

Penndel Borough Council Meeting
Via Zoom Communications

June 1, 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
Councilman John Stratz
Councilman Joe Dudash
Councilwoman Laura Germain - absent

Also present via Zoom Communications

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

Correspondence – Letter received from property owner of Account #370 regarding a waiver for billing of two refuse units. Gary Nickerson said he and Joe Dudash are still working on it and they have to reach out to Advanced Disposal. It is a little more complicated than they thought. They should have the direction they'd like to proceed at the work session. Beverly Wolfe told them to let her know when it would be appropriate to put back on the agenda.

Consent Items

Beverly said she and Hill Wallack are still reviewing the reading of the bills as a complete motion item. They are reviewing it. They did approve it but there seems to be a little hiccup and are ironing it out. In the meantime, they still have to read the voucher.

MOTION BY MARK MOFFA TO APPROVE THE MINUTES OF MAY 18, 2020 COUNCIL MEETING AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF MAY, 2020:

General Fund	\$53,991.01
Fire Tax Fund	\$37,148.50
Refuse Fund	\$16,538.72
Sewer Fund	\$48,207.71
Sewer Capital Fund	\$ 790.50
Liquid Fuel Fund	\$ 3,726.66
Escrow Fund	\$ 8,928.80
Payroll Fund	\$ 711.95

Payroll

General Fund	\$30,522.39
Sewer Fund	\$ 4,199.59
Refuse Fund	<u>\$ 699.92</u>
Total	\$35,421.90

Escrow Fund Bills

Auto Zone:

Hill Wallack	\$1,040.00
Value Engineering	\$2,722.80

Schoolhouse Court:

Value Engineering	\$5,166.00
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SECONDED BY GARY NICKERSON. Roll call was taken. Barbara Heffelfinger, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Mark Moffa, aye, Beverly Wolfe, aye. All ayes, motion carried.

Mayor's Report

Mayor Winkler reported that he attended the council Zoom meetings. This week they will have two officers on for the evening shifts due to the nonsense going on out there in the world which was requested by the County Chief's Association. They are expecting a lot more protests going on the rest of the week. We want to be ready.

Fire Marshal/EMA Report

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

Beverly asked Nick if he had any recommendations on opening the Memorial Field. Nick said he didn't have any recommendations but the only stipulation is the Wildcats organization needs to provide the borough with a plan on how they are going to abide by the guidance that is out there by PRPS, Pennsylvania Recreation and Park Society. It's their best guess on how to conform with the yellow, green and white phases. It is not part of the governor's order so it's more like a guideline. What it comes down to is that the municipality, since it is municipal property, has to have something in writing from whoever is renting or leasing the property as to how they are going to mitigate or comply with the guidance out there. It is his recommendation that if we don't have that, council should postpone allowing the Wildcats to resume occupation down there until one is furnished. Beverly asked Nick about the use of the playground equipment. Nick said as long as we have signs up that say maintain social distance outside of a domestic unit and make sure people understand hygiene. It would benefit us to have some kind of hygiene sanitizing equipment down there although we are not required to. It could have been opened up last week. It certainly can be postponed until June 5th when we go to yellow. The county health department gave the ok to open it up. They based that off of science and known issues, not off of presumed issues. As long as we have everything labeled and signed and cordoned off what can't be used. The basketball courts and items like that allow people to be more proactive and meet together outside of their family unit should more than likely be postponed until we get to the green phase. The yellow is the intermediary step between the red and the green. They anticipate being in yellow for two to three weeks and then move into the green phase. By not opening some parts of the rec field, you are elongating the closure of it of a few weeks at most. Beverly said controlling the activity so that people can use the tot lot but not use the pavilion or anything else might be problematic. Nick said it could be problematic and could be policed. If you let them use the open spaces on the playground for the mental

health of the community but if you don't because you are reserved because of the pavilion and things of that nature, you may think you are helping them help themselves but it may not be that way. He said he's not sure how much the pavilion is used outside of the club sports. Picnics are permitted under the yellow phase as long as they don't exceed more than 25 people. If they are outside the family unit, they are asked to wear a face mask. In a small town it's easy to know who is part of whose family. But are you going to expect the police officer to ask them to prove if they are part of a family? It is an unrealistic expectation.

Chief's Report

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

Engineer's Report

Carol Schuehler read her report which is attached.

Mark Moffa said Mike Holva from PennDOT made a presentation with some updates on the bridge to Langhorne Manor Council on May 19th which he attended. The shoulders are designed to be four feet eight inches. They can be widened if they choose to stripe the lanes at 11 feet instead of 12 but hasn't been decided yet. They talked about the shoulders being useful and possibly as a pedestrian crossing but not to the effect that we had asked for as far as the striping that would indicate pedestrian crossing and signage he thinks was indicated in our letter. He asked and he didn't have any answers which frustrated him, and he let his frustrations be known that it was unacceptable, and they still had no answers. It was non-committal. Traffic will review that at the appropriate time. His concern is the appropriate time will come and everyone will have forgotten the three municipalities, Middletown, Langhorne Manor and Pennel that have gotten together and put it in writing that they want signage and to maximize the pedestrian crossing. He was trying to get a commitment earlier than later from PennDOT about this issue and he was not helpful at that meeting and passed the buck to traffic and said he should have brought someone from traffic. Mark asked Carol what she thought. Carol said she thinks he thought she was demanding they put sidewalks on the bridge, and she told him she understood it wasn't feasible without delaying the bridge project. They reviewed it and talked about the fact that right now there is really no pedestrian accommodation on either end of the bridge, especially as you go down towards Comly. She explained that someday in the planning there will be a pedestrian connection. He had talked to traffic this morning and he did validate that they would be supportive and work with him on the adjustments to lane striping and increase the shoulder width. He said they really didn't have any signage that would be applicable to the situation, so traffic wasn't giving him any specific signage, but they were favorable with working with him on the striping to maximize the width. Mark said they will stay on them. If signage isn't appropriate, even just the striping on the shoulder. You know how on the street they sometimes have a picture of a bicycle that indicates you can ride here. Maybe a pedestrian symbol can go on the striping as well. Carol said she thinks that would come into play when there is a connection on either side. Further steps will have to be coordinated by joint efforts by three municipalities to make the whole thing pedestrian accessible from one side to the other. Mark said they are trying to make pedestrian improvements on our side already and there is a project coming up very soon at the intersection near there. Mike kept saying there are no sidewalks on Comly but that doesn't matter to him. People walk over that bridge with no sidewalks and take Comly to the train station which is easier and safer than Route 1 that doesn't have sidewalks connecting the entire way. Mark said it sounds like maybe there was some progress today with Carol's conversation with them. Since everything was held up because of the virus, they are looking at a completion date of October 2021. Towards the end of the project they are going to move the detour over to Hulmeville Rd. He also mentioned they

are having trouble getting cooperation from CSX and SEPTA. They are at their mercy as to when they can do work.

Zoning/Code Enforcement Report

Rick Halbom reported they issued four apartment and one commercial use and occupancy certificates. They cannot issue permits to School House Court because they are waiting for their site plans. Building permit log is on file in the secretary's office.

Public Comment

Dominic Frascella, vice president of Penn del Wildcats football, said there are two Wildcats. Neshaminy Wildcats is baseball Penn del Wildcats is football. They are waiting for guidelines from USA Football and Pop Warner and once they are given, which should be by the end of June, as long as they are in the green, both organizations will be playing. Bucks County and Montgomery County is green, they will still move forward August 1st, which is when Pop Warner allows them to start. They are still waiting for the guidelines. Beverly asked him to give her his number so she can get in contact with him for when they go into green because they will have to go over some things.

Tom Sodano, 126 W. Woodland Ave., brought up the parking situation at School House Court. The borough only allowed them a 20-foot-wide instead of 28 feet with the caveat that there will be no parking. He knows it's a homeowner's association, but he would like to see, for fire safety, no parking is enforced by the borough. The chief should work with the solicitor to make sure there is a legal way to do that. He spoke to all the neighbors on his block because they are a horseshoe around that. If people begin to park and there is a fire in there, there is only one way in and if someone blocks it, emergency equipment can't get in. He'd like to see the chief and solicitor look into how they can enforce that, not as a traffic safety issue but as a fire issue. In the fire report, while this may be an unpopular thing to say and he doesn't want to butcher Cowboy Phil's name, while it was touching, it was dangerous in his estimation. He noted a few lanterns were set off by Burger King and they drifted perilously close to the McHugh tower. While some may think they are safe, not if they are torn, windblown, impacted, they will catch fire and fall and, in that case, they would have fallen in a densely built area. That's why they are outlawed in 30 states. While he understands the sentiment, if they are going to allow them in the state, he thinks the borough should have a contingency plan. We have emergency personnel on active duty, they should be stationed just in case there is an issue.

Tom said for code enforcement, there is an unoccupied house on his block that has little to no maintenance. The back grass finally got cut. What concerns him is the front yard. The address is 120 W. Woodland Ave. It is overgrown and he has been trimming it back from the sidewalk, but it is full of poison ivy. Last summer a little girl was riding her bike and she fell into it and was a mess for weeks. That should not be allowed, and it should not be on the neighbors to ask for code enforcement to notice. Rick Halbom said he would check on the property. He said on his comments about residents shouldn't have to notify, what you are suggesting is that he should be out patrolling, looking for property maintenance issues. That is not the mandate he has from council. They generally react to complaints. They don't generally go out patrolling and looking for trouble. In a situation like this, let Karen know or give him a call and he'll look into it. He doesn't think the borough wants to authorize him to go out patrolling for property maintenance issues. Beverly said there is also an email address for people to report things that is on the Facebook page and website. Joe Dudash asked Rick what was going on at the old PECO building. The plywood is off the windows and there are forklifts running full blast in there. Rick said they have a building permit to do some work in there and he hasn't been called in yet to do an inspection. They got their permit about two to three weeks ago. Joe said he thought the

building was condemned. Rick said the building was not condemned. It was not given a use and occupancy permit for a variety of deficiencies. They submitted architectural plans, they have been approved and now they are working on it. Joe said he didn't see the plans. Rick said he has every right to look at them but that is not something they submit to council members. They gave them plans and they were sent to his office and were approved for code and they were sent back, and they got their permit. Joe asked what the plans were for. Rick said they were for general interior renovations. He can provide him with a copy of the plans so that he could look at them. There were also some renovations for the exterior doorways into the service area. Joe said so they are going to use the building. Rick said they own it and it is zoned for their use. Joe said they were told the building was in bad condition and asked why it didn't go in front of the zoning board. He asked if this was another secretive deal and said every time they turn around there is something else going on that they don't know about. Dave Truelove said he hasn't heard about any variances or anything like that was submitted to the Zoning Hearing Board. Rick said it is zoned industrial and the use as a trucking warehouse and trucking repair facility is by right zoning. Joe said but that's not right. That Rick as the contractor said at the beginning that the building was not safe. One minute they said it's good and the next, no. Joe said he is hiring him a professional contractor to tell them what is going on. Plus, it's part of the renaissance area. The plywood is falling off the wall. He has to drive by and do his job. The mayor is taking pictures of them doing illegal stuff. You go down and tag them and throw them out. Now you tell him they are back in there. This is why he agrees with Councilman Moffa that we need a manager. This is completely out of control. Beverly said what is going on with zoning and code enforcement is everyday business in every municipality. Joe said it's not normal because a manager would know what's going on. He doesn't know why we have members of the zoning hearing board. Rick said he is doing his job. Joe said he has not told council or the people of Pennel what's going on in there. Nobody would have known if he hadn't brought it up. Gary Nickerson said it is like if he was putting an addition on his house. He's going to apply for a permit and do it. It's not something that will come up in front of council. If you want to see the drawings, you can go to borough hall and look at them. Joe said Gary isn't in a renaissance area. Gary said he agrees they need a borough manager but since we don't have that position, you can go to borough hall and take a look at it. Joe asked Mark how much we are paying them per year. Mark said they get a percentage of all the applications. Joe asked how much they made last year, and Mark said he couldn't recall but he could look it up. Joe asked him to bring it to the next meeting so they can tell the public how much we are paying them, but we can't find out anything. Beverly said it is public information that is in the budget and he can look it up. Joe said he wants to know and he wants it on record and he wants the public to know how much they have made. He's paying them and he has to look it up. Joe asked Rick what was going on at the old pharmacy building. Beverly said he needs to talk civilly. She said he was out of order. Joe said he didn't care if he was out of order. He'll be out of order for the rest of the night. He wanted to know if there was a permit for the old pharmacy building. Rick asked if he was talking about 118-120 Bellevue Ave. Joe said it used to be the old Youth Services building. Rick said they have a demolition permit to clean out some of the stuff. They have not gotten a building permit yet because they haven't submitted a final set of plans. Joe asked what was going on in there. Rick said their intent is to use the building for exactly what it was used for prior by Youth Services. Dave Truelove asked Rick if it was a nonconforming use. Rick said yes, it is an existing nonconformity. Beverly asked Rick if there were any other municipalities, he works in that he reports to their supervisors or councils everything that he does. Rick said no. Joe asked if there were managers in these other areas that has a renaissance going on. Do they come to you and ask what is going on in those particular areas? Rick said he wasn't going to offer an opinion on that because whether you have or don't have a borough manager, is not something that is in his purview so he is not stepping into that field at all. Joe said so he will answer one question but not the other. Joe

said he will remember that at the end of the year for you. Mark said he understands Joe's concerns and said both Joe and Gary are right. Gary's point on the legalities of this, when someone wants to improve their property, it is technically the same as if Gary wants to put something on his house, it would not go through council. That being said, however, he thinks a couple of the points Joe made are correct. It is a little baffling because they were told that the building, and he thinks the words he heard were, the only way it could be used was it should be totally knocked down. That's what they were told so he understands that concern because they were told it needed to be knocked down and totally rebuilt. And now low and behold, they can just make some modifications to improve it. He agrees with Joe on that. Also, in support of one of Joe's other points, Rick is right, he has no obligation to tell them what's going on there, but how many conversations has he had with Mike Italia about that property and how many times has he been promised, anytime anything goes on there, he wants to know about it because it is a property of concern for the borough and just out of courtesy, because we hired you, we want to know what's going on. You have no obligation but to Joe's point, we will remember that at the end of the year. Rick said what he said he wouldn't comment on was about them hiring a borough manager. For the old Bell Telephone building, he has said numerous times to members of council, and he has said it to the people who own the building, that he doesn't think that building is worth fixing. He thinks the smart thing for anybody who owns that building would be to knock it down and start over. They don't agree with him. And they own the property and they get to choose. They submitted a plan to them; it passed their code review and now they're working on it. He has yet to be called for an inspection over there, but he should be shortly and if he's not, he's just going to over and walk right in. For 118-120 Bellevue Ave., the only question there is could they use it for what they wanted to. Rick said Dave Truelove might want to comment on this but since it was used as a youth services building, if they want to continue that use, they have that right even though it's currently not zoned for that. It is an existing nonconformity. There may be something in the zoning ordinance that says after 30 days you don't use it for that, we throw your existing nonconformity out. Commonwealth Court has held against that, time and time again. That will not fly. Dave Truelove said he believes the time is a year for the nonconformity to be vacant and expires as a nonconformity. Rick said the most recent case law that he's heard of is that it does not expire in any amount of time. The only way that we could end that existing nonconformity is if the owner actually affirmatively abandoned that by turning it into something else like a clothing store. That would eliminate that existing nonconformity. There has been no effort on the part of the previous owner or the current owner to abandon that use. Therefore, the law says they can use it for that. Joe asked Dave if our ordinance said if it was sold that wipes it out. Dave said the court wouldn't allow that to be imposed. They see in a lot of places that a doctor or dentist would operate a business out of their homes and they would do that before zoning ordinances. Many times they would sell to a member of their profession and that is perfectly allowable as long as the use is consistent. An ordinance can't try and circumvent court rulings on the issue either by selling or something else. If they sell it and they want to use it for something, then it reverts back to the zoning ordinance. The question is how close is the nonconformity to the nonconforming use. What Rick has pointed out is in this particular case, it's a seamless transition. Rick asked Mark if he answered his questions. Mark said yes but he is disappointed that he doesn't find out about these things from him or Mike. He's finding out from the public what's going on about properties he's asked to be notified about. Rick said in some cases, some of the things that he does, it really isn't proper to notify people if it's a legal transaction. There are limits to what he can do. If Mark wants to have a conversation with him after the meeting or some other time and go over this, he will be happy to talk to him. He thinks it would be unreasonable to expect him to reach out to seven members of council and the mayor every time he makes a decision because he does or doesn't know what he is particularly interested in. Come to him and ask him a question. Unless there is a specific reason, he can't answer it, he will answer it. Mark said he tired of finding out

from the public what's going on with the trucking company. He would like to find out from the people he pays.

COMMITTEE REPORTS:

Beverly said there was discussion about having committee meetings once a month and they will be public. The committee chairs need to take a look and pick days and times that would be convenient for them because they have to publish in the newspaper. By the next meeting she wants to adopt so they can approve publication in the paper of the meeting schedule. John Stratz said if they are publishing the meeting then they need to publish the times like 5:00 – 6:00 or 6:00 – 7:00. Beverly said you don't have to do an end time, but you have to do a start time. John asked if they should do it at 3:00 for her or 5:00. Beverly said they should do it at times when the public can participate which for most of the public and people on council, would probably be in the evening. She asked the chairs of the committees to get a list together for the next meeting.

Steve Lowe, 409 Cynthia Ave., at the last physical meeting he attended at borough hall, Mike Italia made a statement saying if anybody in this town sees any kind of activity in the old PECO building, please call the borough hall because they are not allowed to do anything other than pull the truck into the bay and possibly change a tire. That was the last meeting Mike Italia attended with regards to that. Also, he agrees with Joe and Mark to the fact that they all got the impression that the building should have been condemned, however, whatever happens going forward, happens going forward. He agrees it is already zoned industrial and stays in the present guidelines of whatever it is, there is no reason to have a zoning meeting about it. In reference to the youth development center, the non-conformity, does that mean that they can open up doing the same type of business and still allow people to live there or will they not be allowed to live there? Dave Truelove asked if they were allowed to live there before. Steve said that's a gray area because it kind of got passed through without Penndel Borough being aware that they were actually living in there until somewhere at 2:00-3:00 in the morning some strange things happened and they said what are you doing living here. He doesn't think the existing non-conformity should apply there. Maybe they can be allowed to see their patients and not live there. He doesn't think that part was ever finalized. Dave said he would have to look back before he could give an informed answer.

Mike Smith, 127 Dehaven Ave., asked if it was going to be a halfway house. Rick Halbom said the proposed use is for a residential rehab facility and people frequently call them halfway houses which was the previous use. In terms of the one gentleman's question whether it was actually used for that, the person who owns the property now informed him that many, many years ago, he was a resident there himself and there is plenty of history of that being used as a residential facility. He has been in there and seen the bedrooms and kitchen and clearly that was what it was being used for. Mike said he agrees with him to a point but it was supposed to be used for a halfway house for teenagers, not adults. He asked if it was going to be used for adults now. Rick said he didn't know the answer to that. Mike said that would be totally different from what it was being used for in the past. Dave Truelove said he doesn't know that a nonconforming use would be limited to the age of the inhabitants if that's really the test. He said he would have to look at the whole circumstances about how it's developed and there might be some licensure issues that were issued by the state to be consistent with what is going in. He can't give an answer today, but he doesn't think the difference between teenagers and adults is enough to make a break in the nonconforming use. Mike said when they came in they were all concerned it was going to be a halfway house for drug addicts and alcoholism and stuff like that and they were told it was only going to be used for teenagers. Nick Foufas, said it hasn't been a halfway house or treatment center in the better part of five plus years. It ceased occupancy

being that and took over being a business office for the Bucks County Youth Probation Center for their lower end operations as well as storage for the past five years or so. He thinks that's where some individuals are questioning the nonconforming use since it was not utilized as a residents group home, treatment center, halfway house, it was a business office. Dave said they would get the records and take a look at what the use has been for the last 10 or 15 years or so. Mark Moffa asked Dave about the ordinance they passed last year about the sober living facilities and would it apply in this case. It might if there was a break in the use or trying to revive a use and it wasn't truly a nonconforming use it could be. He's not saying it is, but it could be. Joe Dudash said he thought if it was sold, it changed the whole ball game. It was in the bill that they passed. Rick said even if it is in your bill, if it conflicts with state law and conflicts with court cases, the court is not going to uphold it. Dave said he has to look at all circumstances before he gives an informed opinion. Rick is correct in the prohibition of those types of facilities which is something not favorably looked upon by courts. However, regulating where and what circumstances is what the Pennel ordinance does. John Stratz commented on zoning expiring in Pennel. His neighbor had Cherasaro Barbers for 40 years. He died and the family rented out the barber shop to another barber. He moved up to Hulmeville. The barbershop stayed dormant for a year. When she wanted to reopen a barber shop, she was denied and Pennel gave the reason that it was dormant for a year and the usage has expired. Dave said that is the abandonment issue that Rick talked about. If it's abandoned, then you can argue that it loses its nonconforming status. However, it is case specific. John asked why it wouldn't apply to a halfway house. Dave said it might. He will have to see what the circumstances are. While they are doing this meeting, he pulled up a report about a commonwealth court case from 2016 where it talked about it. A nonconforming use that predates prohibitory zoning regulation constitutes a vested constitutional property right unless it's a nuisance, abandoned or extinguished by eminent domain. There are circumstances where they lose their status.

Administration/Cable

Barbara Heffelfinger said all she had was what Nick said about playgrounds and those regulations. She's not sure if this is administration but they had to hang signs along Route 1 for the TOD. There was a notice from Comcast and this may have been put on Facebook or the website, she's not sure but for access to communications for relay services for people who are deaf or hard of hearing and it is toll free dialing for 711.

Buildings & Maintenance

Joe Dudash said thank you to the Mayor for the POW/MIA flags at the War Memorial Building down at the rec. field and Councilwoman Heffelfinger for putting flowers around the building for Memorial Day. The Mayor is working on getting dunks for the woods. Mr. Mongillo and Mr. Keller got their estimates in for the generators, but they have to be reviewed and they have to contact the other two contractors. Materials have gone up since the virus. Beverly asked how many quotes he got and he said three. Barbara said they were only able to get two before the deadline. Joe said they had three, which Ray sent in an email. They had Ray Litwin's and Harris. Ray sent his into Marie and he has to contact Litwin's and Harris and ask if there is any increase or decrease. He said that Ray said the cost of materials have gone up. He and the Mayor and Barbara are meeting Wednesday for a black top contractor. Marie asked if he had four quotes and he said no, that Mongillo and Keller combined because one is a plumber and one is an electrician. Beverly said she saw an email about sanitizing borough hall after election day. Joe said there was some miscommunication because Michelle has been keeping it sanitized but it came up that there would be people in there but Marie had a connection with the county and they are supposed to clean it and she would tell Michelle. We got it clean now and

don't want to go backwards. Marie said they cleaned today and would be back Wednesday morning.

Community Development

Barbara Heffelfinger said she doesn't want to call the RDA until they have the meeting on Wednesday, so they have their ducks in a row. She will do that after the meeting and will be double checking with them where we stand with the money and date.

Community Relations

Beverly said Laura isn't here tonight, but she wanted her to remind everybody about the social distancing weekend walk around the neighborhood on June 6th and 7th. Barbara said Laura hasn't contacted her yet about the virtual newsletter. For the walk around they are asking residents to put up signs and when you walk around, they either have to do a dance or a hop or jump in front of your house.

Finance

Mark Moffa said he and Barbara were talking about having a meeting soon to review the revenue shortfalls they maybe expecting. They received some information from Marie today that they want to look at. The program administrator from the Delaware Valley Regional Finance Authority reached out to us about making some changes to our debt and loans that we have. The information they received wasn't enough to take action on tonight. They both have questions so they will take that into committee and report back to council on it with recommendations. Beverly said since the gravy train of grants is probably going to dry up, they have a shortfall on finishing the project down by the interceptor so perhaps this would be a good conversation to have with the person who offered what was in the email. Barbara said they will talk about that and also talk to Carol about it.

Insurance/Pensions

Gary Nickerson said they got reimbursed for the accident with the deer and the police car. Beverly asked if they are getting the car fixed. Mark said they took the lowest bid and it is going in for repair.

Open Space

John Stratz said this past weekend he waited until the building was empty and no one was around. He cut bushes and weeded, and it is now ready for mulch and plants. Beverly said the Mayor is getting the dunks for Taddei Woods and Bob said they are already in the office.

Ordinance

Mark Moffa said he made a presentation on Thursday evening to the planning commission on zoom on the transit overlay district for their approval. This is the second time this ordinance came before the planning commission. The first time was over a year ago. There were some changes in the interim. They wanted to make sure and just like it went back through the county planning commission, it went back through our own planning commission as well. He presented the ordinance and the planning commission voted unanimously to support that ordinance and is recommending to council so that is on the agenda for the next meeting which is June 15th. At that time, he will present council with it which was what he presented to the planning commission. It is quite a lengthy ordinance which is a huge deal, the zoning overlay, and they expect a lot of things to happen in the Business Rt. 1 corridor. The mayor is going to be posting signs. Mark said it is part of the requirement because they decided this is a zoning change and because of that there is a whole layer of notifications that have to occur. They've all gone out and physical signs need to go out around the affected parcels. There is a series of corners and

intersections at which signs will be posted. Beverly said they ran a seconded ad which they were required to do. Gary Nickerson said they sent a big email to Mike Italia which identified different sections of the code that needs to be revised that needs to be ran past him that they talked about at the previous meeting. He and Mark will pick a day to have an ordinance meeting and keep moving on with the fences. Mark said and curbs.

Public Safety

Joe Dudash said he, the Mayor and Mr. Diaz went down to the rec. field and they have some additional safety issues. Even if they got the yellow light, they can't open up the playground after inspecting it. Mr. Diaz started cleaning out the bathrooms looking at what they would need down there as far as sanitation. They did a walk about and found something they may be able to sell on the market called Japanese Knotwood grass. They thought it was bamboo from the corner fence of the Memorial building all the way down to the first light past the pavilion. It's evasive and grows like a wildfire. They got it chopped down but now they have to wait until mid-June to put poison in there to kill it because the roots spread like bamboo. They had some vandalism going on. Somebody cut the safety belt on the baby swing. They tore the sign down. They cut a floor mat for one of the swings and they definitely need mulch because they are down to bare ground. Beverly said they budgeted for it. Bob is looking into the vandalism stuff. Bob contacted the Wildcats about the grass and they were helpful and said they would get their contractor down there to cut the grass. The major safety issue there is the tree line which they want to get rid of if they ever get money from Barb's grant. There is one tree with vines on it which is leaning and if it goes, it will actually go into the kid's playground. It would probably wipe out who is sitting on the bench there. There is another tree by the pavilion and light and if it falls it will take the wires down and the bulb. Beverly asked if he thought it was an imminent problem and Joe said he feels that before they can open up, they need to get someone in to take care of it. Beverly asked if he would take care of that since they don't have a rec. board. Joe said it is all of the issues that makes it not safe. And you have to post signs when we open, and Bob was talking about having Mr. Diaz clean everything. Beverly said she thinks they did that, but they have to do it again. There's more to this than just opening it up and letting the kids in. And when they spray down there it will be by the pavilion in mid-June for the Knotwood. Beverly asked if they could readily get the stuff they need to kill it. Joe said it's like Roundup and Landmass, stuff like that. Joe said that Bob said he was going to work on the signs and made a suggestion about putting it in the paper to give the public warning. Bob said to put it on the website and put it in any newsletters we send out. He sent Beverly what was recommended by another municipality what to say on the signs. Beverly asked how long it would take to get the safety straps fixed and get some of that done. Bob said he was working on it. He has the information on the straps and the manufacturer because that was one of the first programs he did when he became mayor which was the swing set. Joe said they know who to get the mulch from but asked if they were going to use a contractor to put it down because he thinks last time to had to put bids out. Beverly said she thinks last time it was done through the grant they had for the tot lot but previously Bob got the mulch and the rec. board did the work. Bob said last time he bought it; it was about \$3,500.00. Joe said the rec. board hired a contractor and Beverly said they did when they did the whole tot lot because it was part of a grant and there was labor donated too.

Dave Truelove said there was a question about the advertisement for the TOD and he pulled it up on his computer and it was advertised on May 20th and May 28th.

Rick Halborn said to Joe about the Japanese Knotgrass, he said he has dealt with it in other communities and it is nasty and something they may want to consider is an evasive species ordinance to stop people from using the knotgrass and bamboo. Mark said Beverly asked them

to look into it, but they have not worked on it yet. Gary said Japanese Knotweed is everywhere, but it is exotic and invasive.

Joe said right now they are at a pivotal point with their emergency management and fire marshal and he asked if there was an update on his contract and on his job descriptions.

Beverly said they have a template of a contract done and it was a rough draft and Nick looked it over. They had a conference call with Nick last week and he made his suggestions of what he wants to see in the contract and they should have that done by the next meeting at the latest. Nick Foufas said they had labor negotiations even though it wasn't really and it is an amicable agreement that benefits both the borough and himself until December 31st of this year and which we hope there will be other avenues in our forefront and not have to go through this again. Beverly said Nick pointed out something that we are seriously lacking and he was able to provide her with a sample of an agreement of cooperation and agreement of service which is not being worked on. There will be an agreement with the fire company and Nick would be able to use that as part of what he would need to do as our fire marshal. Nick said it's been there since 2003. The borough has never moralized a contract cooperative agreement with the fire company, so they are heading in the right path with this. They have some templates to work off of unfortunately they are not from boroughs, they are from townships of the second class however, between the solicitor and council, he's sure they can come up with better verbiage that meets the needs of the borough and as things move forward, hopefully they can have an open dialog with the leadership of the fire company. No different than what you did with himself and the contract to make it amicable for both parties to continue the tradition that they've had with the Borough of Eden and South Langhorne and Penndel Borough for over 100 years. Beverly said this is the first step to even getting a document and then it has to be gone over with all of the representation of the leaders of the fire department and it would be to mutual benefit. As far as we know, we have nothing in the files of an agreement with the fire company. Beverly said Nick was working on the emergency management one. She asked if he could get her something rough on the fire marshal one. Nick said hopefully in the next month or so he will have everything over to her. With everything else going on right now, it's on the forefront. Beverly said there was a job description included in the preliminary handbook and job description which was given to the administration committee. That will be pending Nick's approval, if he feels that is the correct job description. She said it was written by herself, just seeing what other municipalities did plus knowing what he was doing. Joe said he's shown what he can do. Beverly said it needs to be formalized. He's been keeping track of his hours and is doing a great job. He's going to get everything they owe him.

Public Works

John Stratz said he attended a preconstruction meeting with Isidore Construction and the engineer regarding the sewer later repairs project and they are doing the borough a favor by prioritizing the job, so it is completed quickly. He put out a call to the BCWSA. They have a few problems that look like potholes but when you get up to them, it's pipes without caps on them so we have them coming in to replace the caps to make it safer for the public. At Neshaminy and Woodland there is one pipe that not only does it not have a cap, the top of the pipe is broken off. They have promised to look at it. Also, that trough at Fairview and Rumpf that is sinking in, that will be fixed after they do the handicap ramp. Beverly asked him to send her the location of the caps. Beverly said the Spring St. swale is getting filled in again. It looks like it has invasive stuff growing in it, so it needs to be looked at to see about cleaning it out and finding a permanent solution. Gary asked John if he sent pothole killers out because he was riding around on his bike and it looked like there were some patches on Rumpf. John said he has been going around identifying potholes and the Mayor and Anthony have been going out and filling them. They don't have 40 potholes and we pay Pothole Killers \$1,800.00 which takes care of 40 potholes. He didn't even have 10 potholes. They can't afford Pothole Killers to do 10 potholes.

They had to improvise, and the Mayor got a whole truckload of goop and shoveled it in and thanks him for that. They will see how long it lasts but it seems like Pothole Killers only lasted a year and a half. Their normal warranty is six months. He got it pushed out to a year and they are dead in a year and a half and no warranty at that point. Barbara said thank you to John because she got her light. Beverly said they are getting reports every day on the lighting system. John said they switched them over to cloud based, reporting to be more efficient.

Refuse

Gary Nickerson said he reported on the correspondence earlier in the meeting.

Special Committees:

Long Range Finance

Gary Nickerson said they have a long-range finance meeting coming up on the 10th. He will have to get the zoom address and they will continue to talk about LERTA. Beverly said she would try to get ahold of Bob for him who is difficult to get.

Revitalization Task Force

Mark Moffa said he and Gary were talking and with the passage of the TOD, hopefully coming June 15th, they will be calling a meeting of the revitalization task force to talk about the next steps. Beverly said she assumes the next steps will be a marketing campaign. Mark said you know it. They need to make sure they get from Laura, the originals on the logo.

Old Business

Joe Dudash said that Patrick Donahue at 520 Bellevue Ave., came and Beverly answered his questions. The one thing he would like, and mind you, this is a Vietnam Vet and a 50 year resident here, can they supply him a bill from the contractor for his project which was completed on the 28th of May it looks like. Beverly said she will give him a proper bill. Joe said Mr. Sodano brought up a couple of times about Bob France at 410 Bellevue Ave. He said Mr. Sodano asked if there was a letter sent out or acknowledgement of wrongdoing on our part. Beverly said it was not done. It is her fault and will be done tomorrow. Joe said Mr. France is a senior citizen and a long-time resident. The borough has put a financial burden on him. The borough has acknowledged negligence by the representatives of the borough. As elected officials we are and have to be held accountable to our residents. Public service is all about protecting the common good which may be defined as the common conditions according to the welfare of everyone. Council is fighting a dual battle meeting residents needs while dealing with outdated ordinances. Throughout our lives we all make mistakes but the key is to learn from them which makes you a better person. That's how you handle adversity. At this time how is the council going to show that they learned anything from this mistake. He guesses George Washington had the best quote. Deeds not words capture the spirit. What he is recommending at this time is:

MOTION BY JOE DUDASH TO MAKE RESTITUTION IN THE AMOUNT OF \$1,000.00 TO MR. FRANCE BECAUSE OF THE BOROUGH'S WRONGDOING WITH THE CURB AND SIDEWALK INSPECTION. There was no second.

Joe Dudash said he was disappointed with this council. We admitted wrongdoing. He thinks maybe the rest of council ought to go over to Camden NJ and talk to the Mayor over there and the police chief. It's not burning now because they are connected to their residents. He thinks council has done an injustice. There's an old saying in government. What goes around comes around. He thinks they will see it on election day. He is really disappointed. Here's a man who

did his time in Vietnam, senior citizen, long time resident and let's just show the people of Pennadel that not one of you have the guts to even make a motion to have a discussion about it. This is the most ridiculous thing I have ever seen. We are going backwards. This is what happened with Pennadel with the whole police thing. We are not listening to the citizens. We're not even having a discussion about it. Beverly said the motion failed so they can discuss it. Joe said a lot of you are friends of mine but I am just disgusted with all of you. This saddens him. They've had arguments over the other stuff which he can see. But here, the borough has admitted to wrongdoing to a Vietnam vet, senior citizen and long time resident and that's all you people have the guts to do is give him a lousy sorry letter. Mark Moffa said he would have entertained this if he knew more about it. He didn't know he was going to bring this up tonight and doesn't think anyone else did. He would be interested in viewing the documentation about the error in the inspection and determine if it is appropriate. He can't speak for the rest of council but he's not comfortable voting on it tonight and that's why he didn't second it. He thinks they should talk about it and look at documentation. Beverly said they will prepare a listing for council on what happened, when it happened and how it happened for the next meeting and that way it can be thoughtfully discussed. Mark said if he would have had that he would gladly have seconded it.

New Business

Dave Truelove explained that in January, preliminary and final land development plan approval was given to Auto Zone and several conditions were listed in the letter. Auto Zone financial security agreement helps secure the relationship if construction and other work is to go forward. They have to meet certain conditions and provided escrow and advanced securities to make sure the borough and everyone else is protected. His partner Barbara Kirk has done a lot of work in land development and the zoning area and she drafted the land development agreement with financial security agreement and is well versed in both of those. It's been presented and agreed to by the applicant and their attorney. It is ready for council to approve so it can be signed and the project can move forward again and will be overseen by Ms. Schuehler's office. There will be inspections done periodically as well as other reviews to make sure the work is being done in conformity with the approved plans and with any other conditions that have been opposed on the project. There was a December 2019 Zoning Hearing Board meeting in which some variances were approved and they are kind of rolled into this process as well in terms of what the dimensions are going to be for different types of work on the project. This is a normal part of a land development project and you have a land development agreement and a financial security agreement, and it should be ready to go forward. John Stratz said we have gone to our board and have looked at this before and voted on this before. He asked if it shouldn't be just a formality. Dave said they didn't vote on this particular agreement. It is essentially a formality, but he doesn't want to deprive anybody to ask any questions. He said he thinks we will be seeing a lot more of these hopefully since the TOD is passed and this may become a more common experience for everybody here. These are common agreements and is a formality. This council, the mayor and everyone else here are because they are interested in the well being of the borough and if anyone has questions, they will try to answer them. Joe Dudash said he sent a late email to Dave and Carol and they answered fast. He would love for this developer to do the entire borough. It looks like he is complying with all of our wishes. Dave said he would tell their attorney Mr. McGuinness that.

MOTION BY JOE DUDASH TO APPROVE AND SIGN THE LAND DEVELOPMENT AND FINANCIAL SECURITY AGREEMENT FOR AUTO ZONE PENNDEL, LLC, PROPERTY: 200 W. LINCOLN HWY. SECONDED BY JOHN STRATZ.

Dominic Frascella said when they were talking about the grass at the rec. field earlier, the grass has been cut. He doesn't want to speak for the Neshaminy Wildcats, but they did cut it Sunday. He believes they will be on a regular schedule now. He wanted somebody to let him know what tree needed to come down. Beverly asked if she could share his information with Joe Dudash and he said yes. Dominic said for the mulch, if you can wait, he will put that on the list and when they do the field changeover from Neshaminy to Penndel, they do have many parent volunteers that come out to the field. It may be earlier because they may not have a season and if it happens it still won't be until July. Beverly said that was nice of him and will keep that in mind.

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

Beverly said this next motion is called listening to a resident. Beverly said they all got the documentation. At the April 15, 2019 council meeting, they received a letter from Dan Marrazzo regarding the Laundry Properties, LLC Durham Road sewer billing. It was given to the mayor and then given to council. Bob's remarks, when it was discussed at the April 15th meeting, were in the minutes which she gave everyone copies. He verified that 43 Durham Rd. was condemned and demolished years ago. The motion was carried to reduce the sewer bill. In December 2019, a new letter was received from Dan about a notice he received about delinquent sewer payments which went on to discuss overcharges by the borough in the amount of approximately \$15,000.00. She pulled all of the borough files on the tax parcel and reviewed all of the records and the recap is included in what she sent to council. She gave them three printouts of the sewer accounts along with the tax parcel map. The easiest way to understand all of this is to read the email from her to Hill Wallack dated February 7, 2020 which gives a synopsis of the whole situation and what her research concluded. She's had two meetings with the property owner, and one included his office manager before Covid-19 hit and gave them every bit of research that everyone has in their possession and gave them her figure which is different. She included the email from the office manager that they would accept her findings on the amount they were overcharged. The best thing to read is her email to Dave and Ben. It's a very unusual property. It was once three dwellings on one tax parcel. Trying to find records on it from the county was virtually impossible so they had to do it on their own. If you read through it you will understand that based on the documentation in our files, they finally figured out which property was demolished and it is 43 Durham Road and you can see from the documentation, we continued to bill for that and we billed a certain amount of money and they paid \$12,023.28 on a building that was demolished.

MOTION BY JOHN STRATZ TO REIMBURSE PROPERTY OWNER \$12,023.28 FOR SEWER ACCOUNT #255. SECONDED BY MARK MOFFA. Barbara Heffelfinger said it was very conclusive. Beverly's question the whole time was why it took them so long. In her meetings with Mr. Marrazzo, he was a one man show at one time, doing his own work and own bookkeeping. He received bills from the borough and just paid them. Then he got an office manager one day who said wait a minute and that's what started this. Mark said he thought her information was very thorough and she spent a lot of time on it and thanked her. Beverly said she had a preconceived motion they didn't make a mistake. Mark asked, going forward is it on the property owner to apply for a disconnection. Beverly said that is a good question and she's not sure how that works. Dave said if it's part of a demolition or a sale, he would think its part of that transaction for those activities and probably should be done by the property owner. Beverly said she would look into it and get an answer. Roll call was taken. Barbara Heffelfinger, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Mark Moffa, aye, Beverly Wolfe, aye.

All ayes, motion carried. Beverly thanked Karen for all the documentation that was pulled and Marie for helping.

Beverly said they need ratification on the mid cycle invoices they paid on May 19, 2020.

MOTION BY JOHN STRATZ TO PAY THE FOLLOWING MID-CYCLE INVOICES PAID ON MAY 19, 2020:

COMCAST INVOICE DATED 05/01/2020 IN THE AMOUNT OF \$222.57 FOR POLICE DEPARTMENT INTERNET.

GETTYSBURG BENEFITS ADMINISTRATION INVOICE DATED 04/30/2020 IN THE AMOUNT OF \$172.59 FOR DENTAL INSURANCE INSTALLMENT

INDEPENDENCE BLUE CROSS INVOICE #200508288783 IN THE AMOUNT OF \$5,232.35 FOR MEDICAL INSURANCE INSTALLMENT.

OFFICE OF LABOR & INDUSTRY INVOICE DATED 05/13/2020 IN THE AMOUNT OF \$7,901.00 FOR FIRE DEPARTMENT RENEWAL PREMIUM.

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

Reopening Borough Hall

Beverly asked Nick if he looked at Marie's plan for when borough hall is reopened. He said he did and it's acceptable. He thinks the other item council needs to take into consideration is not of the business closures or stay at home orders were aimed at any civic or government organizations. The borough hall did not have any responsibility from the government standpoint to shut down and cease operations to the public. It was done out of an abundance of caution for the employees and the residents. At this point if we follow the reopening plan that Marie wrote, we will limit the potential for any issues within the borough facilities. Beverly asked if it was fair to open borough hall as outlined shortly. Nick said yes if we want to do everything concurrent going into the yellow phase that we would reopen borough hall in the limited fashion that the reopening plan has in it one day after the 8th or so allowing appointments to be taken or made to the public. Beverly asked how council felt about opening borough hall on Monday after we go to yellow on the 5th. Beverly asked Joe how he felt. He thought Marie, Nick and Karen did a fantastic job on it and thought going the slow route was good as far as the safety of them right now and to see how things play out and then we can go full blast if everything turns out ok. Beverly asked him if the governor moves us to yellow on the 5th, then opening on Monday is acceptable. Joe said yes, he does unless Nick comes up with something drastic. Nick said the majority of the municipalities and the county have reopened in some fashion for the public going on 3-4 weeks at this point without any major catastrophes happening. Nick said the potential for an issue to arise is very slim to none. He said you can rest assured that if you open the facilities in limited fashion, it should not pose any undue stress or contamination to any of the employees, residents, vendors or contractors. He doesn't think we are going to have that issue. Beverly said it's been business as usual since it was shut down. They found other ways to conduct the business of the borough. Nothing has come to a halt. Beverly polled council. Barbara said she was for reopening. Gary said yes and that the information should be put on the website. Joe said yes. Mark said yes. John Stratz said he's for reopening except for they are like sardines up on the dais. Beverly said they aren't opening up for that yet. They can't have a public meeting where they can't maintain social distancing at this time. Nick said under the yellow stage we are limited to not more than 25 people in any congregation. Beverly said they alone would be about 15 people and to keep them six feet apart will be problematic. Beverly asked Dave if they needed to authorize it. Dave said if they want it for the record, they

can authorize the adoption of the reopening plan of borough hall under the yellow phase as outlined in the report from Mrs. Serota and Ms. Kondrk.

MOTION BY JOE DUDASH TO AUTHORIZE THE ADOPTION OF THE REOPENING PLAN OF BOROUGH HALL UNDER THE YELLOW PHASE AS OUTLINED IN THE REPORT FROM MRS. SEROTA AND MS. KONDRK. SECONDED BY JOHN STRATZ. Mark Moffa asked if the June 15th council meeting would still be via zoom. Beverly said yes. Dave said even if it went to green phase there will still be some restrictions. He said as long as we are under the yellow phase, he doesn't see any way how they can have any type of in person council meeting. Michelle Nigra asked when the borough hall reopens what will that mean for her. What will she be doing on a daily basis? Nick said the services that she has been providing, nothing really changes in that aspect under the yellow phase. We are still held to the same sanitation and disinfectant plans that we had. We are still held to keeping the company on retainer for contamination of the facility. Nothing will change with that substantially until we get to the green phase and then potentially the services will be limited or curtailed a bit, maybe back down towards the normal. But under yellow it is going to stay status quo as it's been for the last three months or so. Michelle said with the way things are now, she's been going into the back lobby every night as instructed because of that being open to the public so she's been disinfecting the back lobby. Anything that is there that anyone could touch. Without people being able to go in borough hall per se, she's been going in once a week because she has been doing a maintenance type of thing, so she goes in every Wednesday night to disinfect. But with people now going in every day possibly, that once a week isn't going to cut it. Nick said the plan is for the public to be allowed in on an appointment schedule so we can go back and alter the plan if need be to have a waiting area identified of maybe two or three chairs in case they show up 10 minutes before their appointment time in the lobby area, not inside the hall itself so there won't be an abundance of contamination to take care of. Michelle said she has not seen the plan that Marie has. If any time she is needed in between the times she is there, just ask. Karen Kondrk said they are not going to be allowed past the plexiglass thing that we ordered that is going to be on the table towards the back door so nobody will be able to come in further than that. Beverly said for Karen and Marie to review the plan with Michelle next time she is in. Roll call was taken. Barbara Heffelfinger, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Mark Moffa, aye, Beverly Wolfe, aye. All ayes, motion carried.

Persons to be heard (time limit of three minutes)

Tom Sodano, 126 W. Woodland Ave., said for Mark and Gary, for the fence ordinance, he had a couple of thoughts. When he lived in Middletown and they redid the fence ordinance, they also modified their corner requirements for visibility. Even the Chief of Police had to remove some overgrowth. There are some issues in this borough for instance on Centre, the fire trucks going from the house towards Rt. 1, you can maybe see the fire trucks but you could never see the Chief of Police if he was right behind them because of those hedges. At the opposite end there is a fence that goes all the way around the property on the corner on Woodland and coming home, he has to nose out there into traffic in order to see past that fence. He would like to see something like that looked at when they do the fence ordinance. You can make it retroactive like Middletown did and they triangle all the corners so there is approximately 10-12 feet from the inside corner if it's a sidewalk from street and if there's no sidewalk then it's diagonally cut off and they're not allowed putting fences or anything there. Also, when you do that you need to address for fire safety, and those who have lived here a long time, remember there was a bad fire on Rumpf's row on Woodland Ave. There's actually a fire lane behind those houses and if you look up from Fairview Ave., the corner house at 338 Fairview, if you look up, there's a break between those properties on Woodland, they need to look at stuff like that where there is a right of way for fire and safety. The house he mentioned has arborvitae planted in that area and

technically that shouldn't be there. His fence is pretty much on his lot line. If you look up the way, there's different properties that have things sticking out in the way. He realizes that fire trucks today might not fit in there but it doesn't mean liability wise that we're in the clear if there is a fire in the middle of that group of houses and it can't be fought correctly because we haven't enforced fire safety rules like that.

Pat Donahue, 520 Bellevue Ave., said his contractor couldn't get a permit and he was met with resistance. The sidewalk in front of the beauty salon you were supposed to get back on and it never came up. There was a waiver and nobody ever knew about it. The road guy never got back to him. The other things were the curbs at Cynthia and Dehaven not meeting the height. It was brought to you by a council member and nothing was done about it and it's been two years. On Bellevue Ave. you can see all the raised sidewalks and you don't see any on Cynthia and Dehaven. He's 76 years old. What is it going to cost him for a lien? It's now double the price he was going to pay. You had the engineer out there and he went to talk to her and tell her what was wrong and the next thing he knows, the cops were here. She told the cops he was yelling at her. He was not yelling at her. He wants the engineer company and the name. On Cynthia and Dehaven you're having a borough official saying they are not meeting the ordinance. They are only four, five, six, seven inches. You come down Bellevue Ave. they are eight inches and you are going to fall over them. They are a tripping hazard. It was given to you and nothing was done. The people never did the repairs. He wants to know what it is going to cost him to put the lien on. He's 75 going on 76 years old. He could have had it done for \$2,500.00. He hasn't gotten an estimate yet. You didn't give me one yet. Is that proper procedure? Beverly told Pat that earlier Mr. Dudash asked on his behalf what the bill would be for the concrete. They are going to provide that to him right away. Pat said he should have had that before they started. He said he's serious about this. Beverly said she is serious too. Pat said 30 years ago he had a drain port in front of his house, and he had it taken out. You had your engineer in front of the church put two in just last year and nothing has been done about it. Lynda Roe went through the borough and complained about it four years ago and nothing has been done about it. Is he in the wrong party or breed or wrong nationality? Beverly said she is trying to answer his questions about the curbs and sidewalk which was talked about before and her conversations with his contractor and you. Pat said his contractor was met with resistance. What does that mean to Pennel Borough? Beverly said when his contractor, Mr. Metamano contacted the borough back in July of 2019 to talk about getting a permit, when she asked him about being met with resistance, it was on the forms and he said he didn't want to use steel forms, he wanted to use wood forms and steel forms are required on the curbing. That was the resistance he talked about. Pat said he presented it to the engineer in front of his house, he showed her pictures about the wood forms being put in from four inches to 18 inches so therefore the other forms that were used on here, wood, would not be in compliance with the state regulations and she said that was her mistake. He has pictures. Beverly said the wood forms that he had mentioned to her before, you were saying about the hair salon, the ones he cited and they do have photographs of that were of the sidewalks and the depressed curb. Pat said it was not the sidewalk, it was the curbing. He said the depressed or whatever you want to call it, there are metal forms for that, they are from four inches to 18 inches for depressed curbs. Beverly told Pat she spoke to his contractor for quite some time and called him back on May 20th at approximately 3:20 p.m. where she called you back and you were still arguing with her about the met with resistance statement. She called his contractor again and left him a message and he never called her back which she told him you the last time she spoke to you and she told you she will call your contractor one more time to spend another hour or whatever on the phone with him and to find out the answer to your question and if you didn't hear back from her then we were going to proceed with taking care of the curbing as outlined in the letters that we sent certified mail. Pat said she never got back to him. Beverly said she talked to him twice that day and his contractor never got back to her. Pat said he called his contractor.

Beverly said she did too. Nice guy but he didn't call her back the second time. Pat said this has been going down since June 16th of last year. Beverly said Pat told her July of 2019 when he signed the contract. Pat said May 10th he talked to him and June 16th is when he was going to start. It's not only him. It's France's, Adams and seven other people down the street and they weren't issued permits. His sidewalk wasn't done. Beverly said that was another issue he is throwing in. Pat said he was one of the first in Penndel to get a contractor. Beverly said the resistance was he wanted to use wood forms on the curbing, and we can't have that. Pat said he could have put anything in there. He could have put straw in there and you would have said he can't do that, just like the other places down the street where they put wood in. Just like in front of France's. They were given the ok and it wasn't right. Beverly asked if he was saying Mr. France's was wood forms. Pat said no, he was saying Mr. France couldn't get it done because he couldn't get a permit from Penndel to have it done by his contractor. Pat asked if there was something wrong there because he had the same contractor as he did. Beverly said they are just going to keep going over this and there is no point to it. The question has been answered. She said he should be calling his contractor and ask him why he didn't call her back. Pat said he called. Beverly said he did not and she gave him her private home phone number. Pat said he didn't have it. Beverly said she told him to call borough hall. Pat said no you didn't and Beverly said yes, she did. Pat said if he had it, he would have called her. Beverly said this is going to be he said she said. Cynthia and Dehaven which was part of the 2016 – 2017 roads project and he had asked about that before Covid-19 and she had all the documentation pulled. Pat said one of the local officials came to her and stated they are not meeting code and the neighbors are coming to meet and complain about it. You had George the zoning official present and said they are putting curbs that are not meeting code. Beverly said that was done by a previous council and she has all the documentation. Pat said she was council president at that time. Beverly said she was not. She said next meeting she will pull that documentation again and she will give him 2016 and 2017 what was done by the previous council and the zoning and code official. Pat said the port holes in the sidewalk, he knows 30 years ago Penndel said you couldn't have that. Beverly said so this is something new. Pat said he talked to her about this before. He said to check her notes. Beverly said she can check the minutes. Pat said walk down the street and you will see holes in the curb. Beverly said so this is water draining through a hole onto the street. Pat said they are not allowed in Penndel. Beverly said they will look into the drainage and will have answers for him next meeting. She will get back to him and put it in writing and mail him a copy. Pat said when you sent your people to dig up his sidewalk, he said don't do that, he called the borough engineer. The engineer came and she didn't like what he said, and the neighbor next door and she said I'm calling the cops. His neighbor said you're not turning me in, I'm turning you in. When the chief came, the neighbor went to talk and she interrupted him. The chief put his hand up and the neighbor stopped. She said these two guys were yelling at me and I'm afraid of them. Beverly said when someone feels threatened then that's what they do. Pat said he wasn't yelling at her. Beverly said she has an official report of what happened that day with the voice raising and the pointing fingers in the face and Mr. Jordan said shut your mouth. She would feel threatened too. Pat said she didn't like what he was saying so she called the cops. Pat asked how much the lien is going to cost against his property. Beverly said he asked for a bill and they are going to get him one.

Mike Smith, 127 Dehaven Ave., said he noticed the mayor has been out on the street working quite a bit. Mike asked if she was part of council several years ago when he was told not to be out there doing this work. He said she was on council when they were told by the solicitor at that time that he was not supposed to be out there doing that type of work anymore. Beverly said she did not recall that but she can look it up. She kept extremely good records. Mike said his reason for asking that is, he drives around with a handicap sticker in his window. If it is for his wife, he would like to know why the Mayor of the Year is parking in handicap spots while he

is the only one in the vehicle. And he thinks it's embarrassing for Penndel to have this man representing us riding around doing this kind of stuff. The second thing is he asked many months ago about the two trailers down at the rec. field and he sees Dominic is gone so we can't get any answers on that. Mike asked who allowed them down there. He asked if anybody ever admitted to doing that. Beverly said they did talk to the baseball representative and those were the equipment trailers for the football program. She doesn't know the answer to that. She will get it for him. Mike said they are an eyesore.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 10:32 P.M.
SECONDED BY MARK MOFFA. Roll call was taken. Barbara Heffelfinger, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Mark Moffa, aye, Beverly Wolfe, aye. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer