

Penndel Borough Council Meeting  
Via Zoom Communications

March 1, 2021

Council President Beverly Wolfe called the meeting via Zoom Communications to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the meeting via Zoom Communications

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

Also present via Zoom Communications

Dave Truelove, Solicitor, Hill Wallack  
Carol Schuehler, Value Engineering  
Chief Sean Perry  
Marie Serota, Secretary/Treasurer

Announcements

Beverly Wolfe asked Karen Kondrk if she was able to reach Estelle Kristiniak. Karen said she did, but Estelle had a bad day and wasn't up to being at the meeting. Beverly said she just wanted to give her the courtesy of being in attendance for Ted Kristiniak's resolution.

Consent Items

MOTION BY JOHN STATZ TO APPROVE THE MINUTES OF THE FEBRUARY 16, 2021 WORK SESSION. SECONDED BY BARBARA HEFFELFINGER. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE BILLS FOR THE MONTH OF FEBRUARY 2021. SECONDED BY MARK MOFFA. **Tom Sodano, 126 W. Woodland Ave.**, said it was easy to open the agenda but there were no figures for the voucher, only dollar signs. Beverly said they would get that corrected. Beverly read the voucher. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. All ayes, motion carried.

President's Report

Beverly Wolfe said that they talked about the RACP grant several times in the past two or three years. While they did get the amount that they wanted which was 1.3 million for borough hall improvements, a wrench has been thrown in the works with the requirements which she is assuming is due to lack of funds. The requirements for these grants are now 50% match and out of 1.3 million, that's undoable. They are going to see if they can stack a couple grants. They have very little time so they will report back on if they're successful or not. That was to expand borough hall and remodel so it could be an emergency center if there was an

emergency such as Superstorm Sandy. For Schoolhouse Court, Hill Wallack is working on the Homeowner's Association Agreement.

#### Mayor's Report

Mayor Winkler read his report which is attached.

Bob reported that he spent all day in the basement pumping out water. He doesn't know if the pipe going outside froze up or if it was loaded up with material, but it blew the pipe apart downstairs and the sump pump wasn't working. There was about 10-12 inches of water in the basement and the fire company came and pumped it out. Because of that, there was no heat in the building. He's hoping they got some heat back because with the cold temperature, the pipes could freeze.

#### Chief's Report

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

#### Engineer's Report

Carol Schuehler read her report which is attached.

Gary Nickerson asked if the hydrodynamic water quality inlet was part of the 537 Plan. Carol said it was actually part of the MS4 which is about storm sewers and improving the water quality to creeks and waterways. This inlet is something that captures the runoff from a good portion of the borough and works to filter out some of the sediment and suspended solids before it gets discharged down below to Chubb Run.

MOTION BY MARK MOFFA TO AUTHORIZE VALUE ENGINEERING TO PROCEED WITH THE PROJECT SURVEY AND DESIGN FOR THE WALKER AVE. RESTORATION.  
SECONDED BY BARBARA HEFFELFINGER. Gary asked if this is a requirement as part of MS4 or are they under some sort of requirement to reduce the TSS to these adjacent streams. Carol said it's the requirement for the pollution reduction plan and the TMDL plans for the Neshaminy Creek. This was initially proposed in the original MS4 plan and was slightly modified to bring it back a little further into the borough with the final submission that they prepared. This is something that the borough is committed to do as part of the MS4 permit in both the PRP and the TMDL plans. PRP is a pollution reduction plan and total maximum daily load is what TMDL stands for and both of these relate to sediments and suspended solids in particular into the Neshaminy Creek. Beverly said they tried at least one other time to get this grant and they were turned down. They reapplied and got it this time. Gary asked what the anticipated cost is. Beverly asked Carol what the grant amount was. Carol said she thinks it was in the \$200,000.00 range. She said the probable construction cost was estimated at \$201,962.00 and the total probable project cost was estimated at \$234,000.00. This was 85% funded by the grant that was received for this project. This is a big thing for Penndel. It will go a long way towards meeting the MS4 requirements. Gary asked what maintenance is involved in this inlet. Carol said in the grant budget, there is some cost for the initial year or two of maintenance but what will need to happen is the borough will need to have a vacuum truck out there to clean out this facility. Gary said he works with a lot of stormwater engineers and they say these structures are only as good as the maintenance plan. He asked what it costs to have one of these serviced. Carol said ideally they would get them aligned with other things being worked on in the borough to reduce the cost. Vacuum trucks usually are by a day or 1/2-day rate. She said for a part day it will probably be over \$1,000.00. Gary said he wasn't sure if this was something that a human could go down or if you had to contract with somebody to come out and suck it up. Carol said you would need it sucked out because it's going to be deep and

is going to be taking quite a bit of acreage. Mark Moffa asked how often that service would be needed. Carol said they will have to see how quickly it gets loaded with the kind of acreage they will be sending to it. She said it will not be less than once a year. They're going to have to see how quickly it loads taking stormwater from the borough streets and neighborhoods to see if it needs to be cleaned more often. Joe Dudash said he guesses with people dumping leaves and everything in the storm drains, it's going to make it a higher cost per year. Carol said any suspended solids going into the storm drain system will add to it. Joe said, so enforcing the ordinances which they're not doing is a big part of it. Joe asked what other options they have besides that system. Carol said that was the system selected in their MS4 program and that was advertised and discussed at public meetings before it was forwarded to DEP, so it's a major undertaking to decide to change what they're doing. It's to a specific structure with specific rates of sediment removal. She will look to see if any new structures have come on the market that have similar rates of sediment removal. She should talk to councilmember Nickerson as they go forward as he may know of some structures from his professional experience. They will look to see if there are any other options out there besides the one that was chosen a couple years ago. They're sort of locked into this location and this type of facility based on the public hearings that were held to enact this MS4 plan years ago. Carol said it's just general estimates. Joe said they need to be attacking the ordinance otherwise they could have the truck there twice a year. He said he saw the one when he was living in Bethesda and they were getting plastic bags and everything else in it. Beverly said there is other sediment in there that's even more harmful to the watershed like the runoff of oils and contaminants on the streets and in the gutters. Joe said they have to do what Carol wants and do the ordinance at the same time. Mark asked him if he meant they can cite people for dumping the leaves. Joe said yes because it's a big problem. Mark said they were told they couldn't cite until they address that in the ordinance book. Joe said he really didn't get a conclusion. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. All ayes, motion carried.

Mark asked if Carol could give a brief presentation to them saying this is the thing that got funded and this is what it's doing. Carol said she would put together just a couple of slides that show what this is, where this is and why it is.

#### Zoning/Code Enforcement Report

Mark Moffa read the report which is on file in the secretary's office.

#### Fire Marshal/Emergency Management Report

Beverly Wolfe read the report which is on file in the secretary's office.

Joe said Nick was saying once Schoolhouse Court is completed, they would have trouble with the fire trucks getting in there. Beverly said that's part of the homeowner association thing that she mentioned. Part of the contingency on that development was that it has to be kept clear of cars parking on both sides. The original plans were that the roadway was wide enough that the truck could get in without any obstacles. Chief Perry said he had some conversations as well, did some research on his own regarding that, and he believes in order for them to enforce those parking regulations there would have to be an ordinance passed by council designating that as a no parking zone. He checked with the local magistrate and with the DA's office and they have the same opinion as well. Beverly said they are concerned about the HOA Agreement and Dave Truelove will look into that. Dave said his colleague has been working on that and should be talking to Beverly later this week and hopefully get that information finalized for everybody.

### **COMMITTEE REPORTS:**

Beverly asked council to get back to her on their days and times of the week that they're going to have their committee meetings so they can advertise at the work session. Barbara Heffelfinger asked if they are to be Zoom meetings or if they can be in borough hall. Beverly said the committee meetings have to be public so they have to be on Zoom until restrictions eased up and they will figure out a way to set it up.

Joe Dudash said he thought they weren't going to do that. Beverly said you have to advertise, and you don't want to do that for each meeting. Joe said for building and maintenance, how many times are you going to have a meeting. Dave Truelove said you could cancel the meeting and give notice. You want to have a regular schedule even if you're not going to meet. You say that you target these dates and then you can cancel that way you don't incur the advertising cost for ad hoc meetings. If you want to change a meeting, you can always do that through the website. You just have to establish an advertisement so people know about these meetings. You can decide to not have those meetings as often, but this way at least there's something the public can look at. If you're going to have a meeting, you can have an agenda and have discussions. If you have the meetings scheduled, you're presuming some type of schedule. Instead of 10 meetings you have 5, at least that way you can give a week or two notice to say we're not going to have the meeting this month but will next month. That way you're not having to readvertise every time. Beverly said you have to publicize it, but you do not have to advertise it. Joe said she should look in the minutes because he thought they weren't going to do them. Beverly said at that time they weren't going to because there were a lot of things going on, but it was made very clear that they were going to.

#### Administration/Cable

Mark Moffa reported that the focus of the administration committee has been on boarding the borough manager. There are some items related to that coming up both in executive session and on the agenda tonight so we will continue to talk about that. Right now, it's getting everything in place, his job description and ordering the things needed.

#### Buildings & Maintenance

Joe Dudash reported that they have some problems with the heater and hot water heater which he and Gary are working on with Marie. He said he imagines Mr. Diaz was downstairs helping pump out the water. Barbara Heffelfinger said he was. Joe said he and Gary will get together and move the mayor's cubical over to the police station as he is the chief law enforcement officer. They have to get the manager's room ready. Barbara asked when that was decided because that's not what she was told. Joe said that's what he was told. Beverly said they were going to break into an executive session and they can discuss that in there and bring it back out. Beverly said they originally said they were going to do that, but they can't. Joe asked why they can't. Dave Truelove said they will discuss that in the executive session and hopefully it will clear the air on that.

#### Community Development

Beverly Wolfe reported that they are trying to proceed on the RDA grants for the building. Barbara asked who is doing that. Beverly said she is because she was the one who reached out to Gilmore in the first place. The architect works for them and is the one that they met. She was very impressed. Barbara said she would like an update on that so she would know what's going on since she is the chair. Beverly said as soon as she has something to tell her she will.

### Community Relations

Laura Germain reported that the newsletter is almost done. She was trying to get it out in February, but it took a long time to figure out and navigate the programming. She will be sending it out for the first round of proofreading this week. Mark said he will write the cover story for her. She is hoping to have it done next week and mailed either next week or early the week after. As they heard last meeting, they did win an honoree award for the newsletter from the PSAB so she will put a little thing in the newsletter about that because anything that's positive about Penndel is good for all of them. They just had the Valentine's event in lieu of their normal party and people picked up little valentine's bags from borough hall. She thanked Marie and Karen for giving them out. She's had a lot of Coronavirus events in the last year and they have been helpful giving the stuff to people who come and letting her know when they are out and need more supplies. They've gotten really good feedback from people about trying to have as much community spirit as they can in this very tough time. She's going to circle around and start doing what she did last year. She had the safari in April and will probably try to do that again. As was mentioned last meeting, they did have a meeting with the web people and it was really helpful. It clarified some things that she can do herself and things that she can't do herself. At their next committee meeting she will talk to Barbara to go over the proposal and bring it to council. They did win second place for the website from the PSAB contest, so she is going to ask them to add a little thing that says Penndel's award-winning website.

### Finance

Barbara Heffelfinger reported that the announcement came out that they will be getting 7% less in Liquid Fuels this year because of Covid.

Beverly Wolfe reported they received the final invoice from Gilmore on the work they did for the RDA grant for their architect and their services in the design.

Beverly thanked Marie and anyone else who helped for the work done for the COVID-19 costs that were submitted to FEMA. The first submission were extra hours for cleaning, supplies and PPE and was for \$4,200.00. They paid 75% of that for about \$,3200.00. They submitted again for another \$2,600.00 and they're paying them 100% reimbursement for that and they're also going to cover the 25% of the first submission that was deducted which is another \$1,000.00. That means they got what they asked for in full. The next reimbursement will be close to \$4,000.00. The total of both payments to the borough for Covid reimbursement is \$6,935.81. The regulations have changed since September 15<sup>th</sup> and they will only be covering expenses directly related to Covid exposure, not prevention. The county also reimbursed them in January for \$1,800.00 for Zoom expenses and \$1,500.00 that they paid to Servpro for the insurance for Covid cleaning.

### Insurance/Pensions

Gary Nickerson said all of their policies are kicking and he has been getting all of the copies of the policies. They did get a refund on one which was kind of cool but nothing really too much going on. Most of this stuff was done in the fall when they were shopping around. Gary asked if they would still warrant having an actual committee for insurance and pensions or if this was something they envisioned the borough manager taking on. Beverly said they don't know yet. She envisions that everything will change. She believes they will become the advisory panel that they should be and not the doers. The person who will be the resident expert in addition to the staff will be the one that would be doing things. They will no longer have to be the experts. Mark said the manager would become the person who is the chief liaison with the broker as opposed to the actual committee persons doing that except when there are decisions to be made. He would go to the committee who would take everything under consideration and to

seven members of the council for anything that needs a vote. They will discuss in the executive session how much time he has, what would be thrown at him and not thrown at him as they onboard him in this first year. There will be a transition period. The refund that Gary mentioned is from their audit. EMC does a premium audit statement every year and he believes it's because the way the insurance works. A portion of it is based on the estimated salaries of the employees and theirs came in a little lower than what they had budgeted, so there was a \$629.00 rebate on that.

### Open Space

John Stratz reported that on March 10th he will be joining TMA Bucks (Transportation Management Association) in their online seminar to learn the do's and don'ts of trail planning and design for review and discussion of local case studies and strategies for trail planning such as evaluating alignments identifying funding and engaging the public for their input.

Joe Dudash reported they took care of that tree over at 176 Holly Ave. that was leaning over the house. All bills should have been sent to Marie for all of the tree work.

### Ordinance

Mark Moffa reported that on Wednesday, that they had an impromptu ordinance meeting regarding parking issues. There will be some activity coming up soon about what they need straightened out with their law firm to figure out what they can and can't and should and should not do regarding handicap spots on the streets. For the larger ordinance issues, there is a meeting coming up this week, so they'll be diving back into all the good things that are on the table like curbs and sidewalks and fences.

### Public Safety

Beverly Wolfe reported she was in attendance for the interviews of three candidates for new police hires and was very impressed by the screening the chief does. It was a very thorough one. The two candidates were really great candidates for part time police officers. The vote would be to hire them contingent on fully completing background checks and meeting all the MPOETC requirements. Joe Dudash asked if they are short police officers. Beverly said she believes they are losing a couple of officers. Joe said they have backup officers so can't they fill one of the slots. Chief Perry said they have one officer that is leaving and just turned in his resignation letter. He's going to be leaving at the end of March, early April. There are two other officers who are in the hiring process for full time positions at other police departments and there's a good chance that they're going to probably leave in the very near future. These two hired would be covering those positions. He would like them to be trained and ready to be covering the street on their own prior to those officers potentially leaving. With hiring officers part time and giving them experience, they then become more marketable. These three officers are applying and are going through the process with other departments for full time positions, so they are asking to hire these two and get them started in the near future. Joe asked if they are just out of the academy or if they have prior law enforcement. The chief said one of them is a firefighter and just graduated the police academy, the other one does not have any police experience but does have the academy under his belt. Joe asked what that would bring them to. The chief said it would put them at 13 part time officers and if those three leave that would put them back at 11. The chief said they have wide open availability as far as the hours they can work so that makes them very marketable to them just having them being available to work any hours.

MOTION BY BARBARA HEFFELFINGER TO HIRE POLICE OFFICERS DEREK WEISS AND MICHAEL MATECKI CONTINGENT ON THEM FULLY COMPLETING THEIR BACKGROUND CHECKS AND MEETING ALL THE MPOTETC REQUIREMENTS. SECONDED BY JOHN STRATZ. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe. All ayes, motion carried.

#### Public Works

John Stratz reported that after the snow, it leaves potholes. He asked the public to please call in to borough hall with any pothole sightings because it will help him immensely.

For sewer, they had a little bit of a setback in the upgrade of the pipe due to weather. He is keeping his fingers crossed that the snow is done and the work will start soon.

Gary Nickerson asked about patching potholes on state roads. He saw a giant pothole near 435 Hulmeville Ave. that looks like a tire popper. John said it is a state road and PennDOT has complete jurisdiction of that. They do not allow them to do anything because they are responsible for the road. If you break your axle in a pothole, you can go to PennDOT, but they might laugh at you and if you get a response is anybody's guess. Beverly said they can put this out on the website that the number to call PennDOT about potholes is 1-800-FIXROAD. The potholes on Hulmeville Ave. are terrible. Terry McIntyre has mentioned that many times. She's called them in and talked to a couple of contacts there and left messages. With the weather they've had, they don't have much of a window to get around to every single pothole.

#### Long Range Finance

Gary Nickerson reported that they didn't meet last month and he's really not sure if it makes sense for them to meet this month moving forward since he has major questions with even pursuing the LERTA. He thinks there's alternatives that might be better suited for the borough and he is still waiting to kind of hear back from the solicitor to find out a little bit more about that.

#### Revitalization Task Force

Mark Moffa reported that they haven't met. They are looking to bring the manager on the scene next month and then have a meeting shortly thereafter to sort of bring him into the loop and restart that task force.

#### ***BREAK FOR EXECUTIVE SESSION***

The executive session started at 8:40pm and ended at 9:56pm. Dave Truelove reported that all council members, the mayor, as well as himself were present for the executive session which was about litigation, personnel, and informational items as well as some confidential items that were discussed.

#### Old Business

MOTION BY MARK MOFFA TO APPROVE THE PURCHASE OF ITEMS NEEDED FOR THE BOROUGH MANAGER IN AN AMOUNT NOT TO EXCEED \$8,000.00. SECONDED BY GARY NICKERSON. ***Mike Smith, 127 Dehaven Ave.***, asked what the items are that are costing \$8,000.00. Mark said these are costs associated with preparing the back room and renovating it and turning it into the manager's office. Also included in this motion are the costs of moving the mayor's office out of Karen's space and into the borough hall area. Other items that are included within those would be the desk, chair, printer and computer for the manager. They know the cost of specific items that they are going to purchase and then tried to estimate what additional costs might be needed to finish that job and that's how they arrived at the \$8,000.00. Mike said if that includes getting Bob out of borough hall, he's all for them spending his money.

Mark clarified that is moving the mayor's office out of Karen's space because they need to secure some files in that space and create a new space for the mayor in the main hall area. Joe asked where the money is coming from. Beverly said it is coming from the capital reserve account which will be replenished with the money they're going to be getting in. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes. All ayes, motion carried.

#### New Business

Beverly Wolfe read Resolution #2021-5 honoring Theodore Kristiniak, Jr. which is attached.

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2021-5 HONORING THEODORE KRISTINIAK, JR. SECONDED BY JOE DUDASH. Barbara Heffelfinger said, a couple of years ago, they had honored people in the borough who have given extraordinary service to the country as well as the borough. She asked if they could get Ted's name added to that plaque. Beverly said they would look into that. They are going to include a certificate of appreciation within the display that they're going to present to his widow along with copies of this resolution signed by each member of council and the mayor. Beverly said she likes doing things to honor people in this community that go above and beyond. Ted served the community his entire life and the country.

**Mike Smith, 127 Dehaven Ave.**, said if borough council would allow it, he would like to donate a bench and somehow get Ted's name on the bench and put it on the corner where he stood for many years. Beverly said she liked the idea and would look into it. Mike said to let him know the amount and he will give that check to whoever needs it.

Mark said it was surprising to him to see Ted and Estella when he moved to Penndel. He knew them from Lower Makefield because he was involved in the creation of a new Lions' Club which was the Yardley Makefield chapter and Estella was a Lion so she would come to all their meetings and Ted would come with her. He knew them for years and when he came to Penndel and started coming to borough council meetings, he was surprised to see that they were sitting in the audience. He did not know this is where they lived. It was wonderful to sort of see the engagement in the community. He just feels like he keeps learning about more and more people who have just devoted their whole lives to this community and Ted knew so many people. Dave Truelove said when he came back as solicitor, he was surprised to see them sitting in the audience as well. Beverly said it's going to be tough when they go back to live meetings to not see him sitting in the back corner. Mark said he always went up to them after the meeting to see how they were doing. Joe said he was a fixture at the Sunoco and KM Auto. Beverly said when Estella is up to it, they need to tell her all of the stories about Ted. They should be honoring people for what they do.

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

MOTION BY MARK MOFFA TO RATIFY AND APPROVE THE MID-CYCLE INVOICES AS LISTED ON THE AGENDA. SECONDED BY BARBARA HEFFELFINGER. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. All ayes, motion carried.

MOTION TO PAY PENNDOT INVOICE #1802593099 IN THE AMOUNT OF \$1,427.00 FOR MANHOLE AND INLET ADJUSTMENTS ON LINCOLN HWY., WHICH WAS A PORTION OF

RESURFACING PROJECT GROUP 6-17-BD8. Carol Schuehler explained that the borough signed a master casting agreement with PennDOT. The borough is technically responsible for adjustments to manholes and storm drains if they are needed along a road when it's repaved. Instead of the borough trying to coordinate that and do that themselves, there's a contractor on-site but there's a master casting agreement signed whereby the borough says they will pay PennDOT for the contractor doing that work on the borough's behalf. There was a master casting agreement signed a few years ago for doing up to \$5,000.00 worth of work. The actual bill ended up being much lower, so this is the cost the borough is going to spend to address the adjustments that were made to mostly sanitary sewer manholes and storm inlets on Lincoln Highway when the repaving project was undertaken. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. All ayes, motion carried.

Mark Moffa reported that for the borough manager job description and contract, both which were finalized today, they will do that at the next meeting to give council more time to review and give input.

Dave Truelove reported that there was a Zoning Hearing Board hearing in January and the decision was issued that had to deal with the fence placed at the corner of Dehaven and Hulmeville Aves. The property owner Mr. Darnley and his wife who erected the fence, have appealed the Zoning Hearing Board decision through the Court of Common Pleas. Based upon their review of the appeal information, he would request the council authorize their office to intervene on behalf of the borough as a party to the Court of Common Pleas matter.

MOTION BY MARK MOFFA TO AUTHORIZE HILL WALLACK TO INTERVENE ON THE DARNLEY APPEAL ON BEHALF OF THE BOROUGH AS A PARTY TO THE COURT OF COMMON PLEAS. SECONDED BY BARBARA HEFFELFINGER. Mike Smith asked if there was a hearing date yet and Dave Truelove said no. He said a lot can happen between now when they intervene and whenever any hearing has been scheduled. Mike asked if it was going to be his office or Bernadette. Dave said it could be her but they're being authorized to do it. She also may participate. It depends on what the council wants to do with that. He thought at least initially it should be his office and then she could also because she represents a separate entity which is the Zoning Hearing Board. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. All ayes, motion carried.

Dave said the only way that the borough gets leverage is to be a party. Leverage converts itself into the ability to discuss any kind of resolution possible. He's not saying there will be negotiations, but they can't negotiate without being a party. Mike asked if he would be notified if this does go to county court. Dave said it is going to county court. Mike said if there are no negotiations and it does go, would he be notified. Dave said he would. He can't imagine he wouldn't be called as a witness in the case. Any affected property owner would be part of it.

Beverly Wolfe reported that there was another issue of a sewer billing error for the Marrazzo property on Lincoln Ave. They were being billed for two sewer connections where they really only had one. It was researched, they are correct. They never did have two for that building. They owe them a refund not going back to when they acquired the property in 2013 but going back to the legal limit that they can which would be the last quarter of 2016 which would be four years and the total amount to be refunded is \$4,557.42. Dave said as outlined in the letter sent to Mr. Marrazzo by their office. The draft would be sent to Mr. Marrazzo for final settlement.

MOTION BY BEVERLY WOLFE TO APPROVE SETTLEMENT WITH THE MARRAZZO COMPANY ON LINCOLN AVE. WITH THEIR DUAL SEWER BILLINGS FROM BACK TO 2016 IN THE AMOUNT OF \$4,557.42 AS DETAILED IN THE LETTER AND ATTACHED DOCUMENTATION. Dave Truelove said just to be clear, the actual name of the property owners is Laundry Properties, LLC. SECONDED BY MARK MOFFA. Terry McIntyre, 335 Hulmeville Ave., asked if it is one entity with one EDU. Beverly said yes. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, no, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. Motion carried, 6-1 (Barbara Heffelfinger no.)

Persons to be Heard

**Tom Sodano, 126 W. Woodland Ave.**, said that he finds the direction this council is taking this borough disturbing. This council's actions are a perfect example of the dangers of a one-party rule. Some examples include showing favoritism to borough employees including but not limited to police officers resulting in safety issues exposing the borough to liability and/or litigation. The owner of 152 Monroe gets preferential treatment. Apparently, his tenants are allowed to block Crescent St. with their plowed snow time and again affecting the safety of the residents and it's ignored. In 2020, under the cover of pandemic darkness, this council chose to ignore the recommendations of the Long-Range Finance Committee and impose an EIT at twice the rate they had recommended. The tax will remind you that was originally proposed 10 years ago by bipartisan council at half the current rate and with a larger property tax rebate. How much better would the borough's financial situation be today if the hold over council members from those years have been telling the truth when they spoke of working across the aisle. This three-minute rule for persons to be heard is a disgrace. Using School Board meetings as justification is ludicrous. Neshaminy schools have over 8,800 students, nearly 5,000 families. School board meetings regularly draw hundreds of participants in comparison to borough council meetings. The 02/16/21 meeting had a standing number of 17 with high point of 18. This included five council, the solicitor, engineer, mayor, two borough employees and three appointed committee or board members. Open participation by three or four residents and you choose to limit them to three minutes even after they patiently sat through the wanderings of the council president, bloviation's of council members and their partisan rantings against officials of neighboring municipalities. And there are no time limits on any of these so-called reports or any of your personal political opinions. Now comes this most recent adult to us residents. The end of meeting responses by councilmembers or more accurately whine and cry time. I remind you people you sought these positions. You knew from how you treated council members not of your party that horribly unfair things were likely to be said. So, I find myself in a situation where I'm completely at odds with the codes and morals of this administration and as the only person currently affiliated with the borough who is not registered in your party, I'm embarrassed to be so affiliated. For that reason, I'm hereby resigning my position on the Penndel Borough Planning Commission effective immediately. You will have my resignation in writing in the morning. In closing, we should like to remind you to signify the ending of your so-called responses, please signal we in the audience with the appropriate phrase for such childishness which I believe is nanny, nanny, boo, boo. Thank you for your time.

**Mike Smith, 127 Dehaven Ave.**, said years ago, when the streets were redone, there were curbs and sidewalks on Dehaven Ave. that were not replaced or repaired or anything. To this day, they are deteriorating bad and he's pretty sure this falls in a little bit with what Tom just said about the protection of employees and he thinks they will realize what property he's talking about. Right next door to him where the fence is. The curbs are disgraceful. There's only one person on this street that did not do what was mandated by the borough. Those curbs and sidewalks remain terrible. He believes that in the maintenance portion of the code, either the

code official or zoning official or maybe even Carol would go around and decide what curbs don't hold up to the standards of the borough. He wants to know when this is going to be done. Nobody on this street waited. That's the only property that has never done the curbs and sidewalks. He said this is what they talked about a little while ago, above the law. Beverly asked what the address is. Mike said 411 Hulmeville Ave. right where this sign is. Beverly said she has a recap of the 2016 and 2017 roads' program and she's looking for the address. He's just wondering why they went through this fiasco on Bellevue Ave. about a corner of a sidewalk when they have curbs that are disgraceful, and they have other ones on the street that are maintained. This stuff just doesn't get done. He asked if they have or don't have that enforcement under the code. He said he already knows the answer to it but thinks it should be brought out. Beverly said she couldn't answer his question right now and would have an answer by the next meeting. Mike said he thinks Dave can answer the question. He asked if there is a section in the code that calls for the maintenance of curbs and sidewalks that they could send around the code official or the zoning officer, whosever job that is, to enforce those curbs and sidewalks to be repaired. Dave said he believes that's correct. Based upon an engineer's review of the particular sidewalks and curbs, he'd have to look at the code section, but his general recollection is that's true. Beverly said next meeting she will have an answer for him.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN. SECONDED BY MARK MOFFA. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Laura Germain, yes, Beverly Wolfe, yes. All ayes, motion carried.

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