

Penndel Borough Council Meeting
Via Zoom Communications

January 4, 2021

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

Also present via Zoom Communications

Ben Hauser, Solicitor, Hill Wallack
Carol Schuehler, Value Engineering
Nick Foufas, Fire Marshal/EMC
Marie Serota, Secretary/Treasurer

Announcements

Ben Hauser reported that on December 28, 2020, there was an executive session that began at 6:50 PM and ended at 10:15 PM concerning informational matters on the matter of borough manager and personnel matters related to a borough manager. All council members including the Mayor were present with the exception of Mrs. Germain along with the two candidates for borough manager. Prior to tonight's meeting, council met in an executive session beginning at 6:02 PM. The matters discussed were personnel and informational matters related to borough manager and concluded at 7:21 PM right before this meeting. Present were all the members of council before you, Mr. Winkler and himself.

Beverly Wolfe asked Marie Serota to read the email she received this afternoon from Council President Barbara Heffelfinger. Marie read as follows: Because of medical problems and surgeries that are forthcoming, I hereby resign as president of borough council. I will be unable to perform the duties of president during that time. Please make this effective January 1, 2021. I am not resigning from council and will try to return to council duties as soon as possible. Thank you.

Ben Hauser said Beverly being the acting president should ask if there's an objection to accepting the resignation. Beverly asked if anyone on council had an objection to the resignation. Ben said not hearing any, the motion is adopted. With the vacancy of the council president position, it would be in order to open nominations for the office of council president.

MOTION BY JOHN STRATZ TO NOMINATE BEVERLY WOLFE AS COUNCIL PRESIDENT.
SECONDED BY LAURA GERMAIN. Ben asked if there were any other nominations. Ben said as acting president he believes she can close nominations for the office of president. Beverly closed the nominations.

Steve Lowe, 409 Cynthia Ave., said to Beverly, wasn't it just more than a couple months ago you yourself resigned from president. Beverly said she did. It was the combination of work and a couple of personal reasons, both of which have been resolved. She said she feels that her mission here is not done which is why she would take it back if everyone agrees. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Ben Hauser said there is now a vacancy for the office of vice president. MOTION BY JOHN STRATZ TO NOMINATE MARK MOFFA FOR THE POSITION OF VICE PRESIDENT. SECONDED BY JOE DUDASH. Beverly asked if there were any other nominations. She said seeing none, nominations are closed for the office of vice president. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Beverly Wolfe said they have to table Mr. Lowe's resignation from the zoning hearing board pending some housekeeping stuff that needs to be done. Steve asked why. Beverly said apparently the assistant borough secretary has been attempting to contact you for a bit. Beverly said there's some documentation and things that need to be signed before it can be accepted. Steve said that's it, sorry, it's already a done deal. The letter went in two weeks ago and it was effective December 31st. Beverly said council did not accept it. Steve said it doesn't matter to him whether council accepts it or not. It's in and it's in writing whether they like it or not. That's it. Beverly said she didn't mean it that way. Steve said he's just telling them that December 31st was the end of it so they can do what they need to do but there will be no signatures from his part going forward from here representing the zoning hearing board whether the meeting took place back then or not they had plenty of time to write. Mark Moffa said when you render a decision the attorney has 45 days. Steve said he understands all that. He said he put the letter in right away and they're not going to get anything else out of him as far as the zoning hearing board so they can do what they need to do so just go forward from there. Mark said that puts them in an interesting position and they will let that be an issue for the zoning hearing board attorney. They need signatures on the decisions that were rendered. Beverly asked what do they do with this resignation letter because obviously there's not going to be a change with that. Ben said he was going to double check the borough code. Mark said at the last borough council meeting, George Krushauskas resigned but his resignation was effective at the end of this month which allows him the opportunity to sign the decisions that were made. The issue at hand here is that's Steve's date was the end of December so that creates a little bit of a logistical issue.

Mike Smith, 127 DeHaven Ave., wanted to ask Steve about signing his decision. Beverly said she didn't believe it was appropriate for him and Steve to discuss it. Mike said one of the decisions involves him and he's going to ask Steve to at least sign those papers if they need to be signed. He asked if that was one of the judgments that needed to be signed. Beverly said she didn't know because it is a zoning hearing board issue and that's a separate entity. Mike said he knows but thought Karen might know what they are if it's the two hearings that just got judgments rendered to them. Mike said for his sake he's going to ask Steve if he would sign those papers. Beverly said she thinks he said what he needed to say and he's not saying anything else. Mark said they are going to have to figure out what they're going to do from here. Beverly said Mr. Hauser is trying to do that. Mark said there's no rule about having to accept someone's resignation so he would suggest they move on. Ben Hauser said the opinion of his office at this time is that council is not required to accept the resignation. Whether Mr. Lowe will accept that in his own way that is his own prerogative, but he does not see an obligation for council to accept it at this time. Whether Mr. Lowe will resubmit a resignation notice or not, act

until at some point does not act, until council just decides to accept the resignation notice as Mr. Lowe's term expires at the end of the year that is it doesn't matter. He would imagine the zoning hearing board solicitor should have a discussion with him at that time and certainly council retains the right to address this matter at a subsequent meeting. Beverly said she certainly has no intention of putting Mr. Lowe in any position or make him uncomfortable about why he feels so strongly.

MOTION BY MARK MOFFA TO REAPPOINT GEORGE KRUSHAUSKAS FOR A NEW TERM RETROACTIVE TO JANUARY 1, 2021. SECONDED BY JOE DUDASH. Mark said this is along the same lines of trying to button this up logistically. They know that they already accepted his resignation effective the end of this month but technically he's not a member this month until they appoint him to be a member this month because his term expired. Ben said he thinks it's fair that council does not want to make anyone unnecessarily serve it's just a matter of buttoning up some matters that have to be buttoned up. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Mark said obviously they're going to have a couple of vacancies coming up very shortly on the zoning hearing board. They have already received two applications for those positions. As everyone can tell they're trying to button this up in the right way. So, the way they are viewing it, is those openings aren't really there until February 1st. However, they want to act on the applications they've gotten because he thinks they're both very impressive. He would suggest that they move the two applicants as zoning hearing board alternates right now and then once those vacancies become official next month this board can, if it so wishes at that time, appoint them to take the full-fledged terms.

MOTION BY MARK MOFFA TO APPOINT TERRY MCINTYRE TO BE A ZONING HEARING BOARD ALTERNATE. SECONDED BY JOE DUDASH. Beverly said she thinks he's is a very worthy and good pick and she's glad he chose to serve.

Mike Smith, 127 Dehaven Ave., said he is a great choice for this.

Tom Sodano, 126 W. Woodland Ave., said Terry McIntyre has experience so he knows the procedures. He doesn't know who the other person is that they're going to discuss but he's aware that there is some question with the general public of how one would apply for such positions as there's no direct information for that on the website or on the Facebook page. He's aware that they had trouble getting applicants to be the alternates prior and that could be a reason they had trouble rounding people up. Maybe if they made it a little more transparent on how one might go about some of these applications, they might get more feedback from the general public. Beverly said they will work on that right away. Laura Germain said if anyone wants to send her something, she would be happy to upload it to the website. Beverly told Marie to give Laura a list of all of these types of committees that they are seeking people for along with a PDF file of the application so that they can do it right there and download it. Marie Serota said that if anyone has any questions they can always call the office and they would be glad to help them.

Gian Lo Piccolo, 132 Crescent St., said he remembers when Helen Martin had resigned. He never had any objection to Steve Lowe joining because he thinks he was an excellent choice but unfortunately the night that she resigned was when they appointed him. They typically see a lot of the same faces around the borough. You would like to gain more people's interest in the town. Mr. McIntyre has been involved off and on for many years and his interest has obviously been great. On a personal level, the amount of things he taught him being a resident when he first moved in were very helpful. He would be such an asset to the borough. Beverly said they

all agree completely. During his time on the Planning Commission, she got to see him in action, and he was great. She was sad to see him go.

Terry McIntyre, 335 Hulmeville Ave., said he appreciates everybody's kind words and he's willing to help them and the town.

George Krushauskas, 510 Dehaven Ave., said he totally agrees that Terry would be great on the board and if he needs any help to get started, he'd be more than willing to sit in on a meeting and go over some things. Terry said he appreciates that and if he could do half the job that George did, he would consider himself successful.

Mark said he agrees with Mr. Sodano that they need to make that clearer on the website. He knows that other municipalities will have a running list of current vacancies so they should do that. And to Marie's point, the SOP would be contacting the office for forms needed to fill out. Even if the board or commission someone is interested in is currently full, they can still put their form in that they're interested. If a vacancy opens up, they will already have it on file that there's this resident that is interested in that. Beverly said on the zoning hearing board the alternate position they are filling now but will probably become vacant at some point and they definitely need the alternate. Mark said he actually reached out to Terry to see if he was interested in this. Terry gave him quite a hard time throughout the course of last year on the earned income tax but that didn't dissuade him and he thinks that's the way this council tries to operate. They are not really scared off by folks who don't necessarily agree all the time. They try to look beyond that for folks who can serve the town. They're not going to all agree all the time and so he realized that Terry is passionate, intelligent, and skilled and then when he learned about his history, he actually wasn't even aware that he was previously a borough council member. It seemed like it made a lot of sense to him.

Tom Sodano, 126 W. Woodland Ave., said what Marie had said, the one person that when he responded to them, and they all know that they can contact her, they were confused because of the website saying that the offices are closed and you have to make an appointment and that's why they had asked why they couldn't just do it online which is why he brought it up. Terry said he was a little confused even after 4 years on council, exactly what the process was to apply so he reached out in an email to Marie and she sent him the application and he ended up having to fax it because he couldn't scan it. It is a little confusing. Beverly said she sees Laura writing everything down and she's also going to be meeting with the people who developed the website so they're going to get on that right away. It should be easy to do because they want people to come on and help and they welcome them. Mark said Laura has begun working on the next newsletter so maybe that could be a section in there of what the boards and commissions are and if there is enough room in the newsletter, the application could be a page. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPOINT ELIZABETH SUAREZ AS AN ALTERNATE TO THE ZONING HEARING BOARD. SECONDED BY JOHN STRATZ. Mark said he does not know her personally, but she submitted a very impressive resume and when they get to public comment, maybe George would have a thing or two to say because he believes she's a neighbor of his. Beverly said her resume is very impressive. A newcomer willing to serve. Mark said she actually has zoning experience. She moved here from Florida and she was a zoning and code enforcement officer with 15 years of experience down there so another person, a new face to serve. George said he did recommend her because of her experience. He met her about a year or so ago and he knows what she did in Florida and he thought she would be perfect for it. He felt bad because he felt like he was leaving the borough high and dry and he thought it would be good if he could try to find somebody. And just so Terry knows, he did recommend him. And he didn't know about Steve until the day after he resigned so he thought they have two people that would be great. A roll call vote was taken. Beverly Wolfe, yes, Mark

Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Consent Items

MOTION BY MARK MOFFA TO ACCEPT THE MINUTES OF THE DECEMBER 21, 2020 WORK SESSION WITH CHANGE AS DISCUSSED AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF DECEMBER 2020.

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|-----------------------------|---------------------|
| General Fund | \$ 50,422.06 |
| Fire Tax Fund | \$ 133.85 |
| Refuse Fund | \$ 17,249.55 |
| Sewer Fund | \$ 40,807.31 |
| Capital Reserve Fund | \$ 5,572.24 |
| Sewer Capital Fund | \$ 3,588.75 |
| Liquid Fuel Fund | \$ 181.80 |
| Escrow Fund | \$ 6,444.75 |
| Payroll Fund | \$ 716.45 |

Payroll

| | |
|--------------|--------------------|
| General Fund | \$23,354.37 |
| Sewer Fund | \$ 3,438.91 |
| Refuse Fund | <u>\$ 573.14</u> |
| Total | \$27,366.42 |

Escrow Fund Bills

Auto Zone:

Value Engineering \$4,117.50

Schoolhouse Court:

Hill Wallack LLP \$1,320.00

Value Engineering \$1,007.25

SECONDED BY JOHN STRATZ. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

President's Report – No report.

Mayor's Report

Mayor Winkler read his report which is attached. Mark said he must be out of the loop on the gift cards because he wasn't aware of that program. He asked if that is something through the borough or one of the other committees or if it was something he does personally. Bob said he mainly gives out food cards to Redner's or ShopRite. There is also a foundation going around helping out and they have produced some cards for him. Each year they try to do at least 20 or more families. Mark asked if this was something that people could donate to and can they put information out about how people could donate to it. Bob said he doesn't like money. He would rather just have the cards so he can give them out. They started out with a food drive and that's how they got started. They had up to 30 bags of food that they gave out at Thanksgiving and Christmas. It got to the point where so many people were getting more food than they needed. One house they were delivering to that year got six bags and six turkeys. They knew of a family

down the street that needed help so they went down the street and helped them but with a gift card they can buy what they need. Bob said it goes out as the borough so the whole borough gets credit because a lot of citizens in the borough help out. Beverly said they will have to make people a little bit more aware of what is needed so that he gets more donations than what he already gets. Bob said they will probably do Easter. Beverly said they want to help more people.

MOTION BY MARK MOFFA TO APPOINTE GEOFF THOMPSON AS BOROUGH MANAGER SUBJECT TO AN EMPLOYMENT AGREEMENT TO BE DRAFTED AND PRESENTED AS APPROVED BY COUNCIL. SECONDED BY GARY NICKERSON.

Mark said they came across a couple of phenomenal borough manager candidates actually through a neighboring municipality who happened to be advertising for a manager. He said they felt blessed that they did not hire these people. There were a couple of great candidates and this one that they're going to attempt to draw up a contract and hire tonight, Geoff Thompson, was the manager at the Borough of Collegeville in Montgomery County for 17 years, from 2003 to 2020. In his experience there, he led wonderful downtown revitalization and beautification efforts and then his previous experience both in Hatfield in Montgomery County and in Michigan in a place called Garden City, he was also involved in significant revitalization and redevelopment efforts. When they saw this amazing resume that really spoke to, he thinks most of them, what they felt they wanted the borough manager position to be, at least to start with this position, to help them kick off the revitalization of the Business Route 1 corridor. They thought this looked like the perfect resume, so they had this gentleman in and interviewed him and they were all sufficiently impressed. He thinks it would be to the benefit of Penndel if they could enjoy the services of Mr. Thompson. Gary Nickerson said this was an absolutely fantastic candidate and he thinks it makes sense for them to move when they have a candidate like this. He is anxious to get a borough manager in as soon as possible and with the candidate that has these sorts of jobs, to him it was very exciting and he thinks he would make a fine choice. He has plenty of experience in revitalization efforts and something that he really values as a candidate is his almost 30 years of being a borough manager in small to mid-boroughs. Joe Dudash said he agrees with Mark and Gary. Both are more than qualified. It wasn't like they're getting a blue light special as usual as Nick would say but he's impressed and at least now he got another breath of fresh air for 2021 like they're going to move ahead on things now and he thinks this guy could do it for them.

Jay Moser, 525 Hulmeville Ave., asked if this is a full time or part time position. Council said part time. Jay said he understands revitalization is a critical part but also the structure of the borough itself is extremely critical. He just didn't know if it was full time or not.

Terry McIntyre, 335 Hulmeville Ave., asked how many applicants they had. Mark said they interviewed two.

Joe Dudash said to Jay Moser that what he said was their concern too. It's not only revitalization but organizational inside because they need changes. Both of them would fit in perfectly. They are visionaries and stuff like that, so they are on the same path as what they want for revitalization and changing the government structure itself. Beverly Wolfe said to Jay that his 17-year job was as the manager of Collegeville. He had 11 full time and one part time employee and his resume just for that job is totally impressive, developing the annual budget and managing the operations of the entire borough along with the grant opportunities that he was able to obtain. Jay Moser said he doesn't doubt that they picked out an excellent candidate. He just wants them to steer him in the right direction, have guidelines, have an outline and some sort of job description that he didn't think was planned on yet. He knows planning can start at ground zero and work forward, as long as they don't just give him carte blanche and he gets the proper direction. A roll call vote was taken. Beverly Wolfe, yes, Mark

Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Beverly said this is a big step forward for them and one that's been a long time coming. Mark thanked all of council. He brought these folks to their attention and he thinks everyone took this very seriously and very thoughtfully. He thinks they had excellent interviews and he thought the process was good. To Jay's point and any other concerns that may be, he thinks the new look of council leadership is going to help in the direction of the borough manager and he thinks they hear everything that everyone is saying, and this is going to work out well. He's very optimistic. He thinks they've done very well with this so far and he expects it will continue to.

Solicitor's Report

Ben Hauser said there is one item for their consideration. As the public knows and this council knows, in December, council appointed BIU as its incoming code, zoning, building, construction code officials starting at the expiration of the current incumbent's contract. They have been drafting an agreement with BIU and council needs to approve the agreement. This is for them to get started next week. Council is not meeting until the 19th and there are some minor little things that may get modified depending on last minute changes. He would also expect the final agreement to be again ratified at the next meeting.

MOTION BY MARK MOFFA TO APPROVE THE AGREEMENT WITH BIU SUBJECT TO SOLICITORS REVIEW, MODIFICATION AND APPROVAL. SECONDED BY JOE DUDASH. they've learned valuable lessons from the hearings that they have had and so the people know they're all-in tune with what went on and they're applying it with BIU. He thanked the solicitors for their hard work with negotiations with the contract. They've taken everything into consideration that they've learned. He thinks it was positive having this experience with the zoning board hearings and he thanked George and Steve for all of their work on it because it was an education to him.

Tom Sodano, 126 W. Woodland Ave., said they are hiring a borough manager from what they just said and they're bringing in new zoning enforcement which is an old zoning enforcement so there obviously will be some changes. The old zoning enforcement people were supposed to answer only to council, but they all know that's not exactly what happened. He asked under the new borough manager, will the zoning enforcement people be required to report directly to the borough manager and the borough manager only as their first contact. Ben Hauser said the code enforcement officer does not follow within the realm, certainly it is a public safety related matter, but does not fall in with the capital P capital S public safety matter. They would be reporting to council with the borough manager being its designee. Beverly said from what she understands from Mr. Geoff Thompson's resume, he managed the operations of administration, code enforcement, finance, parks, and zoning. Ben said for Mr. Sodano and everyone else out in the public, the very first specific authority and duty of the ordinance that established the office of borough manager that would be 47-1A, the borough manager shall supervise and be responsible for the activities and all borough departments except the Police Department. Tom said as they all know if they participated in any of the recent zoning hearings, the outgoing zoning enforcement people were apparently confused on who they were supposed to report to. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Engineer's Report

Carol Schuehler read her report, which is attached.

Fire Marshal/EM Report

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

Beverly asked Nick if they announced the locations for the testing sites. Nick said they have announced locations. Tentatively for Lower Bucks it will be at the Community College campus on Rt. 413 in Bristol, Delaware Valley College in Doylestown, New Britain Township and the Community College campus up in Quakertown. They did release the hours but again they haven't released when the 21 days starts in the locations. The times are great but if they don't release dates for people to show up it's useless. Mark asked Nick about the vaccine distribution. He said he assumes they are on long term care facilities right now. Nick said that is that pretty much so right now. The vaccine is being distributed into what they're considering tier 1A which are the hospitals, the health care providers and the long-term care center rather than workers and EMS personnel. The state had a significant oversight gap in their distribution plans to the point where private practice medical providers that are not franchised with a hospital that received the vaccine or having a difficult time trying to get the vaccine themselves so he doesn't anticipate nor does anybody else in the county that the mass distribution to the public or to the masses will happen until probably Quarter 2 of 2021 at the earliest hopefully. Joe Dudash said on TV he heard that some businesses might be opening back up, but with what he just said, they shouldn't even count on that. Nick said he wouldn't say that at all. The businesses that meet the self-certification guidelines from the state are well within their rights to reopen. The vaccines truly have nothing to do with the businesses opening or not. The extended shutdown orders that Governor Wolf and Secretary Levine put out expired at midnight last night, 12:01 this morning and they did not extend them. So as long as the businesses abide by the self-certification, they are free to open back up. There is some confusion about some of the businesses in the city of Philadelphia. They have locally extended the shutdown order on various locations and businesses and service types he believes for an additional time but don't quote him on that. Joe asked if the borough is holding its own. Nick said from the daily tracker it seems to be running a daily positive case count of 30 or so with some drop off throughout the week and then they gain additional throughout the week. It seems as though in Bucks County at least, peaked back in the middle of December and they've been on the steady decline of daily positive cases. Time will tell how the New Year's and Christmas travel will impact that as well. When they open up these mass testing locations in the three areas of the county, as they all know, the more you test the higher the probability is that your numbers are going to go up for the positives as well. It's a double-edged sword but nevertheless it's what they have to deal with. Joe asked if with the fire and police of Pennell if they are having any program for them to get it first. Nick said the fire and police officers are in tier 1B so once all the medical and health care providers receive it within the county and within the state, they will open it up and start filtering in the 1B tier so their hope and projection for that is sometimes towards the latter end of quarter one 2021. They are hoping late February early March on that one but again time will tell as more and more health care providers want the vaccine and as they can see by just watching the news, the two manufacturers that have been approved right now are having significant backlogs in production. If they get the third one to clear the FDA trials and they receive the emergency use order, that'll give them a third one. If not, they are at the mercy of Pfizer and Moderna. It's the federal government, state government and then it trickles down to the county level. Joe said because they have so many elderly in town, he asked about this second virus that's hit in Britain. Nick said the second strain, or second mutation is already in the United States. It's not necessarily a mutation on how the virus affects or anything, it's how contagious an individual is once they contract the virus. The virus has the potential to spread more rapidly than it had before. Everything is showing that the RNA vaccines that they've developed will work on this new strain. Again, it's just a matter of the manufacturers ramping up their production and getting it out to the masses.

COMMITTEE REPORTS:

Beverly said for this meeting they're just going to go by councilmember. They're not going to go by committees. If a council member has been working on something they want to report on, they can do that.

Revitalization

Mark Moffa reported that in the realm of revitalization, borough staff did bring to his attention a particular property that's being marketed in sort of their core area. He had some conversations with the property owner and a developer and there is nothing really substantial to report there. It's just that things came to their attention and they're trying to do what they can to benefit the borough.

Refuse

Gary Nickerson said regarding refuse down in new business, he's going to ask for a motion to pay their share of the Bucks County Household Hazardous Waste Program. The county puts on those drop off locations multiple times a year where anybody can drop those off. He spoke with the representative from the Planning Commission and they're going to be developing those and releasing dates hopefully in January but with Covid, they're still trying to figure everything out. What complicated matters is what they ran into last year. If you want to get rid of something, you have to make an appointment to do that. This is a pretty good rate and a lot of people participate this so he's going to recommend that they pay it.

MOTION BY GARY NICKERSON TO EXTEND THE CURRENT COMMITMENT FOR 2017-2020 HOUSEHOLD HAZARDOUS WASTE AN ADDITIONAL YEAR THROUGH 2021 AT THE SAME RATE OF \$333.45 AS THE BUCKS COUNTY PLANNING COMMISSION REQUESTS DUE TO COVID-19 PANDEMIC. SECONDED BY JOE DUDASH. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Insurance

Gary reported that for insurance, they finally got to meet with their broker between Christmas and New Year's. They did a pretty good job with insurance this year. Their broker was able to change their carrier and the savings was almost 20%. It did help that they made a couple of slight modifications to their liability insurance. It's good news that they were able to save some money on insurance when in a lot of other places, it's going up. When he was originally assigned insurance, he was surprised that they were going with a broker but after seeing the amount of money that they were able to save them, it seems that it's a fantastic value and just his communication with them back and forth in November and getting things for the budget, they know what they're talking about. They do an excellent job. They talked about some of the things regarding plowing. It's hard to get an insurance person who sells insurance to tell you that you don't need a specific kind of insurance. He and Mark were able to pin him down long enough to say that maybe they don't need environmental insurance next time on plowing given the nature of the borough unless they feel it's in the borough's best interest to have it. Maybe next year they can go out and get a different contractor or they can go back and reevaluate. Beverly said she thinks they should do that right away. It might be able to save them quite a significant amount of money to renegotiate now. Mark said that their contractor might be willing to do that right away if they can change coverages.

Mark said Gary sold itself a little short with the effort that he made to drop those vehicle coverages. That line item alone dropped by \$2,500.00 so kudos to Gary because he led that effort to try to trim that down. The grand total on these insurance packages for 2021 is

going to be \$49,453.00. Last year they were paying \$53,038.00 so you're talking about \$3,500.00 savings. That offsets the fact that some line items did go up. If they were to stick with the same company they had last year, just one portion of the package was going to go up \$7,000.00 so he just wanted to echo what Gary said about the value that the broker brought them this year by finding a different carrier. The savings was pretty much all Gary's doing. Beverly said it's not as easy as people think it is making all the phone calls and doing the research.

Community Relations

Laura Germain reported that she is working on the newsletter so if anybody can think of anything that they think should be included to please let her know. She did write down the things some of them said earlier so she has that but if anything else comes up, let her know. For the website she thinks she figured out the agenda problem that people are having. She has to check on the workspace so that it doesn't affect the actual website so she doesn't screw everything up. It worked on there but she didn't have a chance yet to try it on the actual site but usually when it works on the workspace it works on the site. Long story short, it was making it an image instead of the full PDF and that's why when they were clicking on it, they were only seeing one page of it. Hopefully by next meeting that won't be a problem anymore. As Beverly mentioned, they are trying to set up an appointment with the web guys this month to go over some of the other problems that the public has told them about. She is working on that website tutorial which depending on how heavy the agenda is she hopes to do in the next month or two. In terms of an event, they are going to have the Valentine's Day party that we've had the past few years however obviously in view of the pandemic she is modifying that. She has a few ideas, but she wants to talk about it with the committee exactly what they're going to do. She's had a few people reach out and ask if they are doing something this year for Valentine's Day. She thinks it will probably be along the lines of the Penndel pumpkins and the Penndel rocks that they've done rather than an actual kind of party like they've done in the past. The tentative date for that will be over Valentine's Day weekend. When she has more details, she will let you know.

Joe Dudash thanked Gary for his efforts with the insurance because he knows he spent a lot of time with it. He doesn't know how he did it, but he saved the borough money.

John Stratz said Happy New Year to everyone and welcome to 2021. Even though they accomplished much in 2020, he's sure 2021 will be much better.

Community Development

Beverly Wolfe said for Community Development, the grants were a little disappointing but they kind of knew it would be like that.

Old Business

Beverly Wolfe said this was tabled from December 21, 2020. She emailed the contractor because she wanted it in writing and found out how many hours and the hours do pan out. He did mention that he did have to come back and salt because he was told to stop and he had to come back and salt. One of the biggest problems was cars parked on the streets, her street in particular. He said it was a nightmare so they have to make sure that they do a much better job of looking at their snow ordinance and see what they can do to get cars off the streets. They need to do better when they're called in, how they're called in and how long they stay out. That is going to require some contact and also, they have the SOP from before that she believes should be modified. She will have some modifications for council and send it out shortly for their

approval and to have a look at it and see if anyone has anything to add. A whole bunch of sets of eyes are better than just one set with glasses.

MOTION BY JOHN STRATZ TO APPROVE THE INVOICE FROM GRIMMER CONSTRUCTION FOR SNOW REMOVAL ON 12/16/2020 AND 12/17/2020 IN THE AMOUNT OF \$5,897.00. SECONDED BY GARY NICKERSON. Beverly said she's not happy but if they have another snow event, they will have no snow removal contractor because he's expecting to be paid. Mark said he shared his frustrations with her with this bill. He thinks it's an unacceptable bill, but he appreciates all the efforts that she put in to talking to him. He knows she asked a series of questions and they were answered in a manner that leaves them little choice but to pay the bill. Beverly said it is his first time with PennDel and she has reason to believe it might be his first time ever with a municipality. Hopefully he'll learn how to do it in a way that is a little more in line with the bills they've seen for events of this nature in the past. Beverly said he wants to have a Zoom conference which would be good about what their expectations are. He mentioned what he could do once they reduce the insurance rates. She asked Mark if he would assist and be a part of that Zoom meeting. Mark said he'd love to. Beverly said they need to have John Stratz in on that meeting as well and also Mayor Winkler in on it because he did say something about having trouble with the salt supply so they need to button all of that down and fast as they possibly can because it just looks like over the next few weeks there is weather system after weather system coming in. She doesn't know what snow there's going to be, but they can't be without a snow removal contractor. John Stratz asked if they are reducing their insurance requirements could he revisit other contractors who just immediately said they couldn't help. It might save them some money. Beverly asked if they are locked into this year. Ben Hauser said potentially they could terminate the contract. It's theoretically possible but doesn't know if that would be the way the borough would want to go this time around. Ben said there was a quote that was approved and maybe there are some provides about getting out of it, but his general feeling is they're probably locked into this year because they accepted the quote. Beverly said they should talk to him first. Mark said he likes John's idea. Beverly said she does too, but they should talk to him because he was the only one who would do the pollution rider for insurance. Gary asked about what the ATV was used for. Beverly said she didn't think their previous contractor even used an ATV. She thinks they did everything by hand shoveling but anything prior to that, she doesn't know. She said can discuss that with him what the ATV was used for. Gary said it was used for 13 hours and that's kind of crazy. Beverly said if it was used to clear around fire hydrants, handicap ramps or intersections or anything like that, she's good with it because that's always been a problem. But they definitely have to ask him.

Gian Lo Piccolo, 132 Crescent St., said they had had a 20-inch storm and he remembers that they were pummeled pretty badly by some public opinion and the grief that they got was because of crosswalks, especially because school ended up going back. The problem was that they didn't have anywhere to put it. They said if they had brought in a backhoe to do the intersections, it would cost the borough a more significant amount of money. The bill that they got was over a couple thousand dollars and at that moment you're just thinking about how much that cost you and your budget so early in the season. It's a lot to think about. He knows they used to do the rec. field area sidewalk by hand shovel. But they still do have to do the corners and the crosswalk areas.

Mike Smith, 127 DeHaven Ave., said that he used to plow the streets in PennDel. It takes about 5 1/2 hours to plow this borough and he's not sure about the 13 hours. He said he can tell you there are no fire hydrants anywhere near his house or corners that were cleaned by an ATV. The only thing he can think of is maybe they used it down at the rec field or around the

borough hall, but he wouldn't think that they would be without a snowplow. The borough has a truck and there's no reason why someone couldn't run that truck around this borough like it was done years ago for \$10.00 an hour and plow the streets like he did. Beverly said she would love to be able to go along with that but can think of only one thing -liability. Mike said the person becomes part of the borough and they are covered under the insurance. He's just throwing that out to them. He asked Gary about the environmental thing. If they're putting down salt, is that eliminated from the environmental pollution thing? Gary said they had a conversation with the insurance broker specifically about salt and the pollution coverage and it doesn't really apply that way. Mike said as far as salting, they don't have to do the whole street. They just have to do each intersection. He doesn't know if they're salting all the streets. That's the way they used to do it and it always used to clear up within a day. Beverly said they are going to discuss all of this with them during this Zoom meeting.

A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes with regret, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPROVE THE INVOICES AS LISTED ON THE AGENDA.
SECONDED BY JOE DUDASH.

Comcast invoice dated 12/2/2020 in the amount of \$139.46 for internet at
790 Neshaminy Street
Deer Park invoice dated 12/2/2020 in the amount of \$52.91 for spring
water
Hill Wallack invoice #567793 in the amount of \$1,326.35 for general
borough matters
Independence Blue Cross invoice #201208183474 in the amount of
\$5,484.44 for medical insurance

A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Beverly explained the disposition of records is a normal part of borough business where council authorizes destruction of certain records that they now can destroy because the period of time has gone by.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2021-1 DISPOSITION OF RECORDS. SECONDED BY MARK MOFFA. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Persons to be Heard

Mike Smith, 127 Dehaven Ave., said as they all are aware, back on the 16th of December, there was a zoning hearing board meeting in which it was determined that Mr. Italia erred in his decision on providing a permit for the fence next door. If he reads the code 124.55-8, it states permits are to be revoked by order of a zoning permit issued under a mistake of fact or contrary to the laws of the provisioning of this chapter. He's been very patient since the very beginning of September. There is a decision and he has a letter that states that the zoning officer erred. He knows they do not have the actual legal brief yet. He's asking council since this permit basically does not exist right now, to have the new zoning officer have this fence removed. Ben Hauser said as Mr. Smith aptly notes, there is no decision from the zoning hearing board, written decision, final decision. Mike said written legal brief. Ben said it's not just a written legal brief, the actual appealable order to court once that decision is issued. The interested parties

have 30 days to appeal. He knows Mr. Smith has had conversations with a member of his office on this subject. Mike said he and Dave never discussed this. Ben said he's fairly certain that there were some requests and he does understand the position of the specific request. Ben said he's reciting a code section that he couldn't quite get. Mike said it is 124.55-8. Ben asked where it is from. He asked if it is the code of ordinances because there is no chapter 124 in the Penn del Borough code of ordinances. It goes from Chapter 118 Animals to Chapter 130 Brush and Grass. Mike said it's on the website. Ben said there is no final order. In theory, if the borough takes action now when there is no final order that is not been appealed from and then subsequently a court of competent jurisdiction changes its ruling and reverses the board, the order is not final. Mike asked even after the zoning officer admitted that he erred during the hearing under oath. Ben said whether or not Mr. Italia made any statements certainly may be a relevant matter on appeal however the order is not final. Ben said the order is not final and the borough will not be giving legal advice on this matter and any person who feels aggrieved by the decision or has an interest in the decision, certainly is free to retain legal counsel.

Tom Sodano, 126 W. Woodland Ave., said to back up what Mike just said, he's pretty familiar with the code, as familiar as almost anybody except George and Steve Lowe. What the code actually says has nothing to do with the hearing. It says if the zoning officer makes a mistake, the permit is void and he has to rescind it. He admitted under oath that he made an error which means that no verdict from the zoning hearing board is required. He admitted an error and that means that the permit is in fact null and void and he should have gone out the next day and revoked it. It doesn't need the zoning hearing board. That's pretty specific and you can find it in two places. As Mike said it's in the original code, 124-55 Section 8 and then in the ecode which is on the borough website, you'll find it under 405-56 section 8. It is pretty specific, so it really does not need a verdict from the zoning hearing board. It says he made an error which he admitted, so it's already null and void. It has nothing to do with the zoning hearing board and he has to go and rescind it. Tom said he is not inclined to hold his tongue when he thinks something's wrong and he says so and he also wants to give kudos when they are due. He wanted to thank Laura for what she did. What she said was exactly correct. Maybe he had phrased it wrong a couple of those months when he complained but it wasn't a PDF it was simply a picture and today it's a PDF and it worked. He wanted her to know. He said thanks for listening and thanks for fixing it. Laura said thanks for letting her know because she doesn't always see what they see so besides Karen and Marie telling her, they are the only way she really knows. Tom said thanks for fixing it.

Joe Dudash asked Ben if he could get an answer on Mike's and Tom's comments for the next meeting. He was trying to find what Mr. Smith was referencing and he sees no chapter 124. Mr. Sodano said it seems to be codified as 405-55 subpart eight and he will take a look at that. His initial impression is that is a determination made by a quasi-judicial body, but he will certainly take a look and take Mr. Sodano's and Mr. Smith's comments under advisement.

Gian Lo Piccolo, 132 Crescent St., said at the past couple zoning hearing board meetings, some debates came up on the communication between somebody that applies for a permit and just how it works because some people are saying in certain townships or municipalities, they'll actually give you supporting documentation like for a fence, perhaps like what the ordinance states. Like Mr. Italia said, on the other side of the fence, some people would say you're an adult and you have to do your own homework. In some ways as a homeowner, you're not always aware of everything. You get a permit and hire a contractor and you just think that you did everything you have to do and then in the end you're finding out that something was done wrong. He never really discussed it when he was on council, but does it pay to actually give the homeowner a little bit of extra information like ordinances. He said what do other municipalities

do. There's definitely a debate on it because once Mr. Italia said, hey you know what, you're an adult, you have to make your own decisions. In some ways he gets that but in other ways, not. Having to move a fence after you pay the contractor is a pretty hard price to pay when you think you did everything right. He just wanted to make that comment because it's certainly something to think about. Beverly said they are still working on the incoming company's agreement, but she agrees with him that something should be given, particularly if it's a homeowner coming in for a permit or doing the job. They have handouts for certain permits right now, but they should look and maybe add more and make sure they have things to give them when they come in for it. Gian said the other part of the problem that they always seem to have had was how much do they use the zoning officer. In other municipalities they would tell you like you know anything gets moved, anything gets done, the officer is there. They used to have them drive around the borough for a few hours and pay them and then some people say nobody really does that anymore and then you get a case where they ask the inspector if he stopped by and they say, no, they never stop by. When do they stop? And it's when there was a problem. It was such a hard balance to always find how much do you use the inspector so that's another thing that was hard to gauge. He hopes they find a good amount of time to spend on it because then when it comes to budget time, they say, wow, look at all the money we spent on that and sometimes it costs you. Beverly said that's part of what they're looking at with the agreement with the new company.

Tom Sodano, 126 W. Woodland Ave., said Middletown Township does that. Whatever it is that you're doing, they give you a couple pages of whatever section of their code book. They just run off copies and they say specifically that this will give you an idea, go look at the rest of it because you're responsible so that's very important. The other thing that Gian just mentioned is the expense to the homeowner like in the case of this fence. He thinks Mr. Hauser will back him up on this but since Mr. Italia admitted the mistake was his, the ENO of his company should pay any expenses for that fence. It was not Penndel's mistake; it was his and he admitted as such. That's why they have insurance. Ben said he's sure Mr. Sodano will appreciate that he cannot weigh in on that. There are a number of other moving factors that if there's any alleged negligence that happens to be proven there, there are other issues concerning the tort claims act and other relevant immunity statutes which may preclude recovery and we'll leave it at that.

Joe Dudash said he would like to thank the Fire Department of Penndel for helping Santa Claus out and taking him around the community. It really makes the kids happy and he thinks it's a very important part of Penndel. Mark Moffa said by the time he got to his street, and he thinks he's one of the last, it was a little later and it started raining pretty hard. He thinks Santa probably remembers that and it was terrible by the time he got to his street so kudos to putting up with those elements on Christmas Eve. Joe said the fire department does a great job every year.

Mark Moffa said he wanted to assure Gian and the public that some of these issues that he mentioned have been discussed with their incoming provider and including the idea of spending some time driving around which he knows it does cost them an hourly rate so they're trying to weigh the cost benefit of that. It is a good point that debate about what do you do to try to help applicants. When he was on the zoning hearing board in Lower Makefield, the large portion of the applications there involved impervious surface overages and he would have this argument all the time with the township staff because folks did not even know what impervious surface meant yet there they are before the zoning hearing board needing a variance for something that they don't understand and because the township provided no information. It was very frustrating for them as board members because they wanted to help them out, but they had to first educate them before they could help them out as to why they were even there. He thinks

that's a good point and it's something that they could and should look at. You look at what are the vast majority of variance applications here. Is it fences? Is it setbacks for accessory structures? Just have little info. sheets ready to go for the most common applications. Give a brief description and if you have any other questions you should look at the actual entire code. He thinks it's a fair thing because it can be very overwhelming for the average homeowner who does not have intimate knowledge of these things. If they're using a contractor and the contractor is handling the permits then they might be alright that way but for the most part, people try to do these things themselves and they really don't know. Beverly said they don't understand some of the terminology. Even they don't. Mike Smith said if you give out just the common ones like fences, pools and sidewalks. If they had an overhead view of your house on a corner and it was outlined where the fence could go, that would be a great help. He wouldn't be going through this. Mr. Darnley wouldn't be going through this. The borough wouldn't be going through it. None of them would. The borough needs to provide to the residents more and he already knows they give a lot but in instances like this, they really need to give people stuff so that they don't get caught up in this. Beverly said they are tweaking it. She said she totally agrees.

MOTION BY MARK MOFFA TO ADJOURN THE MEETING AT 9:27 P.M. SECONDED BY GARY NICKERSON. A roll call vote was taken. Beverly Wolfe, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Laura Germain, yes. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer