in February. Armour has completed what they were asked to do and the system has been functioning. At the end of February into early March they had meetings discussing where they were with substantial completion and essentially the only thing that was still remaining was a few additional fixtures to be added to the project and some fixtures to be altered that had been installed. There were four additional fixtures and a few that

were installed on private property. This was five or so changes from one fixture to another and it wasn't until it was approved at the last meeting in early April that you could do those slight changes in your contingency amount. That was approved a few weeks ago. They are in the process of getting the material they need to finish that. At the end of February Armour had installed everything that was asked of them. The systems have been working perfectly and you had only one issue which is one fixture has a voltage issue. It is still operating and providing light so it is functioning but they are getting a reading from it that they want to check out and will do that when Armour comes back to work. It's tough to know the system is working when it is working, essentially with no faults. As project manager, it is his responsibility to track any issues going on. They have not been getting fault reports because it hasn't been generating any faults. They've set up reports for the borough which he has been receiving for quite a while. It doesn't generate a null report if there's no faults. He looks at the system every day to make sure it's functioning. They took an extra step since there are no faults being generated which is a good thing. They asked for a special report of the status. When the one payment for Armour was not paid last meeting, it was asked of him to prove the system is working and the only way he could do that was to come up with a status report which is a huge report that shows hour by hour what every fixture is doing and he supplied that. It shows everything has been operating normally. He said we are not at final for the project because it's not considered final until every single thing that the borough requested including a contingency covered change or anything is done. One of the last steps they do is train you on the system but they don't do that until the whole project is completely done. But going back to the Armour payment issue, they have done everything they have contracted with the borough to do. It has been functioning since the day it was installed. In walking around, he's only heard positive feedback about the lighting system and proves it's working and he has provided proof that it has been working since February. John Stratz said he has been receiving a daily report since April 30th and can verify everything Mike has told them. Mike said he didn't want the report to go to everyone until they've had the training but because of the request, he's signed up for four different reports. The report John is referring to is the voltage report and it is the same fixture showing up every day. They've had no outage report because there wasn't any, no day burner report because there was none of those and no knock down reports because there were none. The borough will get a weekly report. They will have training to show the borough how to use it but they're just not there yet. Armour has not given the final payout so there is still money being held out. If anybody really wanted to hold money out on anyone associated with the project and control system because the update he is giving is not satisfactory, hold it out from Keystone because they are responsible for making sure the lighting system is working. They are the project manager and design professional that selected that system and put it in place. Armour is really there to install fixtures and control nodes on top of the fixtures. Barbara Heffelfinger said she thinks there was a mistake and the light that was supposed to go on her corner, there is a light on the other side of the street. The one she was talking about was the one on her property. There was wire there originally but they took the wire down. She's given the pole number and told John and there is still no light on there. It is a dangerous situation because when you come up Neshaminy St., you can't see Crescent St. Mike Fuller said that is one of the fixtures to be done and will be covered by contingency. They didn't get approval to move forward with this change order contingency until a couple of weeks ago. Mark Moffa thanked Mike for attending and said it was helpful because there were some concerns. Mark said he was one of the ones to hold the payment. The best information they had available at that time in the Value Engineering report from April 16th was that the invoice to be paid, \$26,722.97, is for the network control system. They had no knowledge if the system was operational and there was no current reporting. That's what they had for the meeting last week and that gave him and several of the other council members great pause. When he looks at the report he received today, it says Pennel will be receiving complete training on the system once they reach final completion. It

says it is KLS's responsibility to monitor reports and take action covered under the Armour parts and labor warranty as well as the 10-year manufacturer warranty. Once they get to the training, the Penndel team will be given full access to the system and training on reports and many other items. They are still in construction so it is premature to have that training yet. Mark said he still pauses when the report from Mike says they are still in construction. When the option came before them that they would have this Cadillac control system that would allow them to do everything themselves and have access to higher level technology and information, they opted to pay more for it because this was going to be worth it and an important part of the program. It continues to give him pause although now it's great to hear that Councilman Stratz has been getting the report for a few days. He thinks he would agree that part of the system is not fully operational yet, is that right? Mike said no, the system has been functioning since February. He said to keep in mind this system is very powerful but yet it actually sits there and quietly does the main job you want it to do is to tell you when you have outages, when you have day burners and knock downs but outages are the most important. It's doing that but you just have not had any conditions occur. When he uses the word final, he's done with the project and there is nothing else to do. Outside of the additional items they want changed, the project has essentially been done since the end of February but he doesn't call it final until final bills are paid, final PECO updates have been done. Armour did not submit a final invoice. They submitted a substantial completion invoice. Mark said so the system is in place but we don't have full access and we haven't been trained. Mike said training is the last step. He doesn't want anyone in the system until, including the changes, are done. He thinks people will be a little worried about being in the system. He even gets a little worried about being in the system. Mark said there is still a bill to come from Armour and one to come from KLS. He asked if Mike knew how much was outstanding. Mike said Armour is just shy of \$4,000.00 and their fees about \$5,000.00. There are DVRPC fees that flow through Keystone so there is more money there also. Mark said if he and other members of council are still concerned that they don't have full access and training, is it his position to withhold the money from Keystone. Mike said he would be happy if they would do that rather than Armour. He does not bill for the project management portion until 100% of the project including the requested changes have been completed. Barbara said she has been stopped by many residents who said how wonderful the lights are and how it lights up their property and they are not afraid to walk down the street and they are very appreciative. Joe Dudash asked how many lights are still pending. Mike said he believes it is four that they were requested to go into new locations that weren't included in the original scope. They are going to take the material from other locations that are on private property that was determined after the fact. Beverly said there is five. Joe asked if it is Armour's responsibility. Mike said it is part of the change order above and beyond the project but it is less than the contingency amount you are carrying. The contingency change order amount is just over \$3,000.00. Joe said we could give them \$1,000.00 out of the \$4,000.00 until the lights are done. Mike said the amount for Armour is \$26,000.00 They haven't even gotten to the change order yet. The \$4,000.00 unbilled is on the original scope of work. If you paid the \$26,000.00, there would still be \$4,000.00 unpaid from the original scope of work. Mark Moffa said the lights are fantastic. He's at an intersection and has one of the brighter lights he assumes and it lights up the street, there's no light in the bedrooms, it's exactly what it is supposed to be. Beverly thanked Carol for assisting with the project even though she had nothing to do with it.

#### *COMMITTEE REPORTS:*

##### Administration/Cable

Barbara Heffelfinger reported that as far as the girls are concerned, they are doing a great job and keeping everything going and we have no problems. Beverly said Marie came up with an

action plan for the next meeting for reopening borough hall and did a great job. Mark Moffa said Marie and Karen helped them with who does what so that if we did have any kind of situation, if one person wasn't able to work for a while, they have a little clearer direction now in case of an emergent situation. Beverly said that was on the original contingency plan in case one of them gets sick, with passwords stored in the safe and other information that would be key to keeping the borough running. They did a great job on it.

#### Buildings & Maintenance

Joe Dudash said he took Barbara's advice and called Ray Mongillo and he is supposed to get back to us with his written estimate for the generators for the hall and the police department. He agrees with Barbara that Marie, Michelle and Karen have been doing excellent keeping the operation running. Sean is just as much as a cleaning bug as Michelle is with cleaning door knobs. Beverly said they are keeping everyone safe. Joe said they are keeping the halls of Pennel government running. Sean said Michelle has been wonderful as always. Joe asked if they are good with supplies. Sean said he and Nick are coordinating daily. We got ahead of this pretty early on. We had masks, gloves and cleaning supplies right off the bat. They just keep ordering to beat the second wave if it comes. Beverly said any opportunities to place orders, they've been doing it.

#### Community Development

Barbara Heffelfinger said she would defer to Carol about the grants she submitted. The CDBG and the hydrodynamic pump. They are just waiting for one support letter from Senator Tomlinson and then she thinks they got everything done.

Beverly said that work started on the bridge. It's preliminary but at least they are working on it. She got a project report on the other part of it which is the Lincoln Hwy. & Hulmeville Ave. intersection improvement. They are estimating construction to begin in August of 2021 which coincides when they will be done with the bridge and they expect completion to be in August 2022.

#### Community Relations

Laura Germain reported they had the safari event last weekend and it went very well. They had tons of participants. She thanked everyone who decorated their houses along with the church and Rita's Water Ice. They had a drawing for three families who either decorated or told her what they found. She bought \$15.00 Wawa gift cards for the winners. She thanked the two local artists who made the mural. Her husband Matt Germain made part of it and her neighbor Beth did the right half of it. She is only 15 and did an amazing job. They got great feedback from the residents and had almost 30 people enter the contest. A lot of residents reached out and said they would be interested in doing something similar again. She had some ideas she presented to the committee. Her husband has another piece of plywood and was thinking of painting it white and leaving it with markers so people can leave words of encouragement or maybe a pop-up art thing. Also, maybe in front of your house with chalk for a Pennel walk you can make it a silly walk or a bunny hop and it would be on a general map around Pennel. None of these ideas are set in stone yet. In about two weeks she hopes to have another big social distancing event because the other event really struck a chord with the residents. Beverly told Laura to keep the ideas coming because for a lot of families this was something to do for the kids. Beverly asked her how many gift cards she gave out. Laura said three \$15.00 cards for Wawa. Beverly said she would send her a check. Laura said there is money budgeted in the Community Relations line. Beverly said she wanted to help. Laura said she doesn't need her to because the Mayor got her money for the other events that were cancelled and she can use that. Barbara said she doesn't know where she gets all of these ideas but her brain never

stops. She thinks it's great and she will be happy to help Laura in anything she does. Beverly said it was great and the residents needed it and she thinks some of the residents had fun setting it up.

### Finance

Mark Moffa reported that Beverly and Marie have been addressing the auditor's questions. Because of the emergency they will be seeking FEMA money for any shortfalls in the budget. Joe Dudash said on TV news they said Philadelphia is really going downhill as far as raising taxes and layoffs. At the end, the best thing the newscaster said is he suggests most of the people move to the suburbs or Bucks County, business or residential. He asked Mark if they are working with revitalization finances and looking at money and the future. Now is the time to hit. Mark said he referenced that at the last meeting and thanked Joe for mentioning it tonight. They are not looking back from the TOD, the Earned Income Tax. He knows some people might raise an eyebrow now at the idea of the tax considering a lot of people have taken a financial hit but he will remind everyone that the largest impact on that is to people who are already paying it. More than half the people in Penndel who work are paying it somewhere else. It's more important now than ever to bring that money home. We're going to need it for the TOD and to fund some other things too. We haven't lost sight of that and he wants to make sure all of council is still interested in that because he would like to reach back out to Keystone. Before this all hit, they had one presentation and we promised the residents they would have another. Now we might have different questions. They want to make sure those who are unemployed are not negatively impacted by this as well as seniors. He asked Beverly to see how council feels so he can contact Keystone and do it virtually or in person if they are back in the borough hall in June. Mark asked council how they felt. Barbara Heffelfinger said yes, they need the information. Laura said yes but she thinks if it is online, they will have to have another one for residents who are not tech savvy and want to know more about it. Mark said then she thinks they should do it at borough hall and she said it would make more sense. Gary said he thinks everyone here would like to have it in borough hall but his concern is that's a big unknown and he's not sure of the constraints of having the notice and the meeting and everything that is involved with having the EIT. He can go either or. He is not opposed to anything at this point. John Stratz said yes but one thing they have to do regarding this meeting is advertising it and he is opposed to spending money on advertising a virtual meeting. He would really like it in borough hall. Joe Dudash said with everything that is going on with Philadelphia, now is the time to strike on it because we can benefit from this. If we go on the philosophy of getting everyone together. If we did that with Nick with the virus, the borough would be in bad shape. He said they should go for it and as for advertising, they can do paper, internet and mail mailers out. Get it out there and keep them educated because people out there think it's dead. Mark said he would reach out to Keystone and give them the meeting dates and he's thinking maybe July. If they wait any longer it will become problematic. There is a date by which it needs to be done, voted on and in the books so that it goes into effect for 2021. Nick Foufas said reopening Pennsylvania is a three-step program. Right now, we're in the red phase. In order to get to yellow, Bucks County has to be at 320 new confirmed positive cases in a 14 day stretch which equates to 22 a day for 14 days. We are not going to be anywhere near that. When we are in the yellow which he predicts we will be for months and months, our public meetings are mass gatherings and are limited to 25 people. If Penndel intends to move the EIT for fiscal year 2021, if you wait for an in-person meeting, you're probably not going to get it in until 2022. Beverly said maybe Keystone can do a webinar and it can be posted on the borough page. Mark said they can post frequently asked question on there as well. They received packets as council and he doesn't see a reason that can't be made available to the public. Beverly said do it as a webinar and it can be posted on the website and people can view it as much as they want.

Laura suggested mailing the material out with the sewer bills. Beverly suggested in the newsletter.

#### Insurance/Pensions

Gary Nickerson reported they had a meeting about insurance. Mark Moffa said what came to their attention was the \$300.00 a year volunteer policy we have may not be needed. It appears they are covered under the general liability policy and he will ask the broker about that.

#### Open Space

John Stratz said in consideration of the safety of the residents, they are waiting for directives in the safe opening of Taddei Woods and recreation area. The parks are open and social isolation was not considered which is why we must keep our recreation areas closed until it is safe. NJ beaches were open one day before they discovered it was not safe and they are closed again. That's why they will wait until it is safe. The memorial at the rec. field is flagged and looking nice. He will finish pulling weeds this week. Beverly said they appreciate him doing that.

#### Ordinance

Mark Moffa reported that he and Gary met. They talked about fences and went through Zoning Chapter 405. He asked for feedback for any issues on the fence ordinance. We have some fence regulations that go back quite some time. They revised it in 2012 which should have been a complete replacement but wasn't done that way. What happened now is that a couple of other sections are still living in the old part of the code and conflict with the new code, particularly as relates to front yards. There appear to be three distinctly different sections of the old fence code still in place that could be used to create loopholes for the intention of preventing people from having front yard fences or the very least, confusion. They identified the three portions that are creating problems. They also noticed that other towns, particularly Middletown Township, has some helpful diagrams which could help for further clarity. And it is probably the intention to limit front yard fences so he is asking council about front yard fences. There is also where a neighbor's side yard fence would abut another neighbor's side yard fence and the current code requires a foot off the property line for both fences which means it would require a two-foot gap. Barbara said that is not right because you can't get in to mow or pull weeds and that's what's happening at the rec. field with the neighbors. There is a buffer and there is a mess in there. Beverly said that was done in 2012. Mark said in his experience usually the code calls for a fence to be a foot or so onto your property. Mike Italia said it is very common for it to go on the property line because of what Barbara is saying. Mike said he is not a small person and will not fit down a two-foot path. He said you want it on the property line with the finished side out if it is a privacy fence so you're not looking at somebody's posts. What you run into is the neighbor in 1964 said it's ok and find it's on the other person's property line. You have to do due diligence and people find markers and monuments to make sure there is a mutually agreeable line that it's going on. He's seen other boroughs have written consent in the permit which he does not recommend because you change owners and they have a war that becomes a bad situation. He prefers on the property line but has found conflicts over the years and calls that patchwork zoning and they say they will fix this and create a new thing and don't take out the old stuff. Beverly asked Mike if he looked at it yet and he said he started to today. He just wrote a couple of fence ordinances in other boroughs. You don't want to become too micromanaging because you want people to be able to do things. In one of the towns he had a guy who works in a warehouse that decided to build his fence out of pallets and that's a no. Joe Dudash said what about fence up against fence. Mike said you may have someone who doesn't like the neighbor's fence. They can do it up against the other fence and would be responsible for killing the weeds in between there. Mark said that was one of his and Gary's questions about if an agreement with your neighbor could be made part of the code and your

indication is that it is unwise. Mike said the property line part, not the agreement but that's if you infringe on the setback and not just for fences but for sheds. You can have a mutually agreed setback between you and the neighbor and that's bad. They don't require people to get surveys. If it becomes an issue with two neighbors it becomes a civil dispute which does not do property lines. You don't want to shoot yourself in the foot by helping people out either. He wouldn't put that in the wording because then you're making it complicated. Mark said you are suggesting a property line policy is better but you are suggesting they don't require a survey. He asked how you reconcile that because you won't know where the property line is. Mike said they go off of the Bucks County GIS and they go off of the measurements and the width of the lots. You can pretty much tell where the property lines are. It's not hard in Penndel. Mark asked Dave Truelove what he thought. Dave said he thought that anyone who wants to make sure where the property line is should get a survey. Most properties have survey markers. If you want to create consistency and avoid inconsistency as much as possible and to avoid confusion. The borough should not say where the property line is. If there is a disagreement and it goes to court, it would go to Doylestown and it's not a cheap proposition and they would have to get a survey. Barbara said that was a big problem with Spring Valley Farm and the guy who is at the edge of that with someone in Penndel. She had an argument with him that he was encroaching and every time he did something, he encroached a little more. He said his survey said this and Spring Valley's said this. So that is a big problem. Mike said the Bucks County GIS is fantastic. No other county has one like that. Mark asked Beverly about asking council to see if they should proceed the way the discussion has gone so far which is eliminate conflicts in our zoning code that would seem to allow for front yard fences and bring to the table for council to consider, a change to zoning to eliminate that buffer space required in between fences. Beverly said she asked Mike to look at the fence code because she's not sure there's not more conflict. Mark asked if she wanted them to work with him. Beverly said if they are going to do the fence ordinance, she wants them to take care of all of the problems. Laura asked what the problem with front yard fences is and why we wouldn't want them. Mike Italia said front yard fences are anything in front of the front line of the house. If you have a side yard fence that comes to the side of your house but not in front of it, it's not considered a front yard fence. But it usually can't be more than four feet high across the front which is what Penndel has right now. Beverly said the whole thing in Penndel was to not allow front yard fences so they could maintain it to be open and not like other communities where all you see is fences in everyone's front yard. Laura said she personally does not have a problem with front yard fences. Mark said it is generally in suburban areas that want to keep a more affluent looking feel. In general, front yard fences are considered undesirable. The further you get from the city, and into our area and further north in the county, you find it very commonplace that the laws prohibit front yard fences. You don't want it to look like a city with all different fences. It's just aesthetically more desirable. John Stratz said he doesn't like front yard fences because after the first six months, they deteriorate and look like Hades. Beverly said and the two feet between the fences, she was told the reason why it was put there, which was ludicrous, was in case there was an emergency, a firefighter or someone could get down there. What firefighter in full gear is going to get down there? Beverly said get Mike's input so you don't have to do it more than once. Mike said they should probably take some ordinances that were recently adopted and go back and look because you don't want to create this giant ordinance revision. He will work with Mark and Gary. One of the other towns is two years in and you don't want that. They will go by section and comb through it and point out any issues. He knows there's an issue with the swimming pool ordinance where one of the little wading pools you get at Walmart that doesn't even cover your ankles you need a permit for. There's other stuff so we see if it's worth the wait and the advertising or just throw it in with other stuff. Beverly said they've known about the fence so that is number one. Mike said they could do the fence and the swimming pool one at the same time. Joe Dudash asked if that includes the hedge one. Mike said that might be just a

definition revision that he can work with Dave and Ben on. Some of the stuff gets tripped up by definitions or lack thereof. Beverly asked Joe which hedges he meant. He said by the firehouse. Mike said it's all in the verbiage. Beverly said the last time she worked on that was when she was on the streets committee and the old code enforcement firm found it to be allowable which she found hard to believe.

Barbara Heffelfinger left the meeting.

Gary Nickerson reported that he and Mark Moffa have been talking about curbs and the desire to improve the curb process and are looking at two different strategies. One is the homeowner maintaining the curb and any time a street is being repaved we do similar to what they are doing now. They would look to modify it by looking at curb requirements, communicating with the residents when paving a street and the other one is whether the borough itself would be replacing all curbs that meet the standard and the front curb property owner would be replacing any deficient curbs that fail to meet the specs. That would be designed to eliminate what is happening on Bellevue Ave. now where every eight feet there is a different curb height. You have a four-and-a-half-inch curb next to an eight-inch curb which is next to a section of six-inch curb. They are still exploring that. They solicited help from Mike and Carol and will be going back to them with some stuff. They are curious to see the cost associated with the borough doing this. They are looking at the curb height requirements and where those are coming from. Joe suggested they look at Hulmeville and Langhorne Manor to see how they do it. Gary said they are looking at a lot of different communities. Carol provided them with a town she is familiar with. He and Mark looked at a lot of different municipalities in Bucks County and towns all over the state and how they regulate it and when it is replaced, things of that nature. Just street improvement projects in general. Mark said he looked at curb codes for every borough in the county and the second scenario that Gary described which Mark calls the shared responsibility where a road is being repaved, the curbs are redone the entire length with the borough doing the ones that did not fail and the property owner being responsible for the ones that did fail. That is being done in two boroughs in Bucks County. Doylestown and Quakertown do it that way. They are still looking at it. The eight-inch height seems to be unnecessary if it is not a state road. There's been talk of bringing it down to six inches for borough roads. The goal is to make things look more uniform. None of them are happy with the up and down results and to make things easier and less confusing on the residents. Carol had a good suggestion as a way to significantly improve the situation of the borough having to hire its own contractor yet people also being able to hire their own contractor like the Bellevue Ave. situation. They are looking to restructure that. Joe Dudash asked Mark if it is Pennel that's creating most of the nightmare. Hulmeville has a code but they're not tearing up the curbs or is Middletown. Gary said in the different municipalities it is spelled out in the code if they are doing a street or sometimes they do it when a house is sold or they might do it on an annual basis where the engineer would go around and fail anybody that has a cracked curb. Some of them have on their website, this is what we are going to do if we pave your street. The borough might go out and get a quote to replace everybody's curbs and if you want to go with that quote you can do that or get your own. Then you'll get 30 or 60 days to do that. Something that makes it apparent that this is what happens. Joe asked if they are doing this for aesthetics or any other reason. This Bellevue Ave. project is a nightmare and we are penalizing the Pennel residents but then he goes to Hulmeville and do you see them digging up curbs and sidewalks. Mark said there are a couple of problems they are looking to solve. One of them is aesthetics. Do the curbing the whole length of the street and solve that problem. All curb is redone at the same time. It's the same height and you don't have new and old curb. The other scenario is procedural and Carol had a good suggestion. They are not ready with it yet but let's look at a different way to do this. We did Bellevue Ave. backwards because we got the borough

contractor in after. Get a contractor to make a bid before and people would have a chance to opt out. This is the person chosen to do the curbs unless you want to choose your own. That way there is clarity up front. He thinks aesthetics and procedure are the two main things. Gary said it says we are going to do this and if you don't, we are going to put a lien on your property. Mark was talking to Ben and asked where does it say we can put a municipal lien on a property. They found it in the curb section of the zoning ordinance. In other municipalities they have it in their code but elsewhere. Put it all in the curb section where it is not all in right now. Joe said most of the people you talk to are ticked off. We do it and next thing you know, PECO or whoever is digging it up. Some of the boroughs, like Langhorne Manor, have made a change to this so what are we doing about that. Why are we doing this and the next thing you know, it's being dug up. Gary said that is a street opening ordinance which is something they are researching like the Langhorne Manor one that just recently passed and Falls Township did something similar. You would have a street opening ordinance that when you pave the street, give the residents a heads up and if you're going to dig in the street, you need to do it now otherwise there will basically be a moratorium and if you cut open the street a certain time after it is paved, there could be fines or extra fees to do that to persuade you to not do that. Then there will be how you have to repair that patch, curb to curb or do certain things or if you are going to put in a new water line down the street, you might have to repave the whole street. Beverly said she does not think our street permits cover our costs. And it involves communications because we pave let's say Oak Ave. and then Mr. Smith decides he wants to put gas service in and she thinks that's what Mark and Gary have in mind, to prevent that kind of thing. Emergency repair is different. Mark said they want to make sure they give notice to the residents because the rules would be changing and if you want to put a gas line in and your road is going to be repaved soon, you better get that gas line in. A question for the professionals is if this whole curb redo can be wrapped into a street excavation ordinance that addresses all of these things or if they are two substantially different issues that should be addressed in different ordinances. Dave said it might be more efficient to do at the same time if it makes more sense but they will look into it. Barbara Heffelfinger said she got a call today from one of the owners of Sensational Scissors and their problem is their curbs are going to be the eight-inch reveal and their pavement will not be so when people are walking out of their establishment, there is going to be a real safety hazard. They don't want anyone tripping over the curb into the street. They want to know if they can get a waiver and rectify it because their concrete person is coming on Wednesday. If they raise the pavement part, it will be different than the pavement on either side and that will be a safety hazard also. Beverly said all of council got a copy of the email from Rich Keller. Carol Schuehler said she got a call this morning about the Keller property about replacing a section of curb that was not listed as repair or replace in the tabulations. Her initial response was if they want to replace that section of curb they certainly can. She reached out to her inspector and asked her to contact the property owner's contractor saying they would be available to talk to him about how to make any grading adjustments that are necessary and that was this morning. She has since spoken to Dan Keller who alerted her to his concern that the curb right now is not eight inches and if it was, how would we make the grade adjustment. He has a valid question and she doesn't have the answer to that. She hasn't been out there to do any measurements. Her inspector was out there today and she is of the understanding that the curb reveal is five inches. The building has sidewalk from the frontage of the building all the way out to the curb line. The concern is if the curb line is raised to meet the eight-inch standard, how is the grade going to work with the store. She doesn't know because this came up this morning. The property owner asked what he needs to do to do five-inch curbs. It is in the borough code that they need to be eight inches. She said she does not have the ability to waive curb heights. That would only happen from council. The curbs are five inches and are in reasonably good condition. There is one hairline crack about two feet from the joint. She hopes she gave them information that's useful. Dan

Keller said what's happening at the salon between the two driveways is, part of the curb was marked to be repaired and that is at the five-inch height. A little further into the curbing which was not marked, there is a fracture that goes right down into the street, which will in time, need to be replaced. What he proposed is they will replace about nine feet six inches of curb to get to that fracture. If they go to the eight-inch curb, the pitch from his building to the curbing, all the water will stay inside that eight-inch curb and will wash back to his building instead of over the curb. Part of the curb is already being replaced at the five inches because that was marked. He is asking for an additional nine feet six inches at the five-inch reveal so they don't have to go back in a year or two to create another headache. Barbara Heffelfinger said they are also concerned about it being a real safety hazard if you have a higher curb than your pavement. Carol said the short section of curb that was marked to be replaced is a transition between depressed curb and full-length curb and that transition is less than two feet which is transitioning back to the existing curb. Carol asked Dan if there was any discussion about putting a saw line in that crack to resolve it. Dan said no. Carol said he might want to talk to his contractor because that might be another option. Rather than replacing that whole section, they can saw cut it to make it another joint. It will keep your curb looking nice and keep the crack from traveling in a direction you don't want and you can avoid replacing that section of curb. Dan said they are going to the expense of getting the whole thing replaced, not just what's marked. They are not opposed if council approves it. Mark Moffa asked Carol if there are any other spots on Bellevue Ave. that this is happening. Carol said this has played out in other places. An example is the funeral home. There's was much less than the Keller property. They are working with a contractor to give them an option where they could raise the sidewalk with the new curbing or put a grass verge between the sidewalk and curb to make that transition so they still have their four-foot sidewalk. Each situation is unique. The funeral home doesn't have the need for a fall from the building to the street line as Mr. Keller does. She hasn't taken a measurement out there today. He may be correct if he replaces his five-inch curb with eight-inch curb, then he doesn't have positive drainage away from the building. She doesn't know without taking measurements. Beverly asked Carol what PennDOT would require. Carol said your standard PennDOT curb construction details an eight inch reveal consistent with the Pennel Borough ordinance. Joe Dudash asked Carol if they had to listen to PennDOT. Hulmeville, Middletown and Langhorne Manor are not listening to them. He said this is what he doesn't understand about the whole curb initiative. Beverly said the eight inches is in the borough code. She was just asking what PennDOT wants. Dan Keller said he spoke to two or three people from PennDOT today and they are not proposing any height, it's Pennel Borough driving the height. All he wants is to make the curb he is replacing match the other curb. Mark said if you grant exception for this person, what about all the other people. There are others on Bellevue Ave. who have come before them. Maybe some of them would have liked the opportunity to replace their curb at the height of the part that was still ok. They were not given an opportunity to do so. He would like to get the drainage report from Carol. Dan Keller said he can assure him that he cannot get that pitch away from his building with an eight-inch curb. He doesn't want to replace it down the road and mess up the newly paved road. He asking for something that's logical and then they wouldn't have the jigsaw puzzle they have going down Bellevue Ave. He's in the commercial district and is trying to make it look as aesthetically pleasing as possible. Mark said they need to be somewhat consistent. Dan said he wants to pour on Wednesday and he found this out this morning with Carol's help. He would like council to take a vote and if it can't happen, he will go to plan B, whatever that is. Joe Dudash asked what they are doing with the funeral home. Barbara said they are two different situations. Joe said it's the same thing they've been going through down Bellevue Ave. Adam Diabelko said he understands the Keller's situation and he gets what Carol is saying. They are different but they are very similar. They have sidewalks that go right to the curb and by raising the reveal of the curb, it's going to be sloped. They suggested a grassy median in between so that there is a

buffer and less of a pitch. Their big thing is that if someone doesn't see it's sloped, they are going to trip and get hurt and it's definitely a safety issue. Bellevue Ave. is not a quiet street by any means and people are coming in and out of the funeral home and you're not expecting a random slope to step up over a curb that's higher than the sidewalk. They can't raise the sidewalks because there is a manhole cover and a water pipe of some kind. Joe said between them both, they have a lot of seniors going in and out. The Wheelers are screaming about the same thing as well as KM Auto. Other people came before them for the same thing. He is in complete agreement with both of them. It's a safety issue and has to be dealt with. He doesn't see Hulmeville or Middletown or Langhorne Manor doing what we are doing. They should have scrapped the whole thing when this started and give everybody waivers and screw PennDOT. Apparently, they aren't worried about it. He's fed up with the way the residents are getting screwed over this thing. Tom Sodano told Joe he doesn't need to mention the same subject for extended periods of time. To Dan Keller and Adam Diabelko's point, they have legitimate points and they certainly would not be out of line asking for some relief. The main issue is you have all the other people up and down Bellevue Ave., some with deeper pockets. For instance, the apartment complex. They grant one waiver and you can bet your sweet curbs reveal, we are going to get slapped with a class action suit that will cost us a lot of money in court fees and we will have to give everyone that they made do their curbs taller, their money back. While he agrees with these two people 100%, we should have, in hindsight, had some sort of waiver system in place. We are opening a can of worms if we do that. Also, on the fence setback thing, that could also open a real can of worms for us. For example, his property has markers at all four corners. All of his neighbors are aware of it. He has a fence in his backyard that was installed long before he was here to keep a dog in. At the time, his property and the one next door was one piece. That fence is not actually on the property line nor is it a one-foot setback because it was in the middle of somebody's yard for a dog. It's six inches from the property line. If they start changing a bunch of setbacks, you may have a situation where people, like him, could have a neighbor dispute. Next thing you know, the neighbor is going to put up a fence, overhang that one-foot piece by some amount and then by adverse possession, they are now using six inches of the people's property who had the one-foot setback. You could again put yourself in a legal position. If you are going to change that ordinance, you have to be aware of it and put some provision in there to prevent our being responsible for what may come up as property disputes. People should know where their property lines are. Not all properties in this borough have pins. Dave Truelove said you can make an argument that if the property situations are unique, that you can grant waivers. He's not saying Mr. Keller and Mr. Diabelko made certain parts of their cases or if they made enough but to Mr. Sodano's point, if one group goes in, it is very possible that others will want to get in and whether they file a class action suit or not, he doesn't know. They may file for some sort of request for relief. This is what the borough has been struggling with for a while. The potential solution that Gary and Mark are coming up with at some point, hopefully will resolve a lot of these issues. In other municipalities they work in they have not seen this consternation over this. It's not that it's not important. It's the way it has gotten done. He realizes it's been done this way for a long time and things are coming to a head and some kind of remedy has to be pursued. In the time being they can grant the requested waivers if they are made. He's not going to tell them that they won't get requests for similar relief. And he's not saying other requests should be given if they are not comparable to these being requested. He's not an engineer. To Mr. Keller's point, if the water is going to go back into his shop, there would be some indication that the rule would be more harm than the waiver would be. That's what it sounds like. He would have to defer to the engineer. Barbara said she's looking at the picture of their property and she's not sure if it's the way the picture was taken or not but you can see a definite slant away from their property and she thinks they have an issue here and that's a waiver. Carol said she hasn't taken a specific measurement so she can't tell one way or the other so she can't say if it's unreasonable. It is very possible that

there is less than three inches of downward between the building and the curb line. Joe asked Carol how soon she could give them an assessment of the two businesses. Dan said he's pouring on Wednesday. Barbara asked why he has to pour on Wednesday. Carol said he has to do the curb before the sidewalk. Dan said he is pouring the youth center and is doing theirs at the same time and alleviates blocking Bellevue Ave. twice. Then he is moving onto Dr. Marshaleck's. He's trying to do all he can on the same side. John Stratz said they are requiring the auto place store on Hulmeville Ave. to put in a grass strip. He recalls a discussion about if trees could go into that grass strip. Grass strips are the best way to absorb water. The sidewalk can be pitched towards the grass strip. Dan Keller said that front has been all concrete for the 67 years he's lived in Pennel and will probably be concrete another 67 years. To put a grass strip in there with people walking back and forth and creating another tripping hazard on top of a higher curb, he's not going to do that. He'll leave the curb cracked and fix the road somewhere down the way when it needs to be replaced and that will mess up a freshly paved road to fix a nine-foot section of curb. That's not fair to anybody. He is not putting a grass strip in there. Gary Nickerson said he looked on Google street view and he's not sure if John is aware but there is no grass right of way or transitional. The curb is right up to the sidewalk. This is a little different than some of the other areas up and down Bellevue Ave. There are some grass transitionaries in the right of way. Beverly said Carol hasn't been able to look at it but it sure looks to her like if they put the curb up there, the water is going to go right back in the doorway. Dave Truelove said they can grant the waiver but thinks they should have more of the technical information available for when you make that decision in case someone else challenges you, you can make a distinction between one versus the other with a valid reason. There is an objective standard you rely on. Joe asked Carol how soon she could get out there to look at both of them. Carol said Tuesday afternoon. Joe asked Adam and Dan if they would be available and they both said they would be. Carol said the salon is the most unique situation because they have pretty much a straight line from the edge of the building out to the curb that needs to have positive slopes so if council were to grant a waiver on that situation that were on conditions of her taking measurements to affirm that that an eight inch reveal would in fact create a drainage problem from the front of the building to the curb line, that would be easy for her to measure. Joe said he would like the same on the funeral parlor. Carol asked on what condition he would like to apply to that. She said the funeral parlor itself is much higher than the road. Joe said safety issue. Adam said the water issue is not the same as Mr. Keller's. Their problem is the volume of traffic and they have a good deal of seniors coming in for a curb they would have to step up and over. It would start in the middle and stop before the corner. Carol said the scenarios are a little different. Joe said it's a safety issue. He asked what's so hard about that. They both have seniors going into their businesses. Just go out and inspect both of them and get the statistics so they can give a waiver for both. John asked Joe how this is different from every other property on Bellevue Ave. Joe said this is what he's been fighting with them about from day one. John said it's a little late to start screaming about it. Joe said he's been screaming since day one on the whole thing. Beverly said Dan is having concrete poured on Wednesday and that's the one they should be addressing right this second and then Carol will look at the funeral home. Joe asked when and said it always falls through the cracks. Beverly said they have to look at it and see what the situation is. Carol said she would look at both on Tuesday and report back to all of council. Beverly said they can do a conditional waiver. Dan said he would set up the eight-inch pitch line back to his building to save time.

**MOTION BY BARBARA HEFFELFINGER TO GRANT A CONDITIONAL WAIVER FOR 124-130 BELLEVUE AVENUE, FOR A WAIVER ON THE EIGHT INCH REVEAL ON THE CURBING WHICH IS CONDITIONAL ON THE BOROUGH ENGINEER BRINGING BACK MEASUREMENTS THAT TO DO THAT WOULD PUT THE STORM WATER RUN OFF BACK**

INTO THE BUSINESS BECAUSE OF THE SLOPE. SECONDED BY MARK MOFFA. John Stratz said the full wording didn't satisfy him. He asked Dave if it was sufficient to keep them from being sued by anyone else on Bellevue Ave. Dave said he could not give a guarantee on that. It would depend on when Carol goes out to make the measurements and make a determination as to what the situation will be. If they do have the waiver and by objective standards, there is a significant risk of either damage back to the property and or a safety hazard, she will report that back and if that is sufficient from her perspective, the answer would be yes. Can he guarantee that nobody will sue? This is America and we know what that means. People sue all the time. He doesn't know. But he feels comfortable enough because the concept is that it has already been explained about the eight inches versus the lower curb reveal and the necessity for making sure the water doesn't go back into the shop which is a property hazard and a safety hazard. Beverly said this is a unique problem to this area of Bellevue Ave. Laura Germain said she doesn't think they should be yelling at the professionals, especially at Carol who always does what she is asked to do. She is just asking for clarification so she knows what to do and what to look for. She knows tempers are high and it's really late and we're all sick of being home but we don't have to yell at each other and especially at our professionals. Dan Keller said thank you to council and Carol. Roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

Mark said he would like permission from the group to go on with the TOD ordinance and the next step in the process is it goes to our planning commission. They would like to have a virtual meeting like this one so they can consider the TOD so they can get it moving. It would be May 28th. Mark asked if they can get it advertised. Beverly said Ben is working on some language for her because they have to have a place to display it at borough hall while they are working on that. Dave said Ben was planning on attending that meeting as they are. Beverly said she is pretty sure they can get it done but she will ask him.

#### Public Safety

Joe Dudash said there was nothing new to report. As what Sean said, they are doing 24/7. The new guy they hired was to fill in for one of the officers that's leaving. They will have the same amount but this officer is fully trained so Sean can get him on the road right away. He just has to learn our town and the codes that we use. He would like to thank Barbara and the Mayor for helping Nick out with the emergency preparedness. If we didn't do what we did with this stuff, we would be completely abandoned by the county, feds and state. Beverly said we were left to our own devices and we pulled through. Joe thanked the chief. He said he was disappointed in the Blue Angels but at least Bob had the bells ringing. That day two of our cars went screaming by with the state police because one of the officers in Bensalem hit the panic button. The chief said it was Bristol Township and they were fighting with an entire family who were all Covid-19 positive and they went to assist. They were called off prior to arriving. Joe said this is unknown stuff that the people don't know about. You got the crime statistics down but there is other stuff that they are responding to.

#### Public Works

John Stratz reported that everything he needed to say was taken care of by Mr. Fuller. He has been getting reports since April 30th and they have been concise. Everything is up and working. Everything that was screamed at him about last meeting, was being performed that day. Things are good in the street light department.

### Long Range Finance

Gary Nickerson reported that they did not meet in April. He asked Laura if she could put on the borough calendar, that the Long-Range Finance Committee meets the second Wednesday of the month and she said she would do that. Gary said at the meeting in March they were examining LERTA and different tax abatement strategies. He reached out to the Bucks County Planning Commission and they provide him with a contact for the Bucks County Redevelopment Authority. They are going to see if someone from the RDA can attend via Zoom. He hasn't heard back. Their desire is to have them at the meeting but if they can't, there are other things they need to talk about. He found that they made a presentation to Morrisville and he got the entire PDF of the presentation that they did.

### Recreation Board

Beverly Wolfe said there is no rec. board. The people from the Wildcats are doing a lot of necessary maintenance and repairs which they allowed them to do while it is closed.

### Old Business

MOTION BY JOHN STRATZ TO REMOVE FROM THE TABLE THE CONSIDERATION OF A MOTION TO PAY THE ARMOUR & SONS ELECTRIC, INC. APPLICATION #1 FOR STREETLIGHT INSTALLATION IN THE AMOUNT OF \$26,722.97. SECONDED BY BARBARA HEFFELFINGER. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY JOHN STRATZ TO PAY ARMOUR & SONS ELECTRIC, INC. APPLICATION FOR PAYMENT #1 FOR STREETLIGHT INSTALLATION IN THE AMOUNT OF \$26,722.97. SECONDED BY LAURA GERMAIN. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY JOHN STRATZ TO REMOVE FROM THE TABLE THE CONSIDERATION OF A MOTION TO PAY D. PASHOLLI INVOICE #2037 IN THE AMOUNT OF \$1,869.04 FOR 7.5 HOURS OF WORK. No second, motion failed.

### New Business

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-11 ESTABLISHING PROCEDURES REGARDING THE READING AND APPROVAL OF THE PAYMENT OF BILLS AT COUNCIL MEETINGS. SECONDED BY JOHN STRATZ. Beverly said the voucher needs to be available at the time of the meeting but it is not official until they vote on it. They will provide the public with the voucher list when the agenda gets published before the meeting. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2020-12 ESTABLISHING PROCEDURES AUTHORIZING THE PAYMENT OF CERTAIN BILLS BY THE BOROUGH. Beverly said for clarification, the other resolution was for the bills at the beginning of the month and this one is for the mid-month bills. SECONDED BY LAURA GERMAIN. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2020-13 DELAYING THE PENALTY ACCRUAL DEADLINE FOR MUNICIPAL REAL ESTATE TAX FOR THE YEAR 2020 TO JULY 31, 2020. SECONDED BY MARK MOFFA. Beverly said this is the face value portion of your local taxes. The county extended their deadline until the 31st and if you don't pay by then, the penalty phase comes in. It's normally a month earlier. Ours is basically the same. They want to try and give people a break and have it on the same schedule with the county and give them an extra 30 days before they go into the penalty phase. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE STORMWATER CONTROLS AND BEST MANAGEMENT PRACTICES OPERATIONS AND MANAGEMENT AGREEMENT BETWEEN THE BOROUGH OF PENNDEL AND AUTO ZONE, LLC. Dave Truelove explained that what they do in cases of land development projects that come before them, especially ones with certain types of impervious surface issues and other things, is that it may require some more engineering. We require what is called an O & M Agreement, to make sure certain standards are followed. It runs with the land literally. When the project is approved, this agreement will be filed in court to be part of the record that goes with the property. They are required to do this and comply with all of the best management practices for storm water controls. Carol said it is a very standardized agreement and a sample is in your code and she appreciates the time Hill Wallack took to walk through it and make some minor changes to it to make it an even better standard agreement. Beverly said this is like the one they did for School House Court not too long ago. Dave said yes and he wanted to give his partner Barbara Kirk, who is a wonderful land development and zoning attorney, credit for putting this in final form. She put it together with Carol. Beverly said this protects the borough. Dave said absolutely, the borough and neighboring properties too. That's the whole point. That property owner makes a legal promise to agree to follow all of the standards that are appropriate as in storm water management and runoff. SECONDED BY MARK MOFFA. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY JOE DUDASH TO HIRE RYAN GAFFNEY AS A PART-TIME POLICE OFFICER EFFECTIVE MAY 6, 2020, SUBJECT TO BACKGROUND INVESTIGATION. SECONDED BY BARBARA HEFFELFINGER. Chief Perry said a full background investigation has been completed. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

#### Delay of Sewer and Refuse Bill penalties

Beverly said this was brought up last week because people are struggling so give them a break on sewer and refuse penalties. She asked Dave if they needed to do a resolution. Dave said yes because you are deferring payment. Mark asked if it was for one month and Dave said a one-month extension without penalties. Mark said they would go to the end of May without penalties. Beverly said they will get that resolution ready for the next meeting. It was the ones that were due April 30th and are due May 31st. All of council was in agreement.

#### Reopening Borough Hall

Beverly said she thought it was premature for that discussion. Marie came up with a plan on what the policy would be when it is reopened. She will share with everyone and she thinks they will be status quo until the next meeting. All of council was in agreement. Beverly said they are following the emergency management coordinator's recommendations. He has not steered us

wrong yet and she thinks they should listen to him. Marie will send it out to everyone when she gets the final copy.

MOTION BY MARK MOFFA TO AUTHORIZE THE ENGINEER AND THE SOLICITOR TO COMMUNICATE WITH ZOOM DRAIN ABOUT THE INVOICE AMOUNT AND REQUEST HOURLY RATE DETAILS FOR THE CHARGES. SECONDED BY LAURA GERMAIN. Gary Nickerson asked what they were contracted to do. Carol said they put out an RFP from the video information they had from Sewer Specialty Services that did the video from the main up the lateral. The leaks that they discovered appeared to be in the vicinity of the Bellevue Ave. curb line, just by the approximate measurements taken by the camera. They were hoping to avoid excavating into Bellevue Ave. and the cost associated with that. They had talked to different companies who do this kind of work and got some quotes to excavate on the property side of curb line and try to repair the laterals from that side. They tried to do that and were not successful. When they got down that far they believed the leak in the sewer line in the sewer lateral connection was actually under the street and that's why they are going out to bid now in a different way. They tried to do the easy way and the short cut way and it didn't work. She thinks it's appropriate that Zoom Drain be paid for some of their time and effort. She asked them for some breakdowns in the hourly rates and some more detail. It's not that they haven't been responsive, it's just that she hasn't been able to speak the same language so in combination with the request to the solicitor, how much is reasonable to be paying for the work that was done. She also thinks it's reasonable to get a delineation of what exactly their costs were and what the basis of the charges are. She thanked Mark Moffa for coming up with needing to look at it a little closer. And with council's direction, they will get a closer look at that. Beverly said based on all the data they got from the video of the lines with measurements, whatever you can get from doing a video on a line, it was almost clear that they could repair this without digging up the street but then they opened it up and it wasn't successful. Mark thanked Carol for revisiting it. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

#### Persons to be heard

Steve Lowe, 409 Cynthia Ave., said that the two properties on Bellevue Ave. with Zoom Drain, since they are coming to do Bellevue Ave. after Memorial Day, that's a short period of time. He wanted to know what they were going to do in the meantime. Beverly said it is out for bid. Carol said unfortunately bidding projects has certain timelines by the state and borough code. They compressed them as much as possible. Council said at the last meeting to get it out for bid. They are opening bids on May 12th. The reality is she doesn't know if they will be able to get ahead of what PennDOT is doing. PennDOT offered to expedite our highway occupancy permit to keep it moving but the reality is they open bids on the 12th and bids are awarded at the council meeting on the 18th, there's only another week until Memorial Day. It's a crazy, tight timeline and she doesn't know how it is going to work out. It's a long shot to get it repaired before PennDOT comes in. Steve asked if council is allowed to do some kind of emergency executive session to try to rectify that. If Carol opens bids on the 12th, why can't council meet on the 13th or 14th. Dave said you need three days' notice for a special meeting. Steve said if you know today you are opening it on the 12th to review them and pick a responsible bidder, can you have an emergency executive session with borough council and make a decision and start the project before the next regular meeting. Beverly said they can have a special meeting but they have to advertise. Carol said they tried to put it on the most compressed timeline possible, but if they open bids on the afternoon of the 12th, and she needs a couple of days to review those bids to make a recommendation, they have to make sure they are a reputable

contractor and all of that. If council were to meet the 15th which is Friday as opposed to Monday, it's only one business day.

Tom Sodano, 126 W. Woodland Ave., wanted to mention in case someone has not seen or heard it yet while we are all supposing that the parade wasn't going to go off, it was officially announced this evening by email that the Memorial Day Parade has been cancelled. The email came out from the parade committee right before this meeting started.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 11:05 P.M.  
SECONDED BY MARK MOFFA. A roll call was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

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