

Penndel Borough Council Work Session  
Via Zoom Communications

December 21, 2020

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  
Council Vice President Beverly Wolfe  
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  
Carol Schuehler, Value Engineering  
Marie Serota, Secretary/Treasurer

Barbara Heffelfinger wished everyone a wonderful holiday. She said she knows it's going to be different, but we've got to hang tight and get through this thing so enjoy it while you can and make it a good New Year.

Consent Items

MOTION BY BEVERLY WOLFE TO ACCEPT THE MINUTES OF THE NOVEMBER 23, 2020 WORK SESSION AND THE MINUTES OF THE DECEMBER 7, 2020 COUNCIL MEETING. SECONDED BY JOHN STRATZ. A roll call vote was taken. Barbara Heffelfinger, yes, Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes. All ayes, motion carried.

Mayor's Report

Mayor Winkler reported that in January there is going to be a three-day training session for the Civil Service Commission. He also reported that the borough, with the help of Mary and Jim's foundation and a couple other people, helped support 28 families in the borough that are affected by the pandemic as to being out of work and so forth. Barbara thanked Bob for doing that.

Solicitor's Report

Dave Truelove reported that there was an executive session that was held between 6:30 and 7:30. All members of council were present who are present here at this meeting along with the Mayor, himself, and Mr. Hauser. Items were related to litigation, confidential information, informational items as well as personnel items were discussed in the executive session which concluded right before this meeting started.

## **COMMITTEE REPORTS:**

### **Buildings & Maintenance**

Gary Nickerson said that he now on the buildings and maintenance committee. He was forwarded today some landscaping invoices from Burcz Landscaping for lawn care service at borough hall, the two entrances at Taddei Woods, the two pump stations and the sewer plant. Apparently, these are all paid at once even though the service goes on all year. Marie gave him everything that he should be able to read to review but since he was not involved in any of this previously, he's going to have to work with Joe and make sure that everything that they're doing seems to be reasonable. It doesn't appear that they really have the best contract with Burcz so this is definitely something that they need to talk about next year. They had talked previously about Mr. Diaz doing some things and seeing some of the rates that they're paying. He thinks they would be incredibly wise to have Mr. Diaz at least do some of the lawn care considering the rates that they are currently paying. He is going to go through all these, and his hope is that at the January meeting, he can make a motion to pay these bills.

### **Community Development**

Beverly Wolfe reported that they received some good news and some bad news. The good news is that they were awarded partial grants from the Redevelopment Authority. They knew it was going to be a little bit lean this year and they unfortunately didn't give them the time allotment that they originally were supposed to. They did get funds for the police project, but it was only a portion. They got a portion of what they asked for to do some improvements to borough hall. They will do their best to concentrate their efforts on the front entryway. One of the biggest things that they wanted to do was to make that accessible to everybody so that the disabled and handicapped residents wouldn't have to come in the back door anymore. They could come in the front door and it will be ADA compliant. She's been told by more than one resource at the county or state level, that there's going to be a significant decrease in the grant funds available. She doesn't know where he was getting his data, but she kind of tends to agree with the resources she has but they will pursue any grant opportunities that come down, just like they did with all the grants in the past.

### **Finance**

Beverly Wolfe said some of them have the hard copies of the binders. The rest are at borough hall. That's the final hard copy so please go and get them.

### **Insurance/Pensions**

Gary Nickerson said he's been looking forward to having a face-to-face meeting with their insurance broker, which due to Covid, they haven't been able to do. He and Mark are meeting with him next Monday to go over insurance and things like that to find ways that they can save the borough money.

### **Public Works**

John Stratz reported that he attended a prepaid meeting for the sewer line replacement today. They had a very good number of prospects, roughly around 10. They all met in the parking lot at borough hall and caravanned down to the shore picnic area where they proceeded to walk the entire sewer line replacement from the creek all the way up to manhole #50. It is looking extremely promising. John said he wished to apologize in that this was a brand-new company that they are using to snowplow. He doesn't know if they have quite the grasp of what they wanted but they will do better for the next snowstorm, he guarantees that. Carol Schuehler said John summed it up nicely. They had a pre bid meeting and had at least 8-10 contractors attending. She will assemble the pre bid meeting minutes to upload to Pennbid and they are

looking forward to receiving the bids and opening them on January 6<sup>th</sup>. She will be reporting to borough council in January and the results of those bids.

#### Long Range Finance

Gary Nickerson said they couldn't get a quorum for the last meeting so that did not happen. They will try again in January.

#### New Business

Joe Dudash said he wanted to know what the reasoning was for the change of chairmanships in the committees. Barbara read from his email in which it said he is advising he will not participate in public committee meetings. Joe said he meant Zoom meetings. It didn't mean that he wasn't going to do his duties. Barbara said they would discuss it later. Joe said he wanted to discuss it in public.

Joe read his statement as follows:

The Zoom committees are nothing more than an illusion to distract the public eye from negative elements within a certain representative's political ideology. This use of dysfunctional committee formation is to filter out dissent and to create the illusion of legitimacy. It's impossible to find within the public anyone who is optimistic about any of the committees. The people of the borough of Pennel feel unseen, unheard, and unrepresented. The good news is that this is not the first time we have despaired over dysfunctional shadow government interference.

The committee chairmanships continue to experience lack of authority, disrespect (i.e.: department heads, contractors, etc.), and research misconduct. One minor example being when the Chairmanship for Revitalization is blindsided relating to a professional speaker while briefing the council and voters, when the individual had already met with certain individuals. Then you have a severe example of a chairmanship obtaining falsified information.

Shadow Government gridlock, secret meetings, expenditure waste, deceitfulness, government inefficiency, and extremism have paralyzed the committees. At this time, the tactics of illusion have worn thin with me. It is time to face, not hide, the facts about the committee's situations.

If we are to make the sacrifices and summon the courage that is necessary to meet the challenge to enforce committee power, we need to know the truth, the bad news as well as the good. Revisiting the history of the Borough can teach us how to navigate the present and political morass.

Joe said to Beverly Wolfe that when she was president, it was different. Joe read his statement as follows:

When I retired and came back to the borough, we had talked about your dreams of Pennel. To end the animal house meetings, good old boy system, shadow governments, transparency, and to create a council that represents all the people. Your biggest dream was to give the people property tax relief. As a kid, you had always been looking out for anyone that needed help. This is the reason I joined the council, for your vision of Pennel. In your eyes you could see the passion for this town to survive. You understood if we continued the present course, the town would die financially and in spirit. As kids you knew, I was always a straight shooter, and this is why I am coming to you tonight.

As Council President you had established the foundation and vision of this council. Even as you stepped down, from the side lines you're still trying to steer the ship. I am sorry to say this ship

has a broken rudder and is starting to lose direction of course established by you. We are repeating the borough's history of political suicide.

We have a Shadow Government that is attempting to influence your foundation of this council. Your foundation cannot withstand as of this nature. I thought DC was bad, but sorry to say the borough is just as bad in a political sense.

2016 was a "Blood Bath" for Pennel political wise. I understand you passing the President Torch over to Madame President Barb. You respected her friendship, loyalty, and service to the community.

However, Madame President Barb's time as President is over. The professional image you so hardly made has been tarnished. You alone have made this council known to other community leaders, state, and federal representatives. As of this date we are becoming a joke among our political peers, and most importantly of all the residents. Under the present president's leadership, the meetings have revolved into ineptness, confusion, denial of constitutional rights, and dictatorship form of government.

This is not 2016, you have allies with me, Mark, and Gary. We have stood by you in your dreams. Yes, we have had our differences in various bills. But through your leadership, I was able to express my view publicly. Then later, I walked out of the hall as friends and we respected each other's views. You had passed the torch to a friend expecting your vision would be carried out. But, is your vision truly on course by that person?

I am coming to you tonight, as you had done to me when I returned to the Borough. I am asking for your support for change. I am asking for you tonight Beverly. I am making a motion for reorganization and I want your vote. If you could give me that vote, we can move forward. Bev, can you give me that vote to move this on?

Beverly said with everything he just said she's speechless. She thinks what they should all do right now, particularly with certain events that occurred not too long ago, can she ask you please let's just sit back and take a deep breath and revisit this at another time at another meeting. She asked him to do that for her. Joe said he would do that for her tonight, but he just wanted to say, since he's been stripped of everything, he wanted to tell the people that I will continue your dream of a Borough free from a Shadow Government. To the people of Pennel, I will remain your voice and fight for your rights. I will continue the battle against Elitism, Censorship, and Political Retaliation. Now that I do not have any committees, I will put all my efforts into hiring a manager, creating a manager's office, revitalization, reducing financial waste, property tax rebates, which Beverly has committed to and Mark and the rest, and reconstructing the borough form of government! With you, you the people I'm talking to right now, with your backing, I know my crusade for equality for all residents will become a reality. In closing, I just want to know why this was done and the second thing, so they don't get distracted, is Gary taking over the Taddei Woods project. Barbara said John Stratz has it. Joe said he'll finish up the projects as they are still waiting for the tree on Holly Ave. to be removed, which was because of weather conditions and then the one at Bogdan's house. And there's also another tree. He asked if she wanted him to give Mr. Stratz the information. Barbara said whatever is his pleasure. Joe said the most important question is what the whole reason was. Is this retaliation or censorship? Barbara said she felt it was the thing to do since he said, to be explicit, that he will not participate in committee meetings. Joe said, but what's the next sentence. Barbara said she thinks that was definitive. It says he is requesting her to remove the advertisement for meeting dates and time from the newspaper. Joe said that's right. It doesn't say anything about him giving up his duties as public safety. Barbara said it does and

that's what is his problem. Joe said then he accepts her answer and he accepts it because his promise to the people and to Councilman Moffa and Councilman Nickerson is he's going to go full blast on revitalization and the manager. The other thing is they got grant money for the borough hall, so he wants everyone to think about it and he's going to really push hard on it that the manager needs an office. He wants that office to be established and redone. You can use that money to put him in there put the mayor in and where he belongs with the Police Department and do some personnel shifting in there because I feel that the manager needs a professional location for visiting heads of companies and stuff like that. He will be pushing for that and he knows the public will back him because they need this revitalization. Mr. Moffa has been doing a good job along with his committee, Mr. Sodano, and the rest of them. So, he will be pushing hard on it, so you can expect it won't be a quiet 2021.

MOTION BY BEVERLY WOLFE TO AUTHORIZE ADVERTISEMENT OF THE 2021 MEETING SCHEDULE. SECONDED BY JOHN STRATZ. Mark Moffa said he is going to vote against this and he's going to vote against it for a few different reasons. He thinks they are unnecessary. Not all towns do this. 99% of the time he agrees with their esteemed attorneys, but he thinks their interpretation of the Sunshine Act in this case is a little strict. Not all towns do this, and they would be a little more onerous in their bureaucracy in implementing this. He thinks it creates an unrealistic level of bureaucracy that actually inhibits the ability of their government to do business. It does not help, and he does not think it increases transparency. He thinks it actually creates hurdles for council members to be able to do business. The committees have to give reports at every meeting. There are no actions being taken behind closed doors. They report and there's discussion, lots of discussion and they get complaints about the amount of discussion. He thinks this is completely unnecessary and he's voting against it. Beverly said this was something that she thought was a little bit on the ridiculous side, but she was reminded of the Sunshine Act. She didn't want it either. Mark said they run this town and they have the ability to make these decisions. Other towns have chosen not to go this way and he's choosing not to go this way. Gary Nickerson said they talked about this in September and he said maybe this sounds like a good idea, but he suggested they have an SOP for how they're supposed to go about hosting the Zoom link and how they are supposed to go about canceling them and what kind of notice are they supposed to give. Here they are going to be advertising them, but they still don't really even have a policy for what this is going to look like. For a borough resident who wants to attend the trash meetings, which he thinks they had one trash meeting the entire year, they're going to have the calendar that says there's a trash meeting. He's not really sure what they're supposed to do. Say hi, thanks for coming, this meeting is cancelled. Or should he cancel it afterwards. It doesn't seem to have been thought through other than legally, we have to have this. He respectfully disagrees with the solicitors. When they have something, they report it. So, he's not going to vote for it. Joe Dudash said he expressed his views and agrees with the other three. He sees no profitability out of this. Barbara said she is actually going to vote no also. Beverly said this is ridiculous and it's a waste of time.

Dave Truelove said he and Ben both came to the same conclusion after speaking with PSAB SB and they also do it in the townships they represent. It is a belt and suspenders approach for Sunshine Act purposes and is the better way to go. As Mr. Moffa correctly pointed out, there are some towns that don't do that. He just doesn't want to see Pennel at the wrong end of a lawsuit if indeed there is some Sunshine Act violation. Is that the looming large, possibility? No, he's not going to suggest that. Their job is to protect the borough. If council disagrees, they are intelligent, hardworking people for the borough. They gave their opinion and if council disagrees with it, that's fine.

**Mike Smith, 127 Dehaven Ave.**, asked if that meant there would be Zoom accounts for each and every committee. Barbara said no. It would be ridiculous to spend that money. Beverly said they meet on different days and times. Barbara said they hope they can get out of this nightmare in a reasonable amount of time with the pandemic. As soon as they can get back to normal, they welcome it, and they welcome everything now but especially then they can get back to doing regular business. Beverly said if they have a committee conference with committee members, there's no quorum. There's none of that and everything gets brought back to the council floor to be discussed. That's the way it works. They talk about this, that and the other thing and they bring it back to all seven council members. The committees do the legwork and bring it back a to council. That's the way it works, and council should hear everything. Dave Truelove said they would need an amendment to the motion to approve to advertise the council meeting schedule as presented but not to advertise the committee meetings that are included in the advertisement, correct? Beverly and John agreed on the modified motion.

**Mike Sodano, 324 W. Woodland Ave.**, said if they're not going to advertise these ahead of time or at the beginning of the year, how would the public receive any notification of a committee meeting and how far in advance and how would they be able to take part in that meeting. At the long-range finance meetings, they've had resident guests sit in many times. How would they even know what's going to happen? How would they be posted and what would this procedure be? How far in advance and what kind of notice would the public get. You can't post a meeting at noon the day of the meeting. Do you have a procedure established? Barbara said they do not have a procedure at this time, but they will work on a procedure and make sure that everyone has access. There will be a process when you are at a committee meeting. The committee does their work and then after all that is done then the public gets to ask questions. Dave Truelove said they have an administration committee which is Mr. Moffa and Mrs. Wolfe. That committee could design an SOP per Mr. Nickerson's recommendation about how that could be done and then you could present that at your next council meeting or at a council meeting in the near future and that way they would satisfy Mr. Sodano's concerns which he thinks are understandable. You have a process that indicates how the committee meetings are to be advertised and where, like the website and Facebook and the process for cancelling and the notification process for that as well.

Dave said he wanted to make sure everybody understands the amended motion. They are voting to advertise the council meetings only, cutting out the committee meeting advertisement requirement for now with the understanding that the Administration Committee will be undertaking that role for the SOP for those committee meetings.

**Terry McIntyre, 335 Hulmeville Ave.**, said they want to make it a good time frame so that nobody can come back and say hey they didn't have enough notification, so you just want to make sure you run that by Mr. Truelove. Beverly said It would be an SOP for them for canceling a meeting or doing something with it. Terry said just for the general public. You definitely don't want to tangle with future litigation that could cost the taxpayers money. A roll call vote was taken for the amended motion. Barbara Heffelfinger, yes, Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE FINAL PAYMENT TO HAINES PAVING IN THE AMOUNT OF \$2,540.72 FOR THE PARKING LOT PAVING PROJECT. SECONDED BY BEVERLY WOLFE. Joe Dudash said he would be voting no because he still doesn't like the waste of taxpayers' money even if it's gambling money. Mark Moffa asked if the engineer had any comments on the project. He knows that Joe had concerns. He thinks it was determined

that his concerns were looked at and addressed. Carol said despite some challenging conditions encountered during the project, paving of the Borough Hall and Police Station Parking Lot was completed on time and within budget. Paving was funded by grant money obtained through the Bucks County Redevelopment Authority.

In 2019, the Borough obtained quotes from two local contractors. One was for milling 4 inches and paving at \$43,176, but did not include line painting, moving, or replacing tire stops, and included a statement that if soft spots are found beneath the asphalt excavation and stone backfill of these areas there will be added costs. The second quote was for milling 2.5 inches or more and paving at \$57,153.18 inclusive of line painting and tire stops.

Neither quote could be accepted under Pennsylvania Law, because projects over \$21,000 require public advertisement, bidding, and bonding. In addition, projects other than highway work that cost more than \$25,000 are subject to prevailing wage rate requirements.

We prepared necessary documents and put the project out for bid, expecting that with bonding requirements and prevailing wages the costs would go up from those initial quotes. The project as bid included removal of the top 5 inches of parking lot material, proof rolling the remaining material, then placing 5 inches asphalt, so there was a bit more tonnage of material involved. Seven bids were received, and the lowest bidder was Haines Paving and Landscaping Inc at \$50,280.50

Contractor Haines removed 5 inches of material from the parking lot and started to proof roll. The southeast area of the parking area failed the proof roll. Further evaluation of the failed area determined saturated clay was evident to a depth of 2 feet. Haines put down base course on other areas in the lot so the Borough Police could access the station while this problem area was considered.

When I arrived to view the situation the next morning, walking across the subgrade was like walking across an oversized waterbed. This is termed "pumping" in the field. This must be fixed before the pavement is placed, or the pavement will fail. Resolving this problem with excavation and stone backfill at bid unit prices, would well exceed budget. We discussed stabilization with lime to control costs, but the next rainstorm was imminent, and the lime would not have dry conditions to set up overnight. In fact, if the forecast rain fell while the excavation was open, it would halt progress on this project for an extended period of time.

Sensitive to our funding constraints, Mr. Haines offered a 35% discount on added quantities of excavation and stone backfill to address the problem area and complete the project. Section 30 of the bid documents allows the engineer to adjust unit costs for overruns or underruns of more than 25% of the estimated quantity. This allowed us to accept the offer from Haines Paving and move the project forward. The subgrade was excavated and stabilized that day. The base course of pavement was installed before the rain fell.

Haines Paving worked with Pennndel Borough to provide a successful project within the available funding. The final cost was \$50,814.47, very close to the initial bid.

Carol said she views this project as a success. They have all the necessary paperwork including a maintenance bond from the contractor that guarantees this project for the next 12 months. She's recommending final payment be approved tonight and that will also keep them in line with the requirements they have to report back on the grant funding so that they get full

reimbursement in a timely manner. She just really thinks they have something to be grateful for the cooperative work they had from his Haines Paving and Landscaping.

**Terry McIntyre, 335 Hulmeville Ave.**, asked if they had taken care of the broken pavement. Barbara said they took care of everything.

A roll call was taken. Barbara Heffelfinger, yes, Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, no. Motion carried 5-1 (Joe Dudash). Barbara thanked Carol for all of her hard work.

Barbara Heffelfinger temporarily stepped away from the meeting.

MOTION BY MARK MOFFA TO APPROVE PAYMENT #3 TO ARMOUR & SONS ELECTRIC IN THE AMOUNT OF \$3,918.34 FOR CLOSING OUT THE ORIGINAL PROJECT SCOPE OF WORK TO MATCH THE CONTRACT AMOUNT AND INCLUDES PREVIOUS RETAINAGE. SECONDED BY JOHN STRATZ. John said this completely closes out the work of Armour. Beverly said when they originally took on the contract for the lighting, Armour was the contractor that did all the wiring and installation. They had money set aside as a retainer in case they came upon shoddy wiring or squirrels chewed through some or whatever. They used some of that for some of the problems that were encountered. This is paying that back. A roll call vote was taken. Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes. All ayes, motion carried. (5-0 Barbara Heffelfinger stepped away from the meeting.)

MOTION BY MARK MOFFA TO APPROVE THE ESTIMATE FROM GENERAL CODE NOT TO EXCEED \$3,510.00 FOR CODIFICATION OF THE 2020 ORDINANCES WHICH INCLUDES SHIPPING AND HANDLING. SECONDED BY GARY NICKERSON. Joe Dudash asked if she could elaborate on what this is. Beverly said General Code is the company that makes all the ordinance changes that they did, and it makes it part of the code. It gives it legality and registers it for them forever and goes into their code book and unfortunately, it is a bit of a pricey thing, but they must do it for their ordinances to be verified. Barbara Heffelfinger returned at 8:36 p.m. A roll call vote was taken. Barbara Heffelfinger, yes, Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ. TO APPROVE PAYMENT #2/FINAL TO DENNEY ELECTRIC SUPPLY IN THE AMOUNT OF \$7,103.59 FOR WORK COMPLETED ON MEMORIAL PARK LIGHTING PHASE 1. SECONDED BY BEVERLY WOLFE. Mark asked Carol Schuehler if she had comments on the project. Carol said that this is the 5% retainage that was being held and all paperwork is in order and the borough has already received the check reimbursing the borough for over \$133,000.00 for the cost of this project so this is tying up the end of the project. Beverly said the amount of that grant was originally \$125,000.00. Carol said there was an additional amount approved when they hit the problem with the poor wiring to the basketball courts. This is just the release of the retainage because all documentations are in order. As with all the public projects, this is now under a 12-month maintenance bond should there be any problems or concerns. A roll call vote was taken. Barbara Heffelfinger, yes, Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes. All ayes, motion carried.

MOTION BY BEVERLY WOLFE TO ADOPT RESOLUTION #2020-4 AUTHORIZING EXECUTION OF A CABLE FRANCHISE AGREEMENT BETWEEN THE BOROUGH AND VERIZON PENNSYLVANIA. SECONDED BY JOHN STRATZ. Dave Truelove explained that this is a renewal process and most municipalities in Bucks County are going through it right now

in some phase or another. With his other municipal clients, one has already executed it and the other one is in the process of doing that as well. It is negotiated by a consortium represented by Dan Cohen from Pittsburgh who is a specialist in this type of work and the local consortiums work with him. They've crafted the most favorable agreement they can give that the hurdles are significant. In the last several years since the last agreement was enacted, Congress has given these companies a great deal of power that cannot be regulated by local entities anymore. Some of the advantages you get are you do get an audit process that's available to you. There are certain channels set aside that you could take advantage of for the public broadcast. He's not sure how much is in for Pennel specifically so there are some items that are very favorable but, in general, there's not a lot of bargaining power on the part of any municipalities anymore and with respect to Verizon, they have pretty much crafted a shorter version because from what they hear both anecdotally and directly from some in the business, Verizon is looking to get out of the cable business at some point here and Comcast may be the only player. Not that Verizon is going out of the broadcast business but out of the business of doing it through the cable process. It's a long way of saying they should vote for this because, frankly, they don't have any other choice. It has been well negotiated to the extent that you can get what you can out of it so that's been the case for all the municipalities that he's represented who had the same process as well with the Cohen and others who have negotiated these on behalf of the respective towns and townships and boroughs. Mark asked if when these are negotiated, are different towns getting different deals. Dave said if they are it's based upon how many customers and things like that. There are objective standards and a basic format and in the categories of what is negotiated, and it is the same for every town so that's why it's a consortium process. You got the benefit of economies of scale in terms of not having to pay his firm because they would have paid his firm a lot more than they paid in their portion of what they had to pay the consortium for this. He can't guarantee they would have gotten anything better than they have now. Mark said with agreements like these, they have the consortium of which they are a member, if you're not, do the towns kind of share that information as far as like what their deal is? Dave said yes, it will become a public document and yes, they all share that information. A roll call was taken. Barbara Heffelfinger, yes, Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes. All ayes, motion carried. Barbara said from her reading of that it was a very difficult negotiation. Their side didn't have much to give and Verizon had a lot to take so it wasn't easy. Dave said the fact that the federal government has made things much more difficult for any local regulatory power in the last several years. You'll see the same thing when the 5G process comes around because there's a whole new regiment for that and it's going to be challenging for every municipality to even be in a position to do much regulation with that as they stand now unless the law changes.

Barbara said she has known George since he moved into Pennel. He's extremely bright, he's a hard worker and he is one super person. He has taken this borough through lots of problems and he's always done it professionally and very smartly and she's very proud to say that she's known him from back when. They are very sorry to see him go. It's going to be very hard to fill his shoes and thank you so much for your service to the borough.

**MOTION BY BEVERLY WOLFE TO ACCEPT THE RESIGNATION WITH REGRET OF GEORGE KRUSHAUSKAS FROM THE ZONING HEARING BOARD. SECONDED BY MARK MOFFA WITH REGRET.** Mark said he's gotten to know George this year as he's helped with the Zoom situation on the Zoning Hearing Board meetings and he thinks he's a phenomenal zoning hearing board chair. Mark thinks the borough is losing a lot. Beverly said he's amazing and what a career he's had and what he's done for the borough. Watch him at a Zoning Hearing Board meeting. He's amazing and he's a nice guy. Joe Dudash said he's been tremendous. He represented the people but at the same time he separated what he needed to

and give everybody equal justice and that's a hard position. Joe said he respects him, and he really did a great job, especially with these three cases he just had.

Gary Nickerson said it's embarrassing, but he doesn't really know George very well, but he hopes he'll bump into him.

**Terry McIntyre, 335 Hulmeville Ave.,** told George he appreciates his service all these years. He knows that's a difficult position to hold. They are a resident board and they're making decisions over residents and he forgives him for yelling at him a couple years ago at a meeting. He said he knows that's not an easy job and he really appreciates it. It's tough to stay out of the politics and he's always managed to do that in his decisions and that's a rarity and he really appreciates it.

**Mike Smith, 127 Dehaven Ave.,** said he would hope there was something that somebody could say to get him to rescind this because this borough is going to lose more than what they are even imagining right now with him walking away with the knowledge of what is in that book. He thinks they could all put their heads together and probably not come up with one tenth of what he knows in that book. Mike said he is happy to say he's known him and he's still happy to call him his friend.

**Tom Sodano, 126 W. Woodland Ave.,** said he just wanted to say thank you. All of them really appreciated everything he did. The ones who know him personally, like he does, you're as good a friend as you are as what you've done for us and those who have had the pleasure to be called a friend over the years appreciate it.

Barbara said she's got tears in her eyes and she loves George and Michelle, and George has been such an asset and he really deserves a special commendation, and they will miss him terribly.

A roll call was taken. Barbara Heffelfinger, yes with regret, Beverly Wolfe, yes with regret, Gary Nickerson, yes, Mark Moffa, yes with regret, John Stratz, no, Joe Dudash, yes with regret. Motion carried 5-1 (John Stratz.) Mark said they will accept applications for the zoning hearing board. He's been trying to fill the alternate position for a while and hasn't found anyone. Now they have both an active seat and an alternate seat available. George Krushauskas said he's almost ready to cry. He said it's just unbelievable. It's been a pleasure and it's been hard. It's a fun job so somebody should jump right into it. He said thank you for all the accolades. He really appreciates it. He said it's time. It's been 35 years almost. He appreciates everybody and said good luck finding somebody. He said the guys remaining are good and Bernadette, the solicitor, is phenomenal and he can't say enough good about her. He told Mike Smith he can have his book. Mike said he's read it over the past three weeks and wants nothing to do with it.

MOTION BY BEVERLY WOLFE TO APPROVE FROM GRIMMER CONSTRUCTION FOR SNOW REMOVAL ON 12/16/2020 AND 12/17/2020 in the amount of \$5,897.00. SECONDED BY MARK MOFFA. Beverly Wolfe said like the rest of council, she took one look at the invoice and said what? She went and pulled the invoices for 2019 which was the last time they used snow removal by KE Seifert. Keep in mind their minimum that they've sent the plows out is 3 inches or probably a little bit less than that for unsafe icy conditions. The police gave them a report from the road, and they tell them what's going on out there. They can go out and look if they are adventurous enough and judge for themselves but most of the time they just listen to the police. In 2019, the entire year with the entire season, which was just 2019, it didn't include the year before, they spent \$9,100.00 in snow plowing. The nearest she can find is the biggest event which was 2.5 inches. There must have been some ice with that, and they sent the plows out because of the ice. This last event was 5 1/2 inches of snow. She thinks that they need to

go over this with their new contractor. She sent a text to the owner since she was actively involved with this, asking him to give her a phone call to discuss this bill and to discuss the SOP. Mark asked what that bill was for. Beverly said it was \$9,100.00 total and she misspoke. There was one that was from 2018 which carried over into the season. The one event alone was \$3600 and that was the March 3rd 2019 snowstorm that she thinks was, but she was having trouble getting data. It was for 17 hours of plowing and the shoveling hours really nothing. The next one was in November of 2018 that was \$2,300.00 and that was 12 total plow hours, and they didn't specify how many trucks were out, it was just plow hours. The next one they had back-to-back, 2/12/19 was another \$1,600.00 for 8 1/2 total plow hours and then the end of the season I assume 2/20/18 which was 7 total plow hours and that was another \$1,600.00. The total for the 2018-2019 season was \$9,100.00. Mark said that the hours on this bill raised not only his eyebrows but those of others too. Beverly said the problem with this bill was the additional plowing and salting done the day after the event. Again, she thinks it needs to be stressed a little bit and they need to do an SOP and write what the procedure should be. Barbara said Bob called her. They had a complaint from a resident who complains about everything up and down the creek. She went and I checked it out and she looked at all the streets and people did not take their cars off the streets. She's not defending him, but the guy had no choice but to plow around them. She called this person and she and Bob talked it over and they checked with the police and there was a lot of icing down on Rumph Ave. and she said let's send them out again and get the salt out. They asked him to go back another time but by the time he got out to get the salt from Middletown, they were closed, and he couldn't get any. He did attempt to do the best he could and she's not pushing for this but very few people took their cars off the street. Beverly said completely understood. She posted a Facebook post because there was no emergency declared. She asked everybody to please move their cars off the street. As they all know, a lot of people ignore the Facebook page. They did come back and do it, but she thinks an SOP needs to be written. They are local guys and he's a nice guy and she doesn't think he's going to give her any trouble with writing an SOP. Mark asked how it works. Beverly said when it gets to three inches or more of snowfall she believes, the council president calls. Barbara said the police called Bob and he calls her for approval. Nothing is done without her approval. Marie said she believes it's two inches not three. Beverly said that's what she thought too. Barbara said there were some extenuating circumstances, and they are going to have to put it in the first newsletter. Mark said in this particular case, he's not so concerned about people's cars getting plowed in. If you leave your car on the street, it's going to get plowed in. If people feel the roads were not well cleared, they all hear it. He was texting John the next day like hey what's going on with the roads. He just wants to make sure they all understand because he doesn't even know what the process is. He asked if it falls under John under streets. Beverly said you could get the call at 2:30 in the morning which she had taken on herself to get the phone call to send the plows out. As the President of Council, that's what she did and what Barbara did so everyone else could sleep in. Beverly said she is going to talk to Ryan because she was the one who originally had contact with him last year. He spent all that money on getting the insurance requirements that they wanted and there was no snow. He's been in contact with her and she will develop an SOP and present it to council. Mark said, as far as this bill which he thinks they determined is kind of high, maybe they should let her talk to Ryan. What he's saying is he hopes in that conversation, they can ask him to reevaluate the hours to make sure. Mark said he is a snow geek so when it snows, he's usually up all night because he loves this stuff. Plus, that was the Zoning Hearing Board night so he's running the Zoning Hearing Board meeting and he's sitting in front of his bay window running this meeting on Zoom and he swears they only came by once. Seifert used to come by like three times and it would wake him up throughout the night the number of times they would come by. He swears Ryan only came by one time. Beverly said she was going to ask him about that. They are new and they were the only people who would agree to even take Penndel on with their insurance

requirements. Mark asked her to refresh his memory because people were asking him about that. Beverly said she and Mark discussed that and developed it. Mark said he knows she asked him to consult their insurance broker and we came up with what they should ask for in insurance coverage for a snowplow. Mark said Seifert couldn't meet it. Barbara said she thought it was \$1,000,000.00 in liability insurance. Mark said he remembers something about \$1,000,000.00 bond. Beverly said for all contractors, a contractors' certificate of insurance requirements, commercial general liability each is a million, which is standard damage to rented premises \$500,000, medical, \$15,000 and is standard stuff, personal and personal injury, a million-general aggregate, 3 million in comp aggregate, 3 million auto liability. They asked for a million in liability, umbrella liability 5 million each occurrence, 5 million aggregate, workers comp and employer's liability per statute accident, a million and disease policy limit million, pollution liability which was the one that cost them a mint, 1 million each condition and 2 million aggregate an additional insured and certificate holder. Mark said John Stratz has been involved with this. He asked if Seifert ended up getting a last second bid in for this year or could they not meet the insurance requirements. John said he emailed them and gave them some time and then he called directly and tried to get the guy and he was blown off. That's why he pushed it back from saying yes to Grimmer, just to see if they would get back to him and they didn't. John said they had two weeks between meetings, and they got blown off. Mark said Beverly might disagree with him, but he thinks next winter they will look at it. Maybe they went a little too far with the insurance requirement. Beverly said she and Mark had some heated discussions about it because the contractors were saying we were the only ones asking for this. Mark said next winter they need to revisit this. Gary Nickerson asked if the particular issue was the pollution one and that is the one that costs the most. He had some light conversations with the insurance folks, and he doesn't know if that's necessarily required. He thinks it depends on the potential for where they're going to be plowing if there's going to be some sort of release. Beverly said that's what they told Mr. Moffa, that they should be requiring it so that's what they did. Mark said they went with what was recommended but they are the insurance brokers and they're going to ask for the heaven and the stars and maybe they need to temper that a little bit but they're learning. Beverly said Grimmer is learning too. Dave Truelove said snowplowing is a service so generally wouldn't be subject to the bid thresholds although what happens is a lot of municipalities will issue RFP's and with qualifications to say this is what we have when you ask the folks to bid. Some years you may have no snow and some years you may have a ton, so you do it on the basis of hourly which is what you've already probably done here and is the best way. In some of the other municipalities that he has, they have some folks in house, which Pennndel doesn't have and then they have contractors outside also so it's a combination. Mark said he would like to start working with the neighboring boroughs to see what quotes they are getting on their snowplow rates. Just even in preliminary informal discussions or from attending a meeting or two, he's heard rates lower than what they were given. He said he will probably have to do a right to know request to officially get their rates, but he imagines those are public documents. Dave said yes since you're spending public funds. Mark asked if a losing bid for a service like this would be a public document. Dave said yes, after the bid is awarded that would be true. Mark asked if he's ever seen a situation where multiple small towns go together to get a better price on something like this. Dave said he doesn't know but that makes a lot of sense, especially, because some of the roads are contiguous and frankly unless you saw the sign or if you are new to the area and saw a sign that said you're going from Pennndel to Hulmeville or vice versa or something like that, you wouldn't even know. It makes sense to him to do this because it has many advantages. Beverly said they would need a mutual cooperation agreement. Dave said that would require them to talk to one another but that would be good. Mark said that's tough sometimes. Dave said that's the mechanism that's required initially. Barbara said they have tried that before but couldn't get any cooperation. Beverly said to keep in mind that the rates that they're getting are based on that insurance requirement. They don't

know what it would be if they took that out of the equation. She thinks she was told it's a couple \$1,000.00 extra to put that on. Mark said in her discussions with Ryan, didn't they say they were providing the salt. Beverly said Middletown provides the salt but at a reduced rate. Mark said salt shouldn't be on the bill from Grimmer. Beverly said it was bags of salt for the sidewalks and it's because it said three bags. The salt that goes on the truck is from Middletown. They need to do the salt for the sidewalks. Barbara said it's \$42.00 a bag. Joe Dudash asked if they were 50-pound bags. Barbara said she didn't know. Joe said they could go to Home Depot and get them. He also wanted to know about the man shoveling 11 hours. He asked if it was one man shoveling for 11 hours and was it at the borough hall. Beverly said she will talk to them to get explanations. He asked where they used the ATV. Beverly said maybe at the pump stations but she's going to find that out because it's hard to get anything in there unless you're shoveling by hand. Bob Winkler said it was for the parking lot. John Stratz said he doesn't see why they couldn't have used the snow blower because it is less expensive. Joe said that Marie said they didn't even do the handicapped part and the reserved spots. Mark said 13 hours on an ATV seems like a lot.

MOTION BY MARK MOFFA TO TABLE THE MOTION. SECONDED BY BEVERLY WOLFE. A roll call vote was taken. Barbara Heffelfinger, yes, Beverly Wolfe, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Joe Dudash, yes. All ayes, motion carried.

#### Persons to be Heard

**Tom Sodano, 126 W. Woodland Ave.,** said the minutes were discussed on a number of occasions that there's quite a time lag from when the minutes are posted from the meeting until when they're posted on the website for them to see. Since there is so much comment from people, it would be nice since they get to review them before they are approved and some of them add a lot on a regular basis, but they don't get to see it. By the time they see it, it's months down the road and should something be misquoted, it's pretty tough to ever go back in and say something about it. Some discussion about the zoning issues, when he lived in Middletown Township, every permit when you got it, homeowner, or contractor, you got the permit and you also got a couple of pages of their code pertaining to whatever it was you were doing. On the cover page it's specified that this was part of what you want to look at on your project and that it was up to you to go and read the rest of it and where it was available and they also put in writing on that cover page that if it was not in compliance, you will have to remove it. This is something they should think about doing in the future when they give permits to give people a little more guideline than to say well the information is available online and you should have looked at it. Tom asked if the fire company was not doing Santa this year or did, they just not get to it yet. Beverly said they do that on Christmas Eve. Tom said he didn't see it posted anywhere. He said speaking of posting, Barbara made a comment a few minutes ago that people ignore Facebook and he's often mentioned how he doesn't like Facebook. He said just so you know, and everybody knows, the mother of my children is Jewish, so they're Jewish and he doesn't like having to go to Facebook for anything. He doesn't like being forced to use something that cuts back on what some Americans might want to say online but they allow the Ayatollah and people like Farah Khan to post anti-Semitic things. It's a very personal thing to him and that's why he doesn't like it. He doesn't ignore Facebook; he just doesn't want to go there. Tom said that somebody mentioned the price of that salt. Because they're so high on the insurance, he's likely using pet safe salt to cover himself. The price for that is easily four and five times of what they think of what you would use on a sidewalk and he's probably trying to cover himself so that they don't end up with a problem and him end up with something that's an issue with that insurance. With snow citations and he's not trying to get any borough people in trouble because he doesn't think they really should go after borough people with citations, they should give them warnings. When they're parked in the street, they can't complain about their car being plowed

in. But businesspeople and property owners should have a better sense than 152 Monroe Ave. He doesn't know if anybody noticed, but whoever plowed 152 Monroe Ave. pushed all their snow out and blocked part of Crescent St. right outside their driveway. On Crescent St., half the street was blocked. A little bit has melted away but that's not right. He's a business owner and he's been a property owner there for a long time. He gets preferential treatment. He's been allowed to have a business running in there that's not allowed in that place. He's not zoned for auto repair. That got looked over and now he guesses he figures he can do anything, and he blows snow out in the middle of the street and they have to go around it. He saw a kid nearly get hit on a bike today down there and that's not right. Barbara Heffelfinger said she agrees with him. She saw many people throwing their snow into the street. She said she mentioned it to a couple of people, and they said where are they going to put it. Barbara said that's the mentality. Tom said but they are homeowners. This guy is a business owner, and he should have more darn sense than that. That's a dangerous place to put that much snow in the middle of the street and it's still covering half the street and it's not right.

**Mike Smith, 127 Dehaven Ave.**, said, of putting snow on the street, he thinks Dave can answer this. It is illegal to do so and in doing so, he can be cited. Bellevue Court Apartments pushes all their snow onto Mr. France's lot, and he doesn't know who's living in that other corner lot down at Joyce and Bellevue Ave. They have a big area in the back where they could push that snow. There's no reason to put it out on the street. Barbara said she would talk to Carol at Bellevue Court Apartments about it.

**Tom Wheeler, 151 Bellevue Ave.**, said when he comes on these meetings, he's not coming on as Hulmeville Council. He knows they all know who he is, but their books are open to them at any time. If they have any questions, they can have Marie send him an email, like if they want to know what their plow rates are, and he'll send them right over to Marie. Tom wanted to know where they stand on the concrete repairs. He gave them the check for the full amount and three proposals, and he hasn't heard back. He doesn't know how you want to handle this. Beverly said they need to discuss that to close the case out within the next few days. It's Monday so they should have that done by Wednesday. Barbara said she doesn't think they're going to get that done this week because it's Christmas week people are done. Tom said maybe they can set something for their work session in January. Beverly thanked him and said that's more than fair. Tom said anyone who has his phone number or email can ask him any questions.

Beverly Wolfe said since she was council president for half a year, she would like to give her traditional end of year address. When President Heffelfinger gave her the honor, and she stresses the word honor, of awarding each member of council and borough staff, a resolution, and a certificate of appreciation for their contributions to the Covid crisis, that was probably one of the proudest things she has ever done. For each one of you here today, she did pay tribute to each and every one of them on their own because what each one did was different, and she meant every word of that. To her, that was our finest hour which is a phrase she does not take lightly and use frivolously. They showed the county, the state and everybody that this tiny little borough can get anything done. They can rise above anything, even a pandemic. They were ahead of everybody in the entire county with coming up with a plan of action. The term our finest hour, is it really over? She says hell no, it's not. This council can work to set the gold standard. They already did it so she's challenging them to up the ante. Let's set it to platinum and let's get it done, so their finest hour is basically yet to come. Beverly thanked everyone and Merry Christmas, Happy Holidays and whatever it is that you say, and God bless you all and thank you for their help all year. She does appreciate it. Barbara said she couldn't say that any better, so ditto.

Joe Dudash asked Steve Lowe what time Santa was going to be coming around. Santa is scheduled to leave the firehouse between 5:00 and 5:30 on Christmas Eve, however, since there's going to be a lot of rain, they may try to push that out a little earlier so that we can try to keep him a little dry. But he will be around. Barbara said the kids really enjoy that. Beverly said the big kids do as well.

MOTION BY MARK MOFFA TO ADJOURN. SECONDED BY BEVERLY WOLFE. All ayes, motion carried.

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