

Penndel Borough Council Work Session
Via Zoom Communications

February 16, 2021

Council President Beverly Wolfe called the meeting via Zoom Communications to order at 7:30 p.m. with the Pledge of Allegiance. There was a moment of silence for the passing of Ted Kristiniak. Tom Sodano said his obituary is posted on Bradley's Funeral Home website.

Present at the meeting via Zoom Communications

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

Also present via Zoom Communications

Ben Hauser, Solicitor, Hill Wallack
Carol Schuehler, Value Engineering
Marie Serota, Secretary/Treasurer

Ben Hauser reported that council met in executive session before tonight's meeting beginning at 6:34pm. The four members of council plus his honor Mr. Winkler, himself, Mrs. Heffelfinger and Mr. Dudash were present. The main topics were personnel relating to COVID-19 protective conditions at borough hall, the borough manager contract in the process of being drafted and informational matters regarding the location of the borough manager's office and snow plowing matters. The executive session ended at 7:34pm, a few minutes before they convened tonight for this meeting.

Announcements

John Stratz congratulated Laura Germain. Penndel recently won an award for the website by the PA Borough's Association. Beverly said it was the whole committee. She said they also won an honorable mention for the newsletter.

Consent Items

MOTION BY MARK MOFFA TO APPROVE THE JANUARY 19, 2021 WORK SESSION AND TO RATIFY THE FOLLOWING BILLS FOR THE MONTH OF JANUARY 2021:

General Fund	\$45,073.02
Fire Tax Fund	\$ 1,879.08
Refuse Fund	\$16,551.35
Sewer Fund	\$ 4,453.53
Sewer Capital Fund	\$ 1,186.50
Liquid Fuel Fund	\$ 1,998.40
Escrow Fund	\$ 3,183.00
Payroll Fund	\$ 578.34

Payroll		
General Fund		\$23,726.36
Sewer Fund		\$ 3,370.04
Refuse Fund		\$ 561.71
	Total	<u>\$27,658.11</u>

Escrow Fund Bills

Auto Zone:

Auto Zone	\$ 40.00
Value Engineering	\$ 257.75

Schoolhouse Court:

Hill Wallack LLP	\$1,782.00
Value Engineering	\$1,103.25

SECONDED BY JOHN STRATZ.

Jay Moser, 525 Hulmeville Ave., asked if the fire tax refund is collected then goes into the fund. Beverly said that is money that comes in from the fire tax fund and goes specifically to the fire department.

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

President's Report

Beverly Wolfe reported that they've been requested by the RDA to provide the DCED with an extension letter on the \$500,000.00 multimodal grant that they received. PennDOT is not ready to go with their TIP project and they need that money to contribute to that project for the major rebuilding of the intersections and the easement that have to be acquired to do so. She will draft a letter asking them to extend. It will go through Jeff Darwak, executive director of the RDA.

All of council got the committee assignments with a detailed list of the duties of each committee. She asked council to review them. They are going to have to publish the committee meeting list so she would like the chairs and people on each committee to figure out when is best for them to have their monthly meetings. If there is no business, they can cancel the meeting. She would like that ready to advertise at the next meeting. The committees discuss ideas and issues and bring them to all seven members of council and the public and they all get to hear everything.

Joe Dudash said he sees he's back on Public Safety as a committee person. At this time, he would like to respectfully decline the committeemen position with the Public Safety Committee. As the former Chair, he realized the chief and mayor need a chair who has executive experience and knowledge in Law enforcement. The chief does not have the executive background and can be led astray by the political atmosphere from the mayor. The end result is the voters, business and revitalization efforts met negative results. He fears the men and women of PPBA with lack of executive management will also suffer. This council needs to move past their political ideology, friendships, odd social norms to protect the people of Penn del and our men and women of blue. Beverly said she respects his wishes and she vehemently disagrees. She took chair so that they could work together to come to terms with the way things are done. Having her in there with both sides would be someone in the middle to listen and

take into consideration ideas and things that somebody else might just automatically block out. He may disagree, but she tried to be fair and impartial. She thought this would be a way to move forward and everybody's ideas would be listened to. Joe said he has nothing against her, and she's done a fine job, but Sean is inexperienced as far as executive framework. He needs a lot of work. As they say in law enforcement, they need a rabbi. A rabbi is an older executive, older chief or special agent in charge that would guide the new agent through the new position of supervision. He needs that and right now is definitely not getting it because he is getting pulled by the mayor and it's just not working. They have another heroin death on Monroe Ave. They're not doing anything for the public. He said his piece. He doesn't want to rehash it. Back in the summertime when the car ran into the house, something has to change, and he feels that both of them need somebody who knows that you can't pull the wool over their eyes because he's been in law enforcement and supervisory roles that these two will never see in their lifetime. It's time for the council to buckle up and make some decisions. He thinks they're at a turning point with the new manager and revitalization. Somebody has to grab hold of this top that is spinning out of control. Beverly said she was disappointed because she was hoping to have some input and ideas from him because she needs it. Mark said for the sake of the public, Joe has been restored to other committees as well. Beverly said he is the chair of building & maintenance. He's open space which now has Taddei Woods fully and he's on refuse. Beverly said if any council person wants to approach about getting a different committee assignment or being part of another one, the door is always open.

Beverly said they are having an issue with the RDA grant for the building. The original architect is MIA. The engineering firm can't find him and their back up architect passed away two weeks ago from Covid. They have all year, so they aren't panicking yet. It is being worked on.

Mayor's Report

Mayor Winkler read his report and card from a resident, which is attached.

Beverly Wolfe reported that they had a manhole that was basically ripped out of the ground on Durham Rd. at Bellevue and Legrand Aves. It was a nightmare during a snowstorm and a real safety hazard. Thanks to the actions of Carol Schuehler and her contacts, she was able to get it fixed. She will report on that, but Beverly said she wanted to thank her for her quick action. Carol thanked the Mayor who was on top of it and calling her that morning.

Engineer's Report

Carol Schuehler read her report which is attached.

Persons to be Heard for Agenda Items

Terry McIntyre, 335 Hulmeville Ave., asked if the CDBG grant is a matching grant. Carol said no. The borough pays for the design, engineering, and architecture, but the entire construction cost is what they are requesting from CDBG.

Mark Moffa said the significance of the flows being down by 10% are during a period of time where people are working from home and there may be more legitimate sewage. He said the back story is they believe they made progress repairing I&I, inflow & infiltration. Carol said that would be the indication from the graphs and charts that they have. They still need to make more but are making positive progress. Mark said this is an I&I improvement. For those who don't know what the acronyms that they go by. CDBG is a Community Development Block Grant and that is administered by the Federal Department of Housing and Urban Development. Beverly said they like community projects that benefit the community.

Jay Moser, 525 Hulmeville Ave., asked if for the State Workers Compensation Insurance Fund for the fire department, if that is the yearly or quarterly fee. Marie Serota said it is an installment. Jay asked if it was four times a year and Marie said it depends. She said the total is about \$30,000.00 a year. Jay asked if that is reimbursed by the fire department. Marie said it is.

COMMITTEE REPORTS:

Mark Moffa said he didn't have any specifics to delve into for the committees he is on now, but he has been dealing with personnel issues with getting the manager on board which was a lot of executive session material. He's been dealing with snow plowing issues, administration issues, zoning issues. He has an ordinance meeting set with Gary for the first week of next month. They should soon have some updates on the ordinance issues.

Gary Nickerson said for building and maintenance, the last time he was talking about a hot water heater issue. It is back up and running. They were able to just clean it and they're good to go. They have to do some stuff for the fire inspection. Long Range Finance is looking at LERTA. He emailed the solicitor a couple of weeks ago to look at an alternative to Lerta. It was passed last year as Act 61. It's similar to Lerta in that it provides some property tax incentives but it encourages mixed use type development so it might be better to encourage development up and down the Route 1 corridor. It's something he would like to look into and he's not sure how it would interact with their underlying zoning. They also have the TOD overlay that sits over it. Mark said he was on board with just doing Lerta on the whole business Rt. 1 corridor as sort of a blanket thing which would attract development. The thinking now is it might be wiser to have a more targeted approach to incentivizing specific projects, so they don't end up with a situation where they incentivize the project that they don't want. It still has to be researched. Beverly said Bob Pellegrino suggested the Lerta for the whole thing because it would encourage businesses that are there to possibly expand or improve their properties. She is open to any incentives. Mark said a business could ask them to go to bat for them. Gary said that would be the easiest and safer if a business came to them and were looking for support. It would be an easier sell for the taxing authorities. They were hesitant if they didn't know exactly what would happen. It's a bit easier to understand and digest if they know what's coming in. Mark said the incoming manager has quite a bit of experience with this and will be an asset on helping them to figure out these incentive issues. Beverly thanked them for their research.

John Stratz reported that they received correspondence from the County of Bucks Department of Health regarding their West Nile Virus program. They are requesting municipalities' participation in the mosquito control program to eliminate mosquito breeding and control the population. Marie sent in the borough's permission.

John Stratz reported that when they set up the monitoring of the streetlights, Cimcon, who now controls the controls, has paid for the SIM accounts. That needs to be transferred to a Pennel Borough account. It is basically a Verizon Wireless cellular SIM card used for data transfer. They spoke to Verizon Wireless and they looked at the usage to determine the lowest cost plan. The rep is recommending a 150-megabyte plan for \$18.00 a month plus taxes and fees and that will sufficiently cover the usage. He has been monitoring it for many months and doesn't anticipate any overages. Since this is an ongoing fee that wasn't anticipated, Mike said he will dim the housing lights from 38 watts to 36 and that will offset most of the monthly cost. Beverly said for \$20.00 a month she is not for dimming the streetlights. It's an air card that they can get records from if there is a streetlight that fails which is vital data. Mark said it sounds like routine administrative costs. He has heard zero complaints about how bright they are and thinks

people love the current level of light. He is not willing to reduce the level of brightness and appreciates John's attempt to offset this.

MOTION BY MARK MOFFA TO CONTACT MICHAEL FULLER OF KEYSTONE LIGHTING SOLUTIONS TO TELL HIM THAT WE ARE ON BOARD TO ACCEPT THE TRANSFER FROM CIMCON TO OUR OWN MUNICIPALITY AND HAVE OUR OWN VERIZON WIRELESS SIM CARD FOR THE LIGHTING CONTROLS, GOING WITH THE 150 MEGABYTE PLAN FOR \$18.00 A MONTH PLUS 42.00 - \$3.00 A MONTH OF ADDITIONAL TAXES AND FEES. SECONDED BY GARY NICKERSON. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

OLD BUSINESS:

Joe Dudash reported that the two trees council approved to take down were taken down because they were hollow. While they were there, a gigantic branch fell on the Taddei Woods side next to 127 Holly Ave. That will also need to be taken down at a cost of \$1,500.00. MOTION BY JOE DUDASH TO PAY ALL OF THE ABOVE TREE SERVICES FOR THE REMOVAL OF THE TREE IN TADDEI WOODS FOR \$1,800.00. SECONDED BY MARK MOFFA. Gary Nickerson said he's glad they are clearing all these trees out, but he thinks maybe they should come out at one time and take down 500 feet at a time. Joe said the problem was these two were hollow and ready to go. What he heard from Mr. Truelove is the intent. They know these trees are a danger to life and property. If they didn't do anything, they would be liable for whatever happened to the house. They wanted to do a buffer zone, but the price is unbelievable. The cost would be \$100,000.00. It seems that the trees are the ash trees with a V trunk that are hollow in the center. The one for \$1,800.00 there was a walnut tree with vines, so they cut all the vines off to save the tree. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

Joe said All of the Above Tree Service was there, so he got an estimate on the other tree. They will need to use a crane since it is too close to the house.

MOTION BY JOE DUDASH TO ACCEPT THE ESTIMATE FROM ALL OF THE ABOVE TREE SERVICE TO REMOVE A POTENTIALLY HAZARDOUS TREE AT A COST NOT TO EXCEED \$1,500.00. SECONDED BY MARK MOFFA. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

Joe asked the mayor if he goes out during the storms and visits all the streets and what he is seeing as far as removing the snow. Bob said he went out on the first one with the then council president but not the last one. Joe wanted to know if he was getting any feedback from the contractor or police. Bob said all he does is call the contractor after the police call him and he calls the president of council and she says OK. Joe asked if he lets him know of any problems he's having. Bob said as far as he knows, he talks with the council. Beverly said one of the problems is cars on the streets and trying to do curb to curb when there's people parked. It's impossible. Also, people stopping him and some of them getting a little belligerent because they just cleaned out their driveway apron and at the exact same time the plow came through and plowed it back in again. Beverly said the problem spots from the first storm, one was Walker Ave. and this time people did the odd even side of the street thing and got their cars off but that's not a snow emergency route. The people in the snow emergency routes for the most

part were pretty good about it and got their cars off the street. Bob said he could see all the way down Walker Ave. There were no cars at all. The officers knocked on doors to have people move. Rumpf's row was empty. Beverly said that's the part she was talking about. She knows Rumpf's row is a problem spot. Bob said most of the people moved their cars on the snow emergency routes.

Tom Sodano, 126 W. Woodland Ave., said the person across the street from Bob did not move and Centre St. is a snow emergency route according to the website.

Mike Smith, 127 Dehaven Ave., said the person across from him did not move either and was plowed in and was never ticketed or towed.

Joe Dudash said they need to do something on Oak Ave. The average firetruck is 30 feet long and there's parking on both sides. When you come in the entrance, the issue is there's 15 feet from the fire hydrant and you go from the curb of Oak Ave. in and it's 60 feet and these cars are all in that zone and they park continuously and there's no tickets being given. He doesn't know how the snowplow guy does it. Joe said he is worried about the liability of their firemen and a 30-foot truck that is worth millions of dollars bouncing off of cars. They are violating their own ordinances. There has been a car with a flat tire sitting there for a month. There is no way to get a fire truck through there. The trash truck even has a hard time getting through. Then there's the fire hydrant which can't be obstructed. The liability is coming down to a fireman getting injured or if the truck rolls in and they can't see pedestrians walking and slam into them. When the message goes out through the county, it says you will get a ticket, but it seems they're not even afraid of that. His concern is the fire trucks coming down. There's no way they could get down Holly and Oak the way it is. And the people were plowed in and he doesn't blame the plow guy. It's up against their bumpers and the people were digging out for two days. The poor plow guy had an accident and ran into the curb and smashed it up. He's got so many things against him. His main concern is getting a fire truck through. They have to give out tickets.

Beverly said when the weather breaks, she would like to walk the route with Joe so she can see what he's talking about. Joe said there is still double parking at the entrance which is creating a problem for the fire department. Even when he drives, it's hard sometimes because you have to watch the other car coming in. You can't get out to the intersection because you're so boxed in. It's the same on Holly Ave. Joe asked about the accident on Cynthia Ave. Beverly said they received a letter from Steve along with photographs of the curb damage from the plow. It has already been sent over to Grimmer Construction and they're going to make arrangements to repair it. Joe asked if it were because of a car being parked there and Beverly said she didn't know but would find out.

Joe said they received an email about the gun shop that's been down there forever which they buy their ammunition from. He asked why they were cited. Beverly said she thinks it was a code enforcement violation. Joe asked if it was because of people standing out there or did they change the ordinance because they've been there forever. Ben Hauser said he believes that the matter is being addressed by Mr. Truelove and Ms. Bellaspica and he doesn't think it would be appropriate to get into that discussion about it.

Joe said February 8th would have been the period up for the fence issue. He asked Ben Hauser if council sees that later on or what his guidance is on that. Ben said the letter that was the decision from the Zoning Hearing Board was January 11th that was mailed out to his office to Mr. Truelove. He then sent a letter to the resident in question. They received

correspondence today from that resident's counsel and they are taking that under advisement because there may be further action going on with that.

Joe asked about the contractor ordinance that Mr. Moser brought up. Beverly said she doesn't have what she would consider a really good answer. She did look up other municipalities that do charge a contractor a registration fee. Not a lot do. Bristol has a contractor fee of \$100.00 a year. Langhorne Manor Borough has a general contractor licensing fee of \$125.00. Quakertown Borough looks like they do charge but it's completely confusing. Tullytown does not, but they get Waste Management money. It looks like Sellersville, Silverdale and Telford do not. Those are the ones she could find online. The fee schedule is up for review by the Ordinance Committee, so they will be addressing that further, but as far back as she can tell, copies of previous fee schedules, they have always done that. Joe said there is a license from the state which he understood but are they still charging these people. Beverly said it's in the fee schedule right now and they can't be selective. It is supposed to have an annual review, but they didn't get to it because there's only so much to go around. They are having an experienced borough manager coming in who has worked with these things before who can really be an asset to help them, but they can't pile everything on him at the same time. They will be looking at the fee schedule.

Joe asked about the Wheeler issue. Beverly said the issue is not completely done yet. Mr. Wheeler will be invited to attend the meeting and there's nothing going to be done or occur unless he is in attendance. They will work around him so there's no discussion about it tonight.

NEW BUSINESS:

MOTION BY MARK MOFFA TO RATIFY APPROVAL OF THE FOLLOWING JANUARY MID-CYCLE INVOICES:

Langhorne Postmaster invoice dated 1/5/2021 in the amount of \$269.56 for sewer/refuse billing
Comcast invoice dated 1/1/2021 in the amount of \$224.71 police department internet and voice service
Comcast Invoice #114665379 dated 1/1/2021 in the amount of \$530.21 business voice edge service
Gettysburg Benefits Administrators invoice dated 12/1/2020 in the amount of \$169.59 for dental insurance
Independence Blue Cross Invoice #210108465232 dated 1/8/2021 in the amount of \$5,484.44 for medical insurance
Police Chiefs' Association of Bucks County invoice in the amount of \$100.00 for 2021 membership dues
State Worker's Insurance Fund invoice dated 12/31/2020 in the amount of \$4,251.22 for fire department's workers compensation insurance

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

MOTION BY JOHN STRATZ TO CANCEL SEWER BILLING FOR 25 BELLEVUE AVENUE AFTER INSPECTION BY BIU AND PHOTOGRAPHS PROVIDED. SECONDED BY GARY NICKERSON. Beverly said this is the basement in Fiori's that was the karate place. From the photographs provided, everything is cemented and capped off. There is nothing there. They are not connected. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

MOTION BY MARK MOFFA TO ACCEPT THE RESIGNATION OF STEVE LOWE FROM THE ZONING HEARING BOARD. SECONDED BY JOHN STRATZ. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPOINT TERRY MCINTYRE TO THE ZONING HEARING BOARD WITH THE TERMINATION DATE OF 12/31/2023. SECONDED BY MARK MOFFA. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPOINT ELIZABETH SUAREZ TO THE ZONING HEARING BOARD WITH THE TERMINATION DATE OF 12/31/21. SECONDED BY MARK MOFFA. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO HIRE RACHEL BANKS FOR THE SUBSTITUTE CROSSING GUARD POSITION. SECONDED BY MARK MOFFA. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2021-4 AUTHORIZING THE SUBMISSION OF A COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION TO REPAIR AND IMPROVE THE UTILITY ROOM AND RESTROOMS AT MEMORIAL PARK; AUTHORIZING THE PROPER OFFICERS OF THE BOROUGH TO SIGN SUCH APPLICATIONS AND TO SUBMIT SUCH APPLICATIONS AND INFORMATION AS MAY BE REQUIRED. SECONDED BY MARK MOFFA. Beverly said the bathrooms are not handicap accessible and need a lot of work. Joe Dudash asked if this included the electric down there because it's a mess. Beverly said the electric was fixed when they did the field lights. They redid that entire electrical room. Joe said, so this is for the handicap for the bathrooms. Beverly said yes. Carol Schuehler said there's also a line item to add a hot water heater into that too. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO PAY INVOICE #202023 FROM ISIDORE CONSTRUCTION COMPANY, LLC \$1,118.00 FOR EMERGENCY WORK AT THE INTERSECTION OF BELLEVUE AVENUE AND DURHAM ROAD. Beverly asked Marie if it can come out of Liquid Fuels Funds or if it comes out of the General Fund. Marie said she would contact Brian at PennDOT and make sure it can come out of liquid fuels. Beverly thinks it might qualify.

Jay Moser, 525 Hulmeville Ave., asked if that is because it is a state highway or is it because it's a sewer manhole. Beverly said it's the borough's property and they have no proof who hit it. SECONDED BY MARK MOFFA. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

Beverly said they had a meeting with the people who did the website with all of the concerns. They concluded that there is absolutely no one in this administration or council that are experts in website design and manipulation so they're coming back to them with a proposal to do some maintenance issues with the website. Laura's doing a wonderful job in the meantime. They will be bringing that before everybody once they get it but are still working on improving their now award-winning website. They want it to be better.

PERSONS TO BE HEARD:

Mike Smith, 127 Dehaven Ave., said everyone knows what he is going to say. Ben Hauser said as council knows, his office dispatched a letter last week to the property owner in question advising them that the appeal was about to expire and inviting them to alert us to their intentions. They received correspondence this afternoon from their counsel because they have obviously retained counsel. He is not going to say anything more publicly at this point. Obviously, they will probably pursue whatever remedies are available to them and they will have to go from there. Mike said they already know what that section of the code says. Once the Zoning Hearing Board ruled that there was an error, that permit is null and void and he believes that was reiterated several times in the past couple months. The fence is not in compliance. And there is no permit that authorized it so he's not sure why they're still going through this. Ben said he has nothing further to say on this matter at this time. Joe Dudash said he doesn't think he can answer because it's in litigation. Mike said he would handle it himself. He said he would take it down. Ben said the only thing he can do is advise him to seek legal counsel to determine his rights. Mike said then understand what he's saying here. He will not have a resident of this borough injured because someone made a mistake. He is done waiting for the borough to do what should be done so he will have to take the fence down himself and they can arrest him, that's fine, but he is done waiting for them to do something. He's been very patient since September and they all know that there's an issue there and someone could get hurt, if not killed. Ben said the gentleman is being recorded. He believes that's a practice at meetings. Mike said he's tried everything and he's done. Beverly said his three minutes were up.

Tom Sodano, 126 W. Woodland Ave., said to Beverly that she said three minutes again and that she mentioned that she looked into all the other boroughs that you could find regarding what they do with fees. Tom said he looked into all of them and Penndel is the only one that limits people to three minutes. Everybody else does at least five. Tom said they discussed snow and he did a survey of the borough without including the 300 block of Woodland because it's such a known problem. There were 44 vehicles on the streets of the borough that got plowed in. 14 of them were on streets that are designated as emergency. Most of those did not move for well in excess of the 12 hours that they allow people to shovel. Some were still there three days later. Tom said parking is completely different than snow shoveling which would be something that code enforcement would handle. For parking, they specify that they can ticket and/or tow. They can't tow without the police being involved. By stating it that way, they've made it the purveyance of the police to enforce that. Not code enforcement, council or the mayor. It is the Chief of Police's job to go out and give every one of those vehicles a warning and/or a ticket and if they don't move in whatever the said time is, his job is to have them towed. That's how it is written. They've automatically put themselves in that position, so they need to address this because they are really risking a lot. As for the sidewalks, Penndel Pizza went three days before they shoveled and Grimmer did not shovel all. Maybe they can request that they show them or prove that they are insured for that because then the borough is out of the loop. The problem is, since they have an ordinance and they don't enforce it, they're exposing themselves to litigation should someone fall. Since Penndel Pizza didn't move the snow until Thursday and approximately noon after that first snow which happened on a Monday, if someone had fallen, they not only could have sued him, they could have sued the borough for not enforcing the ordinance. He knows someone who made a lot of money doing that. It can be done. This person now has a great boat so it's something they should think about. Tom said on the subject of plowed in driveways, he asked if Beverly was aware that Grimmer called the police on someone for plowing his own driveway back open. The man happens to have a snowplow on his truck and when he got home, his driveway had been plowed closed and he was cleaning it up. One of the police officers showed up and informed him that Mr. Grimmer

complained that he's stealing his business. Beverly said she would look into. As Mr. Stratz pointed out in the last meeting, these ordinances are the only way they can actually make laws so when they allow people, especially in situations like this, it is in fact as he said, disgraceful, maybe they should have him check and see how all those people are politically registered because apparently he's only going to say that against certain ones of them.

Terry McIntyre, 335 Hulmeville Ave., said he read an article in Sunday's paper that says Doylestown Borough is discussing relaxed marijuana penalties. Under a possible new ordinance, those caught with less than 30 grams of marijuana in the borough could potentially face a non-traffic citation instead of a misdemeanor. The idea behind the relaxed penalties is that younger offenders have their futures negatively affected when caught with some small amount of marijuana and this would give police an alternative to charging a misdemeanor offense. From raising kids for years, some of their friends got in trouble it really impacted their ability for college applications and jobs. He was curious if council had any input, especially Joe Dudash and the mayor. He was wondering if they had any thoughts. Beverly said the two people that he directed it to, they can choose to answer or they can choose not to. Joe said he could go two ways on it. A kid smokes pot and he gets busted for it and he wants to be a cop later on in life that's one of the no no's, especially with the feds. The locals can change policy. A big laugh they used to have with the feds was suppose you are in California where it's legalized, and you went over to another state. It's still the DEA there that regulates the drug thing. For marijuana, he doesn't want to hurt it but on the second path, look what's happening to the borough with the heroin use. They just had another death. Some people say pot doesn't lead to heroin, but he believes any type of drug leads to it. You get used to one and next thing you know you're going to something heavier to get a buzz. But that's his personal belief. When he was a fed, you had to enforce it. Joe asked if this was a county or is it Pennsylvania. Terry said he thinks there's one other borough that's working on the same ordinance. He thinks the idea behind it is like 25 is the new 18. It takes a lot longer for kids to grow up and he thinks a lot of these kids are just making stupid mistakes and it follows them through trying to get into colleges and trying to get jobs because this follows their record. It's really unfortunate because kids just don't think things through probably until their mid-20's. He was just curious what his take was and if it would be something that if it passes in Doylestown and he thinks one other place, would Penn del consider it. Joe said as a representative, he would really have to do some thinking on that. Beverly said she would want more information before she even thinks about it.

Michelle Nigra, 367 W. Woodland Ave., said in reference to the first snowstorm, the chief went around to all the people and knocked on their doors and they moved their cars. They had a clear road, but the snowplow people still did not go curb to curb which on that street where she lives in particular, is very important because when everybody brings their cars back to park, it's a single lane all the way down with no room. She has a big truck and she could barely get it in her driveway. The people next door have two big vehicles and they left one on the road which meant she had to move her mirrors in to even come down the street. It's important to go curb to curb there because a lot of the people don't have driveways and there's a lot of parking on the street. Michelle asked if they could say something to them about it. Beverly said she thinks they're going to go out and do a little bit more inspections much as she really doesn't want to do that on her own personal time, but she will. Michelle said she's telling them because it might help in the long run. If people would just speak up and say hey here's what's going on, especially out there where it needs to go curb to curb. Beverly said they are supposed to be doing that.

Mike Smith, 127 Dehaven Ave., said he paid \$875.00 to go to the Zoning Hearing Board. He was told if he was awarded the approval, that money would come back to him. He asked when it is coming. Mike said it is ludicrous that he had to go there and prove his case and he's still fighting it. And why he had to spend money and is now being forced to spend more money. He asked if somebody is trying to protect one of their employees. Ben Hauser said Mr. Smith and Mr. Truelove had a discussion. He personally is not aware of any kind of refund for a zoning hearing board meeting. That money goes towards paying the Zoning Hearing Board for their time and for the court stenographer. Mr. Smith is welcome to take the issue up with Mr. Truelove. He doesn't have a position on that other than that he's never seen that done. Mike said he asked Dave back in the beginning of all this and Dave did not know the answer. Ben said he is personally not aware of any zoning hearing board that gives refunds to the victor of a zoning hearing meeting if that is the characterization of how the meeting went. The general rule is on the American rule is that each side pays its own fees. Mike said so if that's the case and he wants to make sure that he's got this completely up front, he paid money to protect the borough and now he's being screwed over by the borough. And if somebody gets hurt, which they've all talked about, it's going to be on him again. He asked when they are going to start enforcing the laws, regardless of who the person is. The employee is being allowed to do whatever he wants. You have someone that is an employee of the borough who is supposed to be protecting the laws of the borough and this borough is allowing this guy to get away with breaking the law. He asked when the borough is going to put an end to this. When somebody gets hurt or somebody gets killed? They all know that's going to happen. They all know spring is almost here and somebody is going to be walking down that sidewalk. Someone on council needs to stand up and put a foot down and say that's regardless of whether it's legal or not. Beverly said she is standing up for the laws, but the solicitor is saying what needs to be said. Mike said the fence should be taken down because that was the ruling. Ben said he believes the zoning decision speaks for itself. They have received contact from the counsel of the property owner and when they received that document, council should be advised accordingly and that's all his office has to say in this matter. Mike said so they allow an employee of the borough to get away with it.

Pat Dicken, 35 Oak Ave., said the snowplow came up Oak Ave. and decided to dump the snow at the end of Oak Ave. in front of the basketball hoop, a good 15 feet high and completely blocked half of her driveway. She sent Joe Dudash a picture. These plow people don't know how to plow. They did a terrible job and as far as making people move cars, they moved the vehicle for the first snowstorm but not the next two. They don't follow the ordinances and there again, somebody's privileged in law enforcement and they can get away with it. Beverly said next snowstorm they will be out observing on that side.

Dave Cahill, 462 Cynthia Ave., asked if Chief Perry was in attendance. Beverly said no, he's usually at the monthly meeting, the one in the beginning of the month. Dave said he was just wondering about that murder arrest on Cynthia Avenue for that overdose death. Beverly said she had absolutely nothing to say about that. Dave said he had a question for Gary Nickerson. Beverly told Gary he can choose to answer or not. Dave asked Gary if he ever called a taxpaying resident in Pennel Borough a stalker. Dave said he guesses that's no answer. Beverly said he may choose to answer or not. He's not answering and that's his right. Dave said he's going to take that as a no. Dave asked Beverly if she has ever called a taxpaying resident in Pennel Borough a horrid bully and did she make a comment to hire an attorney that would take care of that certain horrid bully in Pennel. Beverly said horrid bully, hire an attorney to take care of said bully. She asked if she understood him correctly. Dave said correct. Beverly said no comment. Dave said no comment. He thought there would be no comment. Dave asked if the issue of the plow driver come up about plowing out a borough

employee's driveway. Beverly said no, but they are aware of it and of course everybody and their brother saw the video. It has been dealt with. Dave said, ok very good. He has no more questions.

COUNCIL MEMBERS TO BE HEARD:

Mark Moffa explained why they are adding this new section to the agenda. The purpose is to discourage the unlimited back and forth during public comment which they just saw a little bit of it and to kind of encourage a process. The Neshaminy School Board does a very good job of this where the public has it's time and he begs to differ with Mr. Sodano because he's been to many borough meetings where there are three-minute limits. They might not publish it on an agenda that you can find online, but when you attend the meetings, they announce there's a three-minute limit and the public talks and instead of this grilling of council members, which is not part of what normally happens in a normal meeting. They do this here in Penndel. You get three minutes and then there's a round robin of council members and each council member has an opportunity to address the issues that were just brought up by the public. Some of the things they saw last year, like the meeting with a 40 minute back and forth with the contractor about curbs. They are trying to eliminate that sort of thing that lets these meetings drag on without resolution. The public states their case and council members can respond and that's what the purpose of this part of the agenda is. In other words, the last part wouldn't have really gone the way it just did and then they'd all now have this like round robin of like oh hey Mr. Sodano said this and I have an answer. Ms. Nigra said this I have an answer and so on and so forth. So, for Ms. Nigra and the curb-to-curb issue, he was part of the discussions with the contractor that occurred after the first storm where he thinks they all thought in general it was a fairly poor job. On his street, they've done curb to curb very well and all the subsequent storms and they've cleaned up the intersections that he can see out of his window. He's heard the complaints about Oak and Holly from Mr. Dudash and he just heard Pat's complaint about her street. They are trying to keep on top of that contractor so they will share those concerns with him. He has seen marked improvement from where they started and he hopes they will continue to do that and will be pointing out problem spots like Pat has a problem spot at the end of the cul-de-sac which tend to get snow dumped on them. They will make sure they're not blocking driveways. As far as Mr. Smith's case, he had a conversation with Mr. Smith for quite some time today. He thinks he is surprised on where he stands and the fact that we were not ignoring his case and that this is in negotiations.

Gary Nickerson responded to Mr. Cahill. Members of council and people in the community were sent a video that appeared to be the borough contractor plowing a borough employee's driveway. He believes that's the text that he got. The message was sent alleging that Mr. Cahill was walking around following the contractor and he replied he doesn't know what's more disturbing, that the plow would be plowing out a borough employee's driveway or Mr. Cahill stalking the plow contractor. When he heard about this, he drove around and took a look at the situation and then spoke with the council president about the situation and she was aware of it and she assured him that this was a situation where the borough employee was out, and she was plowing the driveway and he guesses the contractor did that and he thinks the council president said that she spoke with the employee and that this is something that's never supposed to happen. Beverly said it won't happen again.

Joe Dudash said there were rumors going around that they are missing a BIU employee. He asked if it was zoning. Beverly said they had a person quit and it was the code enforcement officer. She said the business of the borough must continue and from what she understands, they have been. Joe said he finds it interesting with the borough that things seem to keep

coming down to one thing and they've had discussions on the Wheeler thing or other contract projects that the borough has done, and it always leads down to safety. He doesn't know what the deal with them is and they just put it on the back burner because like everybody is saying, this ordinance is a mess. He's got the fire company guys, the trucks, pedestrians, and if something happens over at Mike's. They're talking about taking care of the handicap down at the rec which is great. They do have handicap people around here in Penndel. Suppose somebody walks down near that fence. There you go. They could get hit with liability issues like Philly did with a DA and then next thing you know you guys saw what happened down at the capitol. They could start parking wheelchairs at the borough hall. They have to look at what other consequences are coming out of this. They look at one thing and they say it's a safety issue. We'll let it go, but it seems like every time we turn around there's a safety issue. Even with the snowplow guy. He's got to deal with these parked cars. It's a safety issue plus liability. He said Beverly helped him out with the whole snow thing. He knows she contacted him to get this stuff done and they did. He thinks they're lacking in enforcing these ordinances. He knows there's laws and all, but you have to look at other things too. He thinks they need to sit down and really look at this stuff, but he thinks they have too much on their plates. They need to look at the most important pieces like snow and the fence. He thinks they're stretching themselves too thin and you can't have the poor manager come in and dump this on him and say you've got problems. The candidates both admitted it would take six months just to get borough hall straight. He thinks they need to get moving on these little things and get them resolved.

Beverly Wolfe said Mr. Sodano's information is valuable and thanked him for giving her some statistics. They need to look at how they enforce ordinances. To Terry, she said she wants to look at what Doylestown is doing before she says anything. To Michelle, she said she heard her loud and clear and they're going to try to take care of that. To Dave, she said she heard him loud and clear and she is still trying to digest what he said to her. They received correspondence from the state about the Hulmeville Ave. bridge, which she at first completely freaked out about, but Carol Schuehler calmed her down and explained it to her that it probably wasn't as bad as she thought. PennDOT, and everybody involved with the bridge replacement, has had a deadline of what she thinks was this December to have that bridge completed. There was an extension on the original request and she thinks back in 2016 they were supposed to have that done. They petitioned the state one more time and extended it out to December 31st, 2023 but that does not mean that that's when they're going to do it. It means that they've asked for an extension in case they have any more delays or any more problems with getting the bridge replaced. There's nothing they can do about it. It's a delicate dance between PennDOT, the state and CSX, which is the one who basically controls the show about when that bridge can be replaced because it's going to stop their train traffic and that costs them money, so it's all a matter of those folks getting their act together. She doesn't think it will take that long.

MOTION BY JOHN STRATZ TO ADJOURN THE MEETING AT 9:47 P.M. SECONDED BY MARK MOFFA. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer