

## COUNCIL MEETING

January 6, 2020

Mayor Robert Winkler swore in newly elected council members Joseph Dudash, Barbara Heffelfinger, Mark Moffa and Gary Nickerson at 7:36 p.m.

Mayor Winkler called the meeting to order with a roll call and Pledge of Allegiance. The following members were present: Gary Nickerson, Mark Moffa, John Stratz, Beverly Wolfe, Barbara Heffelfinger, Laura Germain and Joe Dudash. There was a moment of silence for Congressman Mike Fitzpatrick who passed away.

The Mayor took a nomination for President of Council. Barbara Heffelfinger made a motion to nominate Beverly Wolfe. Seconded by John Stratz. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

The Mayor took a nomination for Vice President of Council. John Stratz made a motion to nominate Barbara Heffelfinger. Seconded by Joe Dudash. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

Beverly Wolfe thanked the council members for electing her as Council President.

Consideration of Appointments:

MOTION BY BARBARA HEFFELFINGER TO APPOINT MARK MOFFA AS PRESIDENT PRO TEM. SECONDED BY JOE DUDASH. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT MARIE SEROTA AS BOROUGH COUNCIL SECRETARY/TREASURER. SECONDED BY LAURA GERMAIN. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY MARK MOFFA TO APPOINT BARBARA HEFFELFINGER AS ASSISTANT COUNCIL SECRETARY. SECONDED BY LAURA GERMAIN. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY MARK MOFFA TO APPOINT HILL WALLACK AS BOROUGH SOLICITOR. SECONDED BY BARBARA HEFFELFINGER. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

Mark Moffa asked if they were supposed to close nominations before they take a vote on the nominations. Ben Hauser explained that the chair recognizes someone and if that is seconded and if the majority carries, that is the end of that. Beverly said for this process you don't need a

second. Mark said he wanted to know if there could be multiple nominations on the floor at the same time. Ben said one on the floor at a time.

MOTION BY BARBARA HEFFELFINGER TO APPOINT CAROL SCHUEHLER, VALUE ENGINEERING, FOR BOROUGH ENGINEER. SECONDED BY JOHN STRATZ. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT CAROL SCHUEHLER, VALUE ENGINEERING FOR BOROUGH SEWER ENGINEER. SECONDED BY JOHN STRATZ. Mark Moffa asked if there was an opportunity for discussion. Beverly said there always is. Mark said he is going to support Carol. Sometimes he thinks they put a lot on her and maybe they want to consider at some point in the future, having a different engineer for sewer than we do for other things. It's something that occurred to him that they put a lot in her hands. Beverly said it was a good thought. It was attempted before and it didn't work out so well but it doesn't mean that it can't be thought about again. All options should be on the table at all times. Barbara Heffelfinger said that for two positions, Carol has done a fantastic job. That's why she highly recommends her. Beverly said she thinks Mark's concern is that we put too much on her. She would intend to agree with that in some ways. She hasn't shown yet that she can't handle it. Ben Hauser asked if the borough would be entering into a contract with these individuals. Beverly said yes. Since there was no public comment asked for, each agenda item requires the opportunity for public comment. Ben said they need to go back through everything starting with the professional offices.

Beverly Wolfe went back to the appointments of Borough Solicitor, Borough Engineer and Borough Sewer Engineer. She asked if there was any public comment for each appointment and there was none. She repolled council for each. Each remained the same.

MOTION BY MARK MOFFA TO APPOINT BEE BERGVALL AS CERTIFIED PUBLIC ACCOUNTANTS. SECONDED BY JOHN STRATZ. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY MARK MOFFA TO APPOINT BROWN AND BROWN FOR INSURANCE BROKER. SECONDED BY JOHN STRATZ. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY MARK MOFFA TO APPOINT AMANDA MIELUCH FOR VACANCY BOARD CHAIR. SECONDED BY JOE DUDASH. Gary Nickerson asked Beverly to explain the position. She explained that if there were a vacancy on council, the vacancy board chair heads up the committee to find a replacement. There is a specific process and time frame that has to be done with a vacancy. Ben Hauser said the vacancy board is comprised of the remaining members of council plus the vacancy board chair. If one member resigns then you have an even number and this member will break the tie and chair that meeting. That is basically their function. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

Beverly said for the Zoning Hearing Board, they had one term expire on December 31, 2019 which is Rich Keller and he wishes reappointment.

MOTION BY JOHN STRATZ TO APPOINT RICHARD KELLER TO THE ZONING HEARING BOARD. SECONDED BY JOE DUDASH. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

Beverly Wolfe asked Gary Nickerson if he wanted to resign from the Planning Commission. Gary said he thought he had to. Ben Hauser said it is a creature of the MPC and is a five member board of which three must be citizen members and two can be elected officials. If Gary chose to, he could remain provided there is the requisite number of, in his absence, citizens members which are non-officials. Gary said he was planning on resigning. He just wasn't sure if they were having a meeting in December. Beverly said she would like his resignation in writing and hold this appointment off until the next meeting.

Beverly Wolfe said there are four seats open on the recreation board and they have no applicants. They will advertise and ask if people would like to join the recreation board. Hypothetically they don't have one right now because they don't have enough members. Laura Germain said she knows someone who is interested but she lives in Middletown and she doesn't know if that disqualifies her. Ben Hauser said his office will look into that. Mark Moffa said maybe they should abolish the recreation board and give the responsibilities to council. Beverly said that is being looked at. Joe Dudash said he agrees with that and maybe make it a community relations committee. Gary Nickerson said he thought they should do away with it as well. His wife was on it. Some of it was contract negotiations and she felt she wasn't qualified to do that. Beverly said the recreation board is established by ordinance with specific powers and duties. They will look into it. Mrs. Nickerson sent in a very wonderful resignation letter but she did say things that needed to be worked on. They were very good points and they will take them into consideration.

Tom Sodano, 126 W. Woodland Ave., said that he was vehemently opposed to having non-borough residents being on any committee. He thinks it sets a bad precedent and opens us up to agenda that other municipalities may have. Louise Dicken, 125 Centre St., agreed with Mr. Sodano and that everyone should be a resident of Pennel Borough to serve in any form of the government in this borough.

Beverly Wolfe said they have a vacancy on the Finance and Long-Range Planning Committee. Mark Moffa said they also have a situation that by resolution, this board was created to have one borough council member on it and with Gary's election, there are two. He is looking to step down and if Gary is willing to take it, be the council liaison which is a voting member. Gary said he is willing to do that. Beverly said to put his resignation in writing. Mark said Gary is already a sitting member so there is no change there. Beverly asked if they were holding this off until he could resign. Ben said if he understands it, if Mark resigns there will be two vacancies. Mark said there is already one existing vacancy.

MOTION BY MARK MOFFA TO APPOINT BUD MURPHY TO THE FINANCE AND LONG-RANGE PLANNING COMMITTEE. SECONDED BY GARY NICKERSON.

Mike Smith, 127 Dehaven Ave., asked if it is supposed to be open for all citizens to apply. You put it out there and if someone wants to apply for it, they can. Beverly said it's been open for a while. Mark said there is a list of boards and commissions and you can come in and apply. Mark said there has been an open seat with zero people interested. Beverly said it's been open since Karen Flowers resigned. Ben said the term would expire in 2023.

The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT PENNONI ASSOCIATES AS BOROUGH PLANNER. SECONDED BY JOHN STRATZ. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT BARRY ISETT AS ZONING/CODE ENFORCEMENT. SECONDED BY LAURA GERMAIN. Mark Moffa said he had concerns about this firm. He is having trouble reconciling how everything went down last year with the trucking parcel. It's still not comfortable for him with the lack of notice they had and what's going on there. Joe Dudash had some concerns about enforcing things, especially the trucking firm. He feels that the council members have to go around and find things and report them. He thinks for them to move ahead as a borough, everybody has to be in a partnership with this, as far as creating a new downtown. He can go there and see areas that are horrible looking. The trucking company with the safety issues with the plywood constantly not up and now they have a truck frame blocking the driveway. It's an eyesore. And the garage down the street, there are cars parked outside on the main street constantly. If you want developers to come in, you have to enforce the zoning. He knows it's going to cost money but the council people can't keep reporting things and nothing gets done. John Stratz said they've been good points so far but as far as the sale of any property in Penndel. A sale is a private matter. Government is not informed of it. He realizes that a trucking company was not the ideal thing to go in there but it was a private matter. We had no say in it whatsoever. They can't blame Mike Italia because it was a private matter. Do you really want government stepping in when you're selling something that big? He doesn't. Mark said to him it's not an issue of the government stopping a private transaction. It's an issue that appointed, paid professionals and officials of this borough knew about this sale which greatly impacts their revitalization plan and Council didn't know about it. They knew about it for months, it was a huge public relations fiasco and we had egg on our face and that's unacceptable. The roll call vote was: Gary Nickerson no, Mark Moffa no, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash no. Motion carried 4-3.

MOTION BY BARBARA HEFFELFINGER TO APPOINT MARIE SEROTA AS THE OPEN RECORDS OFFICER. SECONDED BY MARK MOFFA. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

Beverly Wolfe asked for a nomination for Fire Marshal/Inspector. Mark Moffa asked if they knew if Nick Foufas still wanted to do it. Beverly said she didn't know.

MOTION BY MARK MOFFA TO APPOINT NICK FOUFAS AS INTERIM FIRE MARSHAL/INSPECTOR. SECONDED BY JOE DUDASH. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

Beverly Wolfe said the last order of business was the PSAB Annual Conference Delegates. They haven't done this previously but according to the borough code we have to have at least one delegate to go out to the annual convention in Hershey. We have people who are interested in it. MOTION BY BEVERLY WOLFE TO NOMINATE MARK MOFFA, JOHN STRATZ AND BEVERLY WOLFE. SECONDED BY BARBARA HEFFELFINGER. Beverly said

it doesn't mean they can't go. These are the official delegates of record. The roll call vote was: Gary Nickerson yes, Mark Moffa yes, John Stratz yes, Beverly Wolfe yes, Barbara Heffelfinger yes, Laura Germain yes, Joe Dudash yes. Motion carried.

Beverly Wolfe asked Mark Moffa if he would like to do revitalization. Mark said at this time he has one opening he has yet to secure. He believes there's another resignation coming but it isn't secured yet. He has two people who have expressed interest. It might be wise to solidify these two resignations first. He thought he would have them by tonight. They can wait one more meeting.

#### Council or Borough Announcements

Laura Germain announced that there was going to be a game night at borough hall on Tuesday, January 14th from 6:30 p.m. to 8:00 p.m. Sometimes they run a little later. Feel free to stop by for all of it or part of it. They will have board games and card games and snacks. Beverly Wolfe said it was a lot of fun.

Beverly Wolfe asked Laura is the 2020 budget was up on the website. She said she believes it is. Beverly said she wanted to let the audience know the budget is ok for view anytime during office hours here but it is also online on the website at any time. This version of the budget is very different from previous versions. It gives you narratives about the process of the budget, what your millage is going for, etc. It also gives you narratives on what each committee has done and what their intentions are in 2020 to do. It's basically an action plan for the year 2020. It also has a calendar of meetings so you can see when different meetings are happening. Laura said it's under the government tag under forms and documents. Beverly said anyone that is interested should take a look. It is almost like a mission statement for this council and what they are going to continue and attempt to do in 2020.

Mark Moffa said the Long Range Finance meetings in 2019 were on the second Wednesdays at 7:30 p.m. He's not sure if the group will want to change that or not. It will have to be in consultation with the borough calendar and the individual members, but for this week, and Amanda is the chair, they will have the meeting Wednesday night at 7:30 p.m. He asked if it was a problem if both he and Gary are there since they are both on council. It's the same four members except that now two of them are on council. The resolution states that only one member can be on council. Ben said it might be advisable to have just one. Mark said he would attend to hand in his resignation and then he will attend as someone just in the audience.

#### CONSENT ITEMS

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE DECEMBER 18, 2019 WORK SESSION. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO PAY THE FOLLOWING BILLS FOR THE MONTH OF NOVEMBER 2019.

<b>General Fund</b>	<b>\$49,090.02</b>
<b>Fire Fund</b>	<b>\$ 15.55</b>
<b>Refuse Fund</b>	<b>\$16,207.37</b>
<b>Sewer Fund</b>	<b>\$43,622.79</b>
<b>Sewer Capital Fund</b>	<b>\$ 3,804.18</b>
<b>Liquid Fuel Fund</b>	<b>\$ 3,661.69</b>
<b>Escrow Fund</b>	<b>\$ 3,109.50</b>



real estate transaction. They have to do what's right by law and what's by right. As Council and Mayor, you are more than welcome to try to facilitate conversations the best you can. They support the efforts around town. They are trying to get the businesses in. They try to make the U&O process and fit out process very no red tape. As for going around town, when they came on, they were told that money was tight. If they want them to start driving around town and looking for stuff, great, but it does come at a cost. He's not saying they won't do it. You can direct them and say these are the things they are seeing and we would like them looked at. They're basing their activities in town off of the original discussions. It doesn't matter to him. He just doesn't believe in milking a town to death and having guys walk the street or driving around town constantly. They try to look for stuff when they are in town for inspections. If there are specific issues, most of the residents call him and they address them the best they can. They are not here to just collect the money. They are invested partners and believe in being a partner with Pennel and moving you forward. That's why they've been involved with the ordinance revisions and fee schedules. Joe Dudash asked Mike about Holly Ave. They have several residents who came in here a few months ago about the flooding issue from an oversized building. He hasn't heard anything since then about how it was rectified. He has residents on Oak and Holly screaming at him. At the cul-de-sac on Oak Ave., there was another flooding issue and he's heard nothing. Mike said that Oak Ave. is not him, it's your engineering department. Holly Ave. he will defer to the solicitor because that's where that's at. Joe said the one on Oak he has been reporting many times. Mike said he doesn't know about that one. Joe said there's no communication. He's reported that one many times. What about dumping the leaves in the stormwater? What has been done with that issue. Mike said he's not aware of the stormwater issue. Joe said he filed a report and the maintenance guy took photos of it. Mike asked if he reported it to Rick because he is the point of contact for those type of things. Joe said this is a corporation. One inspector doesn't know what the other is doing? As the supervisor, he should know what Rick is doing. You guys are a like a police officer. You're on patrol and seeing the community. You couldn't see at the trucking firm, which he filed complaints on, about the plywood being off and kids could climb through and get injured and then we get sued. It's been months. Mike said Rick has been working on it and he will get an update from him. Joe said this is what irritates him. The people of Pennel are paying good money and they want something done. They see this eyesore. Now there's a whole trailer part laying down blocking the driveway. Is that not an eyesore and a safety issue? You are riding around and see things. You need to take action. Mike said absolutely. He doesn't disagree with him. Joe said that's not what he sees happening and that's what's frustrating. Mike said he would address it with Rick. Joe said he likes Mike and his staff. They are good guys. It's like an investment. They are investing in Pennel for future business. Mike said they can do better. Beverly asked Joe who took the pictures of the leaves in the storm drain. Joe said Anthony, our maintenance man. Beverly asked who he turned them in to. Joe said he turned it into the office. Beverly said she was going to investigate it because it's the first she's hearing of it. She asked about the stormwater on Oak Ave. Joe said there are two issues. There is a cul-de-sac issue at the bottom of it and the one between Holly and Oak which is the big building that was built. Ben said the matter is being addressed by their office. There are certain changes going on at that property and they've been in contact with their representative and they are trying to work that out with them. Joe said there are residents on Holly Ave. that are frustrated and have heard nothing from the borough. Now they are looking at a breakdown in government. They have to answer them somehow. Ben said they are handling it and he cannot say more because there maybe repercussions coming down the line. Mark Moffa said for the purposes of council, they weren't able to save \$2,000.00 - \$3,000.00 on insurance because of it because they had to report it. When you issue permits when you're not supposed to, and he knows it wasn't Mike's firm, it costs us. Beverly said the solicitor has been in contact with those people on several occasions. Joe said they are neglecting the residents behind it on Oak Ave.

Two of them have heard nothing and are completely frustrated over it. Joe said he is frustrated with the borough over downtown. A lot of the residents grew up here. They know we had a bakery, the Acme, a bank. It was a nice, small town down there. Barbara Heffelfinger asked if they could put in the newsletter or send a flyer out, a way to inform the people in an area that there are problems and that we are working on them. Some of them are in a legal process. Anyway, they can alleviate people being frustrated. Mike said he looked on the log and he doesn't see anything about the leaves so he's not sure if it ever got to him. He would have to talk to Karen to see what the deal is. Maybe they will make up some kind of log so you as council people can see what was found that month. He saw the fence across from the Coffee Cup and that will be getting addressed tomorrow. Mark asked Mike to check on the building being used because he received a report about that. Mike said they caught them in the back corner which they allowed them one spot in that building which is the old truck bay along the back of the parking lot. They allowed them to store their tools in there and suggested they be careful because the building is not secure. They are not to be occupying that building. That part does not go into the main part of the building. No office, no people working in there. Mark asked if they could declare the whole building unsafe to use. Mike said they could condemn the entire building and make them tear it down which is where he thought they were headed. They have a structural engineer and they are waiting for the report. Joe Dudash asked Mike about one of the other buildings down there that is falling apart down there, one of the warehouses behind Neshaminy Auto that the fire department can't even go into. Beverly said that is the Marut property. The executive director of the RDA has personally taken on the task of doing something about that building. They have provided him with all the records and he is working on it. That is Jeff Darwak. Barbara said the one thing you have to keep in mind is that we did this before. There is a process that you have to go through for each property you think should be blighted. And if you don't go through the process, you void whatever you have done. Beverly said the good thing with this is that the RDA is in charge of that process and are the ones doing it. Mark said they've been doing it for two years now. Beverly said previously, nothing ever came of that. Jeff Darwak came to her about two to three months ago so she will get an update from him.

Tom Sodano, 126 W. Woodland Ave., said that Mark Moffa said there was some usage in the building they were discussing. Tom said to Mike that he didn't know if he had any automotive background. He spent all his life in automotive. He doesn't know if they have a list of what he is allowing them to store in there but he can tell him that he lives on Woodland Ave. and with his automotive background, he is familiar with the sound of a three quarter inch impact gun and he can tell you they were running one and working on tires on a truck in the bay. Mike told him if he sees it, he needs photographic evidence. He couldn't stop to take a picture because he had his granddaughter in his vehicle and was not endangering anybody because he has no idea where in New York those Russians are from. Mike Italia said they are actually from Hatboro. Tom said he guesses Hatboro is a sixth borough in New York since all of their plates are New York. There were people working on a truck in that bay. He can hear it from his house when they are running those impacts which means Bob can hear it since he is halfway between them and himself. Beverly asked if that was daytime or nighttime. Tom said it was dark, around 7:00ish. Steve Lowe, 409 Cynthia Ave., said he can confirm what Tom said, not only was it nighttime, he works here in Pennel at Moldamatic and he drives up and down, not more than a month ago they were changing tires in the daytime in the parking lot. Mike said if you can see them, you can snap a picture or an audio recording, he will take it. If they go to court, that's where the problem is. The judge will be like if he can't prove his case, we're done.

Steve Lowe also asked about the process for the Marut building. Everyone has known for three to five years that the building is unsafe. He asked if there was anything the borough can do

about it without going to the RDA. Beverly said they didn't go to the RDA. Jeff Darwak actually offered to do this for them. They are the ultimate authority on blighting. Steve asked why they couldn't send the owner a notice that he has to fix it within 30 days. He said it's not a small hole, it's humongous. Mike Italia said once the RDA takes that role, it kind of cuts us out. Normally you would go through the uniform construction code. Since you're working with the RDA, it could mess up the entire process. You may want to put some pressure on the RDA and ask if they are doing something or not. Beverly said she would get an update for the next meeting.

Louise Dicken, 125 Centre St., asked about the tractor trailers and the damage they are doing to curbs and streets. She asked if they are responsible for the repairs. Beverly said you have to have evidence and if there are witnesses and pictures then yes. Then you would be able to pursue it. If anyone has pictures or has witnessed it, please tell them. Louise said they also hear the noise from the machines.

### Old Business

Beverly Wolfe said at the last meeting they were talking about the letters for Bellevue Ave. and if they were going to send final notices. The solicitor's office was going to see what letters they had already gotten. The solicitor's office reported today that they felt that one more letter needs to go out to those people immediately. Ben Hauser said the last notice that went out was in May of 2019 and that was with PennDOT doing the work imminently. It is now January of 2020 and the work has not yet begun so his office advised Beverly Wolfe it would be advisable to reissue the notice to the remaining property owners. There are a couple of property owners that the borough is aware that are on queue for a contractor. The letter basically advises the owners that they have 30 days to do the work and they are not getting a re-notice. It reserves the borough's rights to pursue liens, suits in court, code violations and in the event that we have another PennDOT delay or some other delay that prevents us from doing the work, that would keep that option open and they can begin citing individuals for the code but lien option is the most practical because you want the curbs done rather than sending Mike Italia or this office into court. He is aware that one individual has philosophical differences with the borough and the law. Beverly said this letter is in plain language and spells everything out. Marie has it and Carol is going to help. They will take out the ones who are lined up with a contractor. She would hate for them to get it because it is blunt and we want this work done and you have 30 days. Laura Germain asked if it was from the receipt of the letter or the date of the letter. Ben said from the receipt. Laura asked if it was going to be registered and Ben said yes, first class and registered mail. There are a few that own the property but don't live in the borough so it should go to their home address. The letters can go to the owners who are on the list but are expected to have the work done and say, if you have a contractor, notify us. That will be an issue they can work out internally. Gary Nickerson asked when is the latest date the letters have to go out. Beverly thinks PennDOT will start in mid to end of March. Ben said you have to get the letters out 30-35 days before the trucks start to roll. You have to work backwards so that they have enough time. Mark Moffa said he had some questions for Carol but will have to wait since she's not here. They had some back and forth for the sidewalks on the Hulmeville Ave. bridge. She answered them but he has other questions. The DEP came back to them with a letter on the Act 537 Plan. There are a few things that need to be done. Beverly said she believes Carol will be here at the next meeting.

### New Business

**MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE BOROUGH ENGINEER TO ATTEND THE PENNDOT MEETING ON JANUARY 14, 2020 TO DISCUSS**

CONSTRUCTION DETAILS ON THE HULMEVILLE ROAD BRIDGE OVER CHUBB RUN. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-1 ACCEPTING A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE RDA IN THE AMOUNT OF \$23,574.00 FOR THE PENNDEL BOROUGH POLICE SAFETY EQUIPMENT PROJECT AND APPROVE AND SIGN CONTRACT #2019-48. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-2 ACCEPTING A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE RDA IN THE AMOUNT OF \$67,648.00 FOR THE PENNDEL BOROUGH MUNICIPAL COMPLEX IMPROVEMENTS PROJECT AND APPROVE AND SIGN CONTRACT #2019-49. SECONDED BY JOHN STRATZ. Gary Nickerson asked what she meant by the Pennel Borough Municipal Complex improvements. Beverly said it is the parking lot, driveways and generators for this building and the police building. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-3 ACCEPTING A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE RDA IN THE AMOUNT OF \$35,000.00 FOR THE PENNDEL VOLUNTEER FIRE COMPANY FACILITY IMPROVEMENTS PROJECT AND APPROVE AND SIGN CONTRACT #2019-50. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-4 ACCEPTING A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE RDA IN THE AMOUNT OF \$70,000.00 FOR THE PENNDEL VOLUNTEER FIRE COMPANY RESCUE EQUIPMENT PROJECT AND APPROVE AND SIGN CONTRACT #2019-51. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-5 ACCEPTING A MUNICIPAL GRANT PROGRAM CONTRACT AWARDED BY THE RDA IN THE AMOUNT OF \$35,000.00 FOR THE PENNDEL BOROUGH HEART MONITOR FOR PENNDEL-MIDDLETOWN EMERGENCY SQUAD AND APPROVE AND SIGN CONTRACT #2019-52. SECONDED BY JOE DUDASH. All ayes, motion carried.

Persons to Be Heard (time limit of three minutes)

Tom Sodano, 126 W. Woodland Ave., said he noticed during the swearing in the words were used, constitution of the United States, not constitution of the United States of America which is the way it is supposed to be worded. And it is recorded incorrectly so are they valid or invalid? Ben Hauser said he believes that one to be valid. The preposition of America and he doesn't know if they have that recorded. Marie Serota said the recorder was on. Beverly said it is from the PSAB and Ben said he doesn't believe it to be a problem.

Tom said trash collection over the holidays was a day late. He wasn't able to find on the new website, where that was mentioned. Laura Germain said it was mentioned on the website and a general announcement of holiday schedule that every time there's a holiday then it would be on a Wednesday. There was a list of holidays including those two. She said she also had it on the Facebook page right before as well. Tom said the reason he is bringing it up is because, like himself, there are a number of people that

don't play Facebook. He received six calls from people, most of them his age, who couldn't find on the website, whether or not it was happening. If you are going to spend all this money, maybe when you have a holiday like this, you put it somewhere where it's easy to find. Laura said that is something they are talking to the website company about. Having a flashing red banner across the top with things like that. Tom said the most recent stuff were holiday goings on in November. Laura said they are definitely working on getting that.

Tom said to Chief Perry that he assumes he is aware that during the holidays, someone was firing off mortar rounds. Chief Perry said they responded out there and it was over with by the time they got there and they also had a bunch of other calls the same night. Tom Sodano said it happened six times. Chief Perry said he would have to look at the reports. The officer didn't respond to the area because he believes it was over before he got there. He told Tom that if he sees that kind of stuff to call them immediately so they can get an exact location. Tom said he didn't see them launch. It was the landings he was concerned with. He didn't want his house on fire. Chief Perry said even if he could give them a general area. Tom said the mortars and the sparklers came from the same area. Chief Perry said if he knows who they are he can meet him after the meeting and he can jot it down. Tom said he doesn't know who they were. He just knows where they were.

Tom asked Mark Moffa what the status of the EIT was. Mark said they had the presentation from Keystone. Then there was a meeting where they didn't bring it up again because they only had four council members. At the last meeting on December 18th, it was discussed again to get a sense of how council felt about pursuing it and it was unanimous from council to pursue it. The next step discussed would be a public forum which would be similar to what Keystone presented already. The discussion they had at the December 18th meeting was to plan it for the spring with a good deal of publicity about it. They were thinking of April but haven't nailed it down yet but when they do it will be well publicized. They are not trying to put it off but when they realized they wouldn't make the deadline to implement it for 2020, they thought they would just allow plenty of time to digest it and have a public forum in the spring. They can't implement it until 2021.

Ben Hauser said a final note on the question asked about the oath. The oath read tonight was in complete compliance with Act 76 of 2008. The word America is not included in that statutory oath. Mark Moffa said he was doing the same research and the Section 1141. Ben said it's actually 1141 of Title 53.

Steve Lowe, 409 Cynthia Ave., said as liaison for the Pennel Fire Company, he just wants to say thank you to everybody for their support with the RDA. They really appreciate it. There are a couple streets now with snow emergency routes so he would like to know how it is going to work. Do tickets go out first? Ben Hauser said there are designated snow routes. He's not sure if Code 360 had codified that ordinance. It was passed last year. There are certain routes on the declaration of a snow emergency by the mayor, no vehicle parking can occur. Other streets in the borough are not routes but retain the traditional one side, the other side parking. Certain streets in the borough you will not be allowed to park on if the mayor calls a snow emergency. Steve asked about how many inches. Ben said after two inches then the odd/even side of the street parking would come into play. Then if the mayor was to declare a snow emergency, the snow emergency routes would have no parking on them whatsoever. It is at the mayor's

discretion. Steve said he knows that Bob and the maintenance guy spent a lot of time putting posts and signs in. Enforcement in the borough seems to be very lacking so he would really hate to see the time and effort that the mayor and the maintenance guy put in go away. It's frustrating. He's been in his shoes where he's been behind the snowplow for Pennel. Chief Perry said since he's been in charge, he's taken a stance, prior to a storm coming, knocking on doors and telling them the cars will have to come off the street because it's the most important thing to them to have the streets clear so the plows can clear the streets, amongst accidents and power outages and emergencies. They don't necessarily want to be out writing tickets but they have written a whole bunch over the years. Getting them moved off the street is most important. If they're not being moved, they will cite them. Steve said it doesn't make any sense to him. It's common sense. You get two, three, four, five inches of snow and the plow comes and all you see down the street is a mess. Beverly said that's why Mark and his committee worked so hard on this ordinance. To make sure they got it right. This gives the police the authority to do something about it. Steve said to enforce it. He told Bob if we get one and a half to two inches of snow, please declare the emergency. Give them the authority to put the tickets on them. Mark said its ordinance #2019-3.

Karen Kondrk, Assistant Borough Secretary, said regarding the trash, she believed it was brought up at the beginning of the year and she believes it was in the newsletter about when it would be collected if there was a holiday. She's going to try putting that on the sewer bills. When you get your next bill, there is a reminder on it about when there is a holiday, when it will be picked up. Laura Germain said she and Barbara Heffelfinger were discussing that in the newsletter, that will be a big stand alone along with other trash items.

Joe Dudash said last time they met, they were talking about the old snow truck. The pickup with the plow on it. The Ford 250, 2001. They got an appraisal from McConnell's and they were saying it is worth \$375.00 because of the wiring and it's rusting and everything else. Burcz Landscaping came in and offered them \$500.00 for it. Mark asked if the offer was still good. Joe said yes. Mark said they were basically told to scrap it. From the appraisal it says it has a lot of rust, wear, dents and also the frame is in very poor condition. The interior is very poor. The vehicle needs a lot of work to get it running like the battery and bad wiring. Will not pass inspection until everything is fixed. Also, after running, because of the frame and rust issues, it will not be road worthy until those issues are fixed. They suggested junking it. But Kevin Burcz came in and said he would take it for \$500.00. Ben Hauser said he thinks this should be under new business at the next meeting. The borough code says the fair market value of any personal property which is not land and is less than \$2,000.00 in Section 1201.2 part B. Council shall by resolution adopt a procedure to sell surplus property with an estimated market value of less than \$2,000.00 and once that resolution is passed the approval of council should not be required for any individual sale that shall be in conformity to the procedure. He just received those documents in the last day or so and has not had the opportunity to ask if they already have that resolution in place or if they have to do one. Ben said they can have that ready for the next meeting. Steve Lowe, 409 Cynthia Ave., asked Ben if he could read up on that quick because many years ago, he bought a vehicle from Pennel Borough that was in the same condition and it had to go out for bid. The value was \$700.00. He doesn't want to see the borough get in trouble but they did have a policy in place and that's why it was advertised and put out for bid but that was about 10 years ago. Ben said he doesn't know what the borough code said 10

years ago about the value for small value sale. He said Steve is generally correct on the rule. Beverly said they will be checking if there is a resolution in place.

Joe Dudash wanted to thank the fire department for helping Santa Claus go around town. He thanked the Mayor for his connections with the North Pole and having a smooth ride on the truck. The police department with the crime rate going down he thinks it's because of the positive enforcement of the officers we have and the chief. There is more visibility because they are out there so hopefully crime is now going to other areas. Beverly said it's community policing. Beverly said thank you for the breakfast with Santa and the police, mayor and Penndel Pizza. The kids loved it. The big kids did too.

MOTION BY MARK MOFFA TO ADJOURN. SECONDED BY JOE DUDASH. All ayes, motion carried.

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