

COUNCIL MEETING

March 2, 2020

Council President Beverly Wolfe called the meeting of the Penn del Borough Council to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the meeting

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

Also present

Dave Truelove, Solicitor, Hill Wallack
Carol Schuehler, Value Engineering
Rick Halbom, Barry Isett & Associates
Marie Serota, Borough Secretary/Treasurer

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE FEBRUARY 18, 2020 WORK SESSION AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF FEBRUARY:

General Fund	\$49,957.01
Refuse Fund	\$ 653.83
Sewer Fund	\$41,335.23
Sewer Capital Fund	\$ 4,287.75
Liquid Fuel Fund	\$ 4,234.36
Escrow Fund	\$ 4,575.05
Payroll Fund	\$ 569.56

Payroll

General Fund	\$21,522.42
Sewer Fund	\$ 3,344.63
Refuse Fund	<u>\$ 557.41</u>
Total	\$25,424.46

Escrow Bills:

Mill Creek 2:	
Value Engineering	\$ 213.75
Schoolhouse Court:	
Value Engineering:	\$ 838.50
Auto Zone:	
Hill Wallack	\$3,471.80
Value Engineering	\$ 51.00

Pre-paid Check

Check #13050 dated February 18, 2020 made out to Police Chiefs Association of Bucks County in the amount of \$100.00 for 2020 dues

SECONDED BY MARK MOFFA. All ayes, motion carried.

Mayor's Report

Mayor Winkler read his report which is on file in the secretary's office.

Chief's Report

Mayor Winkler read the chief's report which is on file in the secretary's office.

Engineer's Report

Carol Schuehler read her report which is attached.

Mark Moffa asked how Carol came upon utilizing the architect Jessica. Carol said that Jessica is related to a structural engineer that she has worked with in the past. She reached out to him for Jessica's contact information. She reached out to her and she came down and met with Barbara Heffelfinger and herself. She is the daughter of a friend which is the simple connection. Carol said she tried another architect that she was given the number for but she didn't have much success. They are on a very tight timeline.

Gary Nickerson asked about the lighting and the delay. He asked Carol if she had any idea when they would start. Carol said it's when the lights are delivered and that's a big question mark right now with China. When she finds out more, she will let them know. It was about two weeks ago when she got the email. Everybody is curious when this is going to straighten out. The lights are coming from China and we knew there would be a 10 week or more delay in getting them. Now it's going to be a longer delay with getting them made and shipped with the Corona Virus issues. Gary said his concern was with opening day coming up. He asked if she thought they would receive the lights before or after or we really have no clue. Carol said she has no clue at this point. It's out of our control. John Stratz said it took him a year and a half working for the streetlights. Beverly Wolfe said she does a lot of business with factories in China and they are pushing orders back, anywhere from 6-12 weeks due to the virus and lack of workers.

Code Enforcement Report

Rick Halbom read his report which is on file in the secretary's office.

COMMITTEE REPORTS:

Community Development

Barbara Heffelfinger said in response to what Carol said about the CDBG grant. They went down to the field and she was not happy with the condition of the bathrooms and there is a hole in the utility room with boards over it. They took Rick Halbom down there and he looked things over and confirmed what the architect said. Rick said it needed to work for both ADA and aesthetics. The architect was on top of everything. She was very classy and knew her stuff and she recommends that the architect should be given the contract to do the work.

Community Relations

Laura Germain said on March 16th they are going to have the Women's History Month celebration from 6:00 p.m. – 7:00 p.m. at the borough hall. There will be several women's

groups coming and a bunch of women, local and not local read a portion of the Declaration of Sentiments which is commonly known as the Women's Declaration of Independence. The League of Women Voters are going to do a presentation on the history of the 19th Amendment and lead right up into reading the Declaration of Sentiments. She encourages everyone to come.

Finance

Mark Moffa said the most significant thing is some questions from the auditor which are relatively routine on discrepancies on budgeted amounts from last year and actual amounts. Beverly Wolfe was able to answer them better than anyone else. Beverly said she was in the middle of preparing everything that would be needed to address all of the questions. Mark said the Finance Committee is trying to plan a meeting for sometime this month.

Insurance & Pensions

Gary Nickerson said there was a recent audit of our workers compensation which resulted in a refund of \$1,019.00.

Open Space

JOHN STRATZ MADE A MOTION THAT OUR ENGINEER WORK ON THE GRANT APPLICATION FOR THE GREENWAYS TRAILS AND RECREATION PROGRAM. SECONDED BY BARBARA HEFFELFINGER. Mark Moffa asked if this is the one Carol referenced in her report. Beverly said it was. Mark asked John if he had any recommendations or preferences because Carol listed a bunch of things that could be included. John said one of the things he hopes to do is when it gets a little warmer but before the mosquitoes come out is to get help from residents, volunteers and maybe a boy scout troop to go in there. He did a walkthrough last week and saw lots of twigs and broken branches everywhere. This is something we can get rid of ourselves. We definitely need to get rid of dangerous trees but one project that he has always wanted is a nice walking trail. The one we had before was not ADA accessible and many agencies were unhappy about that. We need to get professionals to put in an ADA accessible trail through it. It will open it up for recreations. There's nothing more fun than taking a walk through Taddei Woods before the mosquitoes come out. That is on his wish list. Beverly asked Carol about preparing the documents and the scope of work for that grant, how much would they have to spend to do some of the things on this list. She thinks everyone agrees on the dead and deceased trees that may present a hazard. Beverly asked how much it would cost to do a scope of work on that. That way they can see how much money they are applying for and if they have the 15%. Carol said to do a scope of work for the total costs if they pursued all of those. They looked at the dead and deceased trees last year and those alone was getting us over \$100,000.00. Carol said she can see this being a \$200,000.00 grant application without putting the work into it yet. Beverly said so it looks like it would be a \$250,000.00 project. Beverly said they need the exotic and invasive vegetation removed and that's all manual labor. Barbara Heffelfinger said you can't remove exotic vegetation. Beverly said you can if it is invasive. Barbara said they had a study done and there is vegetation in there that you won't find. Beverly said that won't be removed. There is an endangered species of orchid in there and they are indigenous to this area so are not an invasive species. Carol said they can do this as a phase project. They can talk to the DCED about it and see if that is a viable possibility. Phase one would be dealing with some of the trees. Phase two would be an application for next year. She knows the borough has spent a lot of money dealing with the trees. Joe Dudash said they have had several agencies in there and the main problem is the trees and storm water. He's had five government agencies come in and he has the documentation to prove it. It's not a wetland, it's a stormwater issue and that has to be taken care of. He's bringing in the Delaware Gatekeeper and she is going to take a look at it because

we can tie it into the Neshaminy and we can get more grant money. You can make this wish list all you want but until you take care of the stormwater and the dead trees, it's not going to work. Carol said the dead trees are a critical first phase. Joe said the estimates they have are over \$200,000.00 and that wasn't going completely around the boundary lines like they want to. Carol said any information he has for the cost of trees did not get back to her so she would like him to forward it to her. As for the installation of a trail from Holly to Washington, if they don't, that's what makes it conform to their grant applications. You don't want to throw that out completely but maybe that could be in phase two. Mark Moffa said one of the items on Carol's list is drainage improvements. He asked Carol if that was the same as what Joe was talking about. Carol said that's for one side of it not for the whole thing. She will talk to the DCED to make it a two-phase grant. Start with the trees and then do the trail which would be elevated so that it is ADA accessible. Joe said it is going to fail because there is too much water back there. That's why there are mosquitoes back there. He's got six government agencies that told him that. It's all stormwater issues from Middletown. Carol said to tackle the stormwater easement you will need find a place for the center of Taddei Woods to drain and that's going to go through private properties. Joe said it's not because the five government agencies said you can use the pond itself and the Neshaminy Creek and it goes down to Washington Ave. The Delaware Gatekeeper told him that as well. Carol suggested they talk after the meeting to look at the topography. Mark Moffa said if the grant application is for \$250,000.00 then you can do the dead and diseased trees. John Stratz said the trail is on his wish list. Mark said this motion is just for Carol to work on the grant and they will have another opportunity to have input on what the actual grant application will be. All ayes, motion carried.

Ordinance

Mark Moffa said they have a meeting planned for the day after the work session so if council has any particular issues, questions or concerns that they would like them to start looking at, bring them to the table at the work session and then he and Gary will start looking at them as they have their meeting. The big overriding issue going on is the TOD which has been advertised. He asked Dave if they are still on track for an April adoption of that. Dave said probably the first meeting in May. He doesn't think they will get too many comments from the Bucks County Planning Commission. Beverly asked Mark if he was going to put it before the borough planning commission again and he said that is the process.

Public Safety

Joe Dudash said they had a meeting with the Mayor, Chief and Barbara Heffelfinger regarding the continuation of the revitalization plan with the police department and protecting the businesses coming in so that we have a selling point to them. They can say they are keeping up with things and yes, we are a small town now but are looking for the future as far as our police department. They are making up a plan and are meeting each week on it and will be presenting it in the near future. The second meeting he had was with the fire marshal. The fire marshal has two jobs. He's got the emergency management coordinator. The fire marshal/emergency management guy is kind of put in the dark here. You look at the police department and then you look at him. He is quazi law enforcement and he helps the community. If there is a disaster, he is the first one that will be helping us. He's been talking to him about the revitalization plan and being in tune with it and if they go in front of a developer, you can say this is what we're doing with our police and we're also doing it with the fire marshal for the emergency preparedness of the town. He's been talking to him about that and believe or not, he has been neglected. They talked about weak job descriptions, code enforcement, fees, budget, present equipment needs, salary, liability insurance, emergency management, fire marshal business plan and development of operational policies and procedures. This plan intends to identify the borough's public safety as a neighborhood of choice for families and

present the future for businesses to come into Penndel. We definitely need these three, the police, emergency management and the fire marshal. They started on the job description for the fire marshal/inspector. They intend to meet next week on all police and fire marshal matters.

Streets & Sewer

John Stratz said he attended a pre-construction meeting last week regarding Schoolhouse Court with PECO and our engineer. They are starting work on hooking into the sewer system. They are almost finished with the light project. They just have a few mistakes to clean up and a few things that they missed to put in. The original contract was for \$71,906.79. The total completed to date is \$71,566.79. They paid a retainer a year ago for \$3,578.34. The total due less the retainer which is Armour's payroll which they would like to get paid for is \$67,988.45 less the previous certificates of payment for \$26,722.97.

MOTION BY JOHN STRATZ TO PAY ARMOUR ELECTRIC \$41,265.48. Beverly asked John if they presented the bill. John said not on paper. Beverly said when they give the bill on paper, they will authorize it. The borough engineer has to authorize it as well. Dave asked Carol if she had seen it. She said the payment recommendation was sent on a standard architectural form and was reviewed by Michael Fuller, the consultant who is serving through the DVRPC for the borough, managing this project. That was sent to the borough as a payment recommendation form with his email that said he recommended payment for that. Carol pulled it up from her email and said she is looking at two payment applications. One was dated the first of February to the 23rd of February with a payment due of \$26,722.97. The second with the same date range and Armour signed it on the 24th of February. Mr. Fuller signed it on the 25th of February and is for \$41,265.48. John Stratz said fortunately the one for \$41,265.48 is from Liquid Fuels. Beverly asked Marie if she received the invoices and Marie said no. Beverly said Marie needs to have them so they will have to approve payment at the next meeting.

MOTION BY BARBARA HEFFELFINGER TO TABLE THE PRIOR MOTION TO PAY ARMOUR ELECTRIC. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Barbara asked John what the circumstances of the loose ends were that they talked about. John said they placed some light where they shouldn't have and neglected to place lights where they should have. That is being corrected this week. Barbara said she's been waiting for two and a half years. John said in their defense, they got it in the ballpark, but across the street. Beverly said they won't be paying until it's right.

Tom Sodano, 126 W. Woodland Ave., asked John Stratz about the Schoolhouse Court sewers. He wanted to know if it was sanitary or storm. John said he believes it's storm. He said they started with that because the first two houses had problems and they want to make sure when they start the project that doesn't happen again.

Refuse

Gary Nickerson stated that yard waste is from April 15th and runs until December 15th.

Long Range Finance

Gary Nickerson said they have not met.

MOTION BY GARY NICKERSON TO AUTHORIZE ADVERTISEMENT TO MOVE THE LONG-RANGE FINANCE MEETING TO THE 18TH OF MARCH AT 7:30 P.M. Beverly Wolfe asked why they are moving the meeting. Gary said some members can't make it. He said if it costs

the borough money to do that, they will just postpone the meeting until April. Beverly said no motion is needed.

MOTION BY GARY NICKERSON TO ACCEPT THE RESIGNATION OF BUD MURPHY FROM THE LONG-RANGE FINANCE COMMITTEE. SECONDED BY MARK MOFFA. All ayes, motion carried.

Recreation Board

Laura Germain said she, Barbara and Beverly are meeting with the president of the Wildcats on Wednesday because they have a lot of ideas about events and also about upkeep of the field. She said he really wants to meet with them. She believes he is a new co-president. Since it concerns our field, she will report back what he says at the next meeting. He has a lot of ideas and he wants to work with them. Beverly said she thinks he has a lot of misconceptions too so they will straighten everything out.

Revitalization Task Force

Mark Moffa said they haven't met and will wait until after the TOD is passed. He does have an outstanding issue. They were talking about changing the resolution that establishes the Task Force so that Beverly could still sit on it since she inadvertently got booted when they realized there was a limit of council members. Mark asked if there has been any progress on it. Beverly said they talked to Ben but doesn't believe he got back to them with the answer yet. Dave Truelove said he would communicate with him promptly.

Old Business

Mark Moffa asked Dave about progress on the employee handbook. Dave said he and Beverly are almost done with it.

Mark asked if there were any updates on the sewer plant and Marut's property. Beverly asked him what update. Mark said the meeting with the person she spoke to at Middletown. Beverly said Pat Duffy retired so they will have to find out who to meet with. Beverly said to refresh everybody's memory, an idea had come up about the possibility of leasing that property to bring in some revenue. What they were told by him was that we might have to put up a good bit of money and go to land development. Dave Truelove said they are looking at potential options for Marut's property. Somebody from their office needs to get together with Rick or Mike from Barry Isett and talk about some actions going forward.

New Business

MOTION BY MARK MOFFA TO APPOINT MIKE SMITH TO THE LONG-RANGE FINANCE COMMITTEE. SECONDED BY JOE DUDASH. Laura Germain asked if he officially applied and that there is one space because of the resignation and Beverly said yes. John Stratz asked if Louise rescinded and Beverly said no, they appointed her. Mark said there is another spot available. 6 ayes, 1 no (Barbara Heffelfinger). Motion carried.

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE PROFESSIONAL SERVICES PROPOSAL FROM VILLAGE ARCHITECTURE & PRESERVATION DATED 02/28/2020 FOR ARCHITECTURAL SERVICES FOR APPLICATION FOR CDBG GRANT FUNDING FOR THE RESTROOM FACILITY REHABILITATION PROJECT AT MEMORIAL PARK, AMOUNT NOT TO EXCEED \$3,000.00. Beverly asked Carol what the not to exceed number was. Carol said they had three numbers in that proposal. For the first phase it was \$2,250.00. The second phase was \$3,200.00 and then there were reimbursable expenses estimated at \$1,100.00. If you are going to a not to exceed, you will want to go a little higher than \$2,250.00 for the first phase. Beverly said it is due March 18th. She asked what the chances were of getting this

done on time. Carol said she's had conversations with the architect and she understands the pressure that we are under. If council is willing to endorse this proposal tonight with the understanding that you are looking at a potential total cost if we get the grant and she does the design, under \$7,000.00. Just the application phase looks to her to be within \$3,000.00 to get done in the next two weeks from the architect's end. Yes, they can get it in in two weeks. Beverly said that is a total of \$7,000.00 and Carol said yes, for all phases of the architectural design. Joe Dudash asked what was the \$3,000.00. Barbara said phase two. Carol said there is an estimate for probable cost. For phase one they have a not to exceed fee of \$2,250.00. For phase two they have a not to exceed fee of \$3,200.00. In addition to that there may be some reimbursable expenses. Beverly asked what was Phase one. Carol said that they need to put in the application in the next two weeks. That is a cost estimate and a scope of work which she has already drafted. Phase two is the actual architectural drawings. Gary said that would only be if we are selected and Carol said yes. Beverly said that means they are only authoring phase one tonight plus reimbursable expenses. Gary asked if there was no match and Beverly said that was correct. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Public Comment

Tom Sodano, 126 W. Woodland Ave., said at the last meeting, Mr. Bob France from Bellevue Ave. had some concerns about his curbing. Anyone who is in business or has been in business, himself included, is familiar with insurance. At that meeting the engineer admitted that when she inspected the forms, she missed that they were the incorrect size. He thinks it was handled incorrectly as a borough. This is why insurance exists. There should have been more discussion rather than telling Mr. France he was incorrect and had to pay the money. Then he receives letters like everyone who hasn't done their curbs, not that he was singled out. But he received the same threatening letters in spite of the fact that there was an admission of an error. He thinks it was handled incorrectly as a borough and it's reprehensible on our part and at least we owe him an apology. For Councilman Moffa, the hour grows late so before we adjourn do you have any democratic party business you want to handle this month?

Mike Destro, 152 Bellevue Ave., said the letter of February 24th for everybody who was having problems with their curbing, he has a concern as does his girlfriend. It is regarding the time the contractor can do the work. In the letter it says the work will be performed between 7:00 a.m. – 5:00 p.m. He wanted to know why the others were only allowed to work from 9:00 a.m. – 3:00 p.m. Dave Truelove said they can work 7:00 a.m. – 5:00 p.m. but 9:00 a.m. – 3:00 p.m. is the lane restrictions from PennDOT which we have no control over. They explained that to the contractor's attorney. Mike asked shouldn't the contractor the borough hired have the same restrictions. Dave said they do. If there is a lane restriction, that is for everyone. Mike asked what the course of action was if the borough contractor does work outside of the 9:00 a.m. – 3:00 p.m. hours. Dave said if there is no lane restriction, the hours aren't restricted. It depends on what kind of work they are doing. Carol said PennDOT's restriction is you can't be in the traffic lane before 9:00 a.m. or after 3:00 p.m. That's PennDOT's rule, not ours. PennDOT has advised her in the past that PennDOT would come in and shut down a contractor if they find them there outside that range of hours. If the contractor is not obstructing a lane, he can work more hours than that but he can't be impinging on a traffic lane before 9:00 a.m. or after 3:00 p.m. and that's true for any contractor that's working on a state highway. Mike wanted to know if they should report it to Carol or to PennDOT if they see a contractor doing work outside the hours of 9:00 a.m. – 3:00 p.m. Carol said we have inspectors involved out there and they are working to make sure the contractors respect the PennDOT rule. Ultimately the authority is with PennDOT. They can come in and shut a contractor down. Mike said the letter also says the borough's contractor may be permitted to work on weekends or other times as may be necessary to complete project work. He doesn't exactly understand that. It sounds like you are

saying they can come in whenever they feel like it. He asked if there was an explanation of what other times other than the weekdays between 9:00 a.m. – 3:00 p.m. that the contractor can do the work. Carol said that's true for any contractor who wants to coordinate something special with their inspections but in general a public works' contractor is not going to want to do work on weekends because he will have to pay a higher rate to his employees and she doesn't think he has that in his budget. But since they are on such a tight timeline, and that's one letter that goes out to everybody, they want to cover all the bases of what could happen. She doesn't expect weekend work but since they are such a tight timeline, they will do whatever has to happen to get things done. Beverly said she didn't understand where his questioning was going. She asked Mike to help her understand what he is trying to find out. Mike said the contractor they've been working with can only work 9:00 a.m. – 3:00 p.m. Beverly said PennDOT says you can't block a lane before 9:00 a.m. and after 3:00 p.m. If there is work being done from 7:00 a.m. – 5:00 p.m. but you're not blocking traffic, you can do the work. The problem only comes in if you are not letting traffic flow. Mike asked what about the weekends. Beverly said she is having trouble understanding. She asked if it was a hardship for him to have someone do work on the weekend. Mike said they are under a deadline so if the contractor they hired could be allowed to work on the weekends that would give him more time to work. Dave said you would have to work that out with the inspectors. Carol said they have not been asked for weekends yet. She thinks one contractor did talk about weekends with the inspector and she worked that schedule out and then the weather turned and it wasn't who Mike is talking about. If a contractor wants to be here on a weekend, we will be happy to talk about it to see if they can work out that schedule. Mike asked if it was possible to block the road on weekends from 9:00 a.m. – 3:00 p.m. Beverly said the lane restriction doesn't matter because it's seven days a week. Carol said she would have to look that up. Beverly said she was still having trouble understanding what he wants. Mike asked if the contractor can do the work from 9:00 a.m. – 3:00 p.m. on the weekends. Dave said if his contractor wants to work on weekends and they work it out with the inspectors, it's fine.

Dan Keller, 124-130 Bellevue Ave., Sensational Scissors, mentioned the traffic going in and out of the hair salon and if someone trips and gets hurt. He asked if there was a procedure. Carol told him to call her. If they have a contractor and they want to work on the weekends to get things done, call her or her inspector and they will do their best to work with him. Dan said they have to replace the whole front so they will probably do that on a Sunday. They were lucky it was a mild winter but who should he talk to about the person pumping water out onto Bellevue Ave. that turns into an ice-skating rink which could jeopardize someone getting hurt. Rick Halbom said they've had a few discussions with the property owner and are on notice that the water has to go back on their property and stay on their property. They need to build a French drain at the back of the property. Obviously, it's not going to happen in February but maybe in the next month or two that can happen. They have to stop pumping water out onto the street.

Pat Donahue, 520 Bellevue Ave., said back in April last year when he got his notice to replace his sidewalk, he went out and got a contractor to do his sidewalk in June. He was informed that he could not use wood, that it had to be metal. He has pictures of where they used wood. On Route 1 and Bellevue Ave. they used wood. Now he got a notice that someone is going to come and do his sidewalk for him if he doesn't have it done. He came here before to speak about the curbs not being done. The gentlemen here presented to you that when they were doing Dehaven Ave. and Cynthia Ave. that they were below the standard. He wanted to know what they did about that. They weren't raised. He asked if they used the same ordinance on him that they did on them. He said he asked this a couple months ago but did not get an answer. Beverly said they would look into it. Pat said 30 years ago when they did the street, he used to have a hole in the curb from the sump pump. He was told it is illegal to do. Walk down

by the church. Walk around town and see how many there are. Beverly said she would have an answer for him on that also.

Tom Sodano, 126 W. Woodland Ave., asked Carol if the 8-inch reveal is on state roads and not on borough residential roads. Carol said it is a PennDOT spec consistently referenced throughout the ordinance so 8 inch goes in on borough roads as well. Tom said there is not an 8-inch reveal on Centre St. where all those curbs were replaced in front of the Mayor's house and the Magistrate and on the opposite side of the street. Carol asked when that road was repaved. Beverly said it was 2016. Carol said she was not engineer at that time. Tom asked if PennDOT's specs have changed. Carol said they have not and she wasn't here when those curbs were done. Tom said if that has been a PennDOT spec, we haven't been consistent enforcing it. Carol said in her tenure here they have been enforcing it but she can't tell him what happened in the two years she was gone.

Tracy McKernan, 152 Bellevue Ave., asked if the residents that have contracts will be worked on last and their contractor be given a chance to finish their contracts. Dave said they will get an order of the proposed work from the borough retained contractor. It doesn't have anything to do with who has a contractor or not, it is the feasibility of where it is located and when they can start and try to coordinate that with the other contractors. They should have that information tomorrow and will get that to the attorney of the one contractor.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN. SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer