

Penndel Borough Council Work Session
Via Zoom Communications

March 15, 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
Councilman John Stratz
Councilman Joe Dudash
Councilwoman Barbara Heffelfinger - absent
Councilwoman Laura Germain - absent

Also present via Zoom Communications

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

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE MARCH 1, 2021 COUNCIL MEETING. 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 Wolfe reported to Tom Wheeler that she didn't have the final decision on his concrete completed. She will have it by the next meeting. She will email him and invite him to that meeting. Tom said he can only attend the work sessions because of their meetings.

Reports

President's Report

Beverly Wolfe reported to Tom Wheeler that she didn't have the final decision on his concrete completed. She will have it by the next meeting. She will email him and invite him to that meeting. Tom said he can only attend the work sessions because of their meetings. Beverly reported that they received information from State Representative Tina Davis's office that Penndel Borough will be the recipient of \$213,000.00 in grant money for the Cares Act. There are specific things you can use it for. They will see what they can choose to do with those funds and present it to the public.

Mayor's Report

Mayor Winkler reported that Ed Preston contacted him. He wants to do the 5K run on the 25th of April and the Memorial Day Parade on the 29th of May. Mark Moffa asked if the parade is being planned as usual. Bob said yes. Joe Dudash asked if Nick was contacted about the parade. Bob said he would contact him.

Engineer's Report

Carol Schuehler read her report which is attached.

Public Comment for Agenda Items

Tom Sodano, 126 W. Woodland Ave., asked about the motion to adopt Resolution 2021-6 modifying the supervisory authority. He said he did not see where that was previously discussed on meeting minutes. He asked what the modification is and when was it discussed. Beverly said it was discussed in executive session since it is a personnel matter. Tom asked what the change is. Beverly said it's a resolution adding the borough council president supervisory authority over Mr. Diaz. She said this resolution expires immediately upon the hiring or starting of a borough manager.

COMMITTEE REPORTS

Administration/Cable

Mark Moffa reported the borough manager will be starting on Wednesday April 7th. There will be some physical work that needs to happen. At the last meeting they authorized expenditures involving things such as the desk, printer and chair. A couple of them will have to go over to the hall one night or one weekend and put the desk together and things like that. Mr. Diaz's assistance will be helpful as well. It is just a matter of physically getting spaces ready.

Buildings & Maintenance

Joe Dudash reported that they need a new hot water heater. He and Gary checked it and because of the condition that the water created, it caused the bottom to rot out because it was not on blocks. They looked into several other types of water heaters, but it wouldn't be cost effective. They are recommending a 40-gallon tank which would be the same price in all for Patriot. You put it down where the existing one is but put it on blocks. Gary Nickerson reported that he and Joe went and checked and there was some water after one of those big snow melts. They took a look at the basement and the mayor was there along with Mr. Diaz and they were working in the basement trying to get it dried out. They're trying to figure out what was the cause of this. They have some ideas as to why the sump pump might have failed. Looking at where the discharge line goes, it could be where some of the water could be coming in from outside. They had a new generator installed so the ground near the generator was wet. It looks like everybody's basement. It's kind of out of sight out of mind. They need to figure out how much time and how much effort and how much money they want to spend on the basement. With the borough manager coming, they are trying to find space for things in borough hall. Maybe they can do something down there with the limited space that they have. He thinks it's a water infiltration issue and hopefully with the new sub pump that the mayor and Mr. Diaz put in, that will solve it for the interim and maybe they can look at more long-term goals. The basement is actually sitting on a floating slab but the air between the wall and the slab is just full of grime and it's not really acting as a conveyance to bring water to the sump pump. Moving forward, they can probably do some things to better waterproof the basement.

Community Relations

Beverly reported that they are working on the latest edition of the newsletter. She and Mark have things to add on and she thinks they're trying to have it out within the next couple of weeks.

Finance

Mark Moffa reported that they received some information from the attorneys and also Beverly. There is a state funded COVID-19 hospitality industry recovery program, the acronym spells CHIRP. This program is an opportunity for businesses in the town to apply for some relief for COVID-19 related things. It's a program that the Bucks County Economic Development Corporation and the county were working in conjunction with the Bucks County Redevelopment Authority and also the tourism Bureau, Visit Bucks County. All of these agencies are partnering to administer this program. There's a relatively short application window which opens today. Today is the first day that a business could apply for relief through this program and the last day is April 2nd. If anyone knows of a business in town, all they need to do is go to the Bucks County Economic Development Corporation website which is BCEDC.com. They will try to get this information on their website as well. It is also on the RDA's website.

Open Space

John Stratz reported that he will be looking at Taddei Woods to cut back the weeds and such on each side of the trail, thus reclaiming the trail. Beverly said they have to do something about the entrances as well. John said last year he noticed their grass cutters put something down at the entrances to kill the weeds. He will be doing some investigation. He doesn't know what they used but he does not want anything harsh used in Taddei Woods. The vinegar that is 20% acid strength that the hardware store sells is probably a lot less expensive than any weed killer. It would be much more beneficial to the environment. Joe said industrial vinegar, horticultural vinegar is completely different than a bottle of vinegar. John said he's getting the industrial strength from Penndel Hardware. Joe said that's what the grass people have been using because the turtles were dying.

Joe Dudash said somebody told him about grant money for the parks. Beverly asked which park and for what services. Joe said Taddei Woods and the park down at the baseball field. He said he saw it in the Borough Magazine about these trails that John's talking about. Maybe they can put trees along that fence line or a new fence. Beverly said Barbara Heffelfinger from community development has been working on that.

Ordinance

Mark Moffa reported that he and Gary spent quite a bit of time going over the fence ordinance. They have been looking at it on and off for the past year. They want to bang it out and nail it down, so they brought it to council a few months ago to get some preliminary feedback from council members. They took those notes from that meeting into consideration as well and they drafted some direction to send to Hill Wallack to take a dive into that section of the code. They tried to be as helpful as possible to be very specific to points the code that they think need to be altered to accomplish their goals which is to take the revisions fence ordinances that were done in 2012 and kind of make them the law. The problem is when that was passed, other sections of the code weren't cleaned up to get rid of conflicts. This legislation would be to clean up the conflicts that are in the older portions of the code that should have been deleted at that time but were not. That's in the hands of the attorneys at this point. They need to clean up the situation with front yard fences and also to take a look at clarifying the issue of obstructions on corners. They've had issues in town and want to make that code clearer. Also, with pool fences, they really started going down a rabbit hole a little bit with the whole swimming pool section of the code which seems a little outdated. They're going to try and make an effort to deal with that at the same time since it's in the same part of the code and can do one ordinance unless it's just too much of a mess with getting these fence provisions done. Maybe they will end up doing them separately. Gary said the issue of the sidewalks came up and tackling that and what they

think the best way to require sidewalks is. The lawyers are looking at trying to achieve that through the U&O process.

Mike Smith, 127 Dehaven Ave., asked if they considered something that happens in Falls Township. When the fence goes up, whoever wants the fence must get a survey and have all the neighbors around there sign off on it. That way they don't run into the same position that this borough is in right now. Mark said they looked at what other municipalities do including what Falls Township does. The suggestion coming out of committee from he and Gary is to require surveys for installation of all new fences. Mike said they missed that back in 2012. Mark said they thought about what he said about agreements between neighbors and have not recommended that but may consider doing it if they were going to eliminate the one foot off the property line. If you want to put a fence on a property line you really should have an agreement between neighbors. Mike said it's not an agreement to allow it, it's just that so the neighbors understand what's going in. They can look at that whether it's maybe more of a courtesy notification issue or something. He doesn't know if it belongs in legislation like this or it belongs in the ordinance book. It seems to be just something good neighbors would do but he certainly understands his concern. They can consider that. The surveys are a solid recommendation. Mike said he just doesn't want to see this problem happen again in the future.

Public Safety

Beverly reported that they are having a council session this Saturday, which is not a formal session, to have a presentation from Chief Perry on some items with regard to the Police Department and use of force policies. She believes that's what the presentation is all about. Council is going to get educated and they will report back to the public.

Joe Dudash said since the Mayor is the Chief Law Enforcement Officer of the borough, he asked when he was going to do something with the parking situation and the fire department with the illegal parking on Holly and Oak. They should be 60 feet from the street. They've been talking about this for weeks. He can't afford having a truck roll down on Oak Ave. and pedestrians getting killed and the firemen and the apparatus and liability and everything else going on. Bob Winkler said he requested from the chief of the fire department any concerns he has and he's having the chief look into it. Whatever they need to do, whether parking is allowed only on one side or whatever. The ordinance committee will have to come up with one for that street. Joe said there is an ordinance in section 390-25. He said there's a new fire hydrant which Bob helped put in and these cars are parked right in front of the fire hydrant and not 15 feet from it so there's no way they can get a truck through there. Bob said he will work on it this week.

Public Works

John Stratz reported that a resident on Neshaminy St. reported a sinkhole that developed on her property next to the curb. He went out five different times over a period of days to monitor it. The resident first contacted Bucks County Water and Sewer Authority and they did an emergency investigation that night. Private Utility Enterprises and BIU's code enforcement went out to inspect. PECO also went to the location and examined the site claiming that it was not likely the pole replacement work that caused the hole. They filled the hole on the customer's behalf and spoke with the resident who was satisfied. Beverly added that BCWSA televised that whole area for them at no cost.

Refuse

Gary Nickerson reported that the county is having one of their hazardous waste collection events he'd like to have posted on the website. It is on April 3rd and you have to make an

appointment to drop hazardous stuff off. The next one is in August. For more info., you can Google Bucks County hazardous waste collection or the county website. They have different drop off locations. Joe said Karen informed them that they are out of recycling cans which is listed under new business.

Long Range Finance

Gary Nickerson reported that they didn't have a meeting this month. They don't really have a topic. The LERTA project kind of has been pinned and Act 61 is something that they're still looking at. Beverly said when Jeff comes in, they can look at this with him.

Revitalization Task Force

Mark Moffa said they will discuss this with Jeff when he settles in.

Old Business

MOTION BY JOHN STRATZ TO ACCEPT THE RESIGNATION OF THOMAS SODANO, JR. FROM THE PLANNING COMMISSION. SECONDED BY BEVERLY WOLFE.

Gary Nickerson thanked Tom for his work on the Planning Commission. He was a great asset and he is going to be missed.

Joe Dudash read his statement as follows: I am saddened by tonight's resignation of Thomas Sodano, Jr., from the Borough Planning Commission. Tom has sadly joined other civic minded individuals, as Steve Lowe and George Krushauskas, Zoning Hearing Board. These civic leaders enabled the people of Penndel and businesses to embrace a vision, initiative or assignment in a way that gave every individual a sense of purpose, ownership, personal enjoyment, and common cause. I personally was very affected by these individual's positive example as civic leaders who attempted to inspire others to share their commitment to improving our community.

However, this council has a habit in repeating bad history of borough politics. It just cannot seem to learn how to navigate the present political morass. This political morass has been this council's downfall in maintaining such civic leaders as Tom, Steve, and George.

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

The voters of Penndel demand wise leaders who will seek common ground among borough residents instead of dividing us further for political gain. As borough residents, we must embrace those who embrace ideas, thoughtfulness, civility and kindness to others no matter what their political beliefs. And here we are again losing another civic leader who cherished these qualities.

In honor of Tom Sodano, I will be voting, "NO" on his resignation.

Terry McIntyre, 335 Hulmeville Ave., said that he sat on the Planning Commission with Tom and he will be sorely missed.

A roll call vote was taken. Mark Moffa, no, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, no, Beverly Wolfe, yes. Motion carried, 3 ayes, 2 nays (Mark Moffa and Joe Dudash.)

MOTION BY MARK MOFFA 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. SECONDED BY JOHN STRATZ. (Roll Call vote taken and approved at 3/1/21 meeting but no motion and second.) 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 Dudash reported that he and Gary went to look at the water heater and it was rotted out on the bottom due to the continuous water in the basement and it was not on blocks. Patriot put the original one in, but the warranty didn't cover it because it's the borough's fault. They looked at smaller tanks and a tankless one. They talked to the owner of Patriot and it came down to it was more feasible just to get a 40-gallon tank.

Terry McIntyre, 335 Hulmeville Ave., asked if it was a gas hot water heater. Joe said it is a gas power vented unit. They can't put it in the closet because they would have to move everything. Terry said unfortunately, they are just little bit pricey, but there's no choice there. Mark said that he and Beverly had a little discussion on this. Beverly didn't have anything yet, so they have to get this water heater going. She was looking at something else, but it didn't pan out. Terry said they are way better as far as what it's going to cost to operate the gas if you were to get an electric hot water heater a lot cheaper. You'll go through that cost in less than six months that the gas will make up in savings for usage. Gary said that what he thought originally that they could get electric, but they already have gas in there. Joe said he switched to gas and he is saving more money.

MOTION BY JOE DUDASH TO APPROVE PATRIOT FUEL OIL'S PROPOSAL #10517-135 IN THE AMOUNT OF \$1,150.00 FOR INSTALLATION OF A 40 GALLON BRADFORD WHITE GAS HOT WATER HEATER INCLUDING ALL NECESSARY CONNECTIONS AND A ONE-YEAR PARTS AND LABOR WARRANTY AND BRADFORD WHITE SIX-YEAR WARRANTY ON LEAKAGE. 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.

Joe Dudash reported that Karen advised himself and Gary that they needed more recycle cans. She did some research and she came up with Home Depot. Anne. They are looking at 2-packs of 32-gallon outdoor recycling bins not to exceed an amount of \$900. Mark Moffa said he wanted to thank Karen because it was quite a long email about recycle bins. He definitely appreciates the thoroughness of the research, including that the cost savings on the two packs versus the one pack and making sure that we're getting the same cans in the two packs that you get in the one pack. He asked how many do they need. He knows that they budgeted \$900.00 in that line item. It doesn't mean we have to spend \$900.00 if we don't need that many cans. He wanted to know how many cans they should buy. Beverly said in 2019 they received about \$9,100.00 in Act 101 recycling grant money, which partially goes to fund the purchase of these recycling bins for the residents at no charge to them. They're estimating probably around a similar amount. They purchased them in 2016, 2017, 2018 and 2019. It is consistent all through of how much they're spending. She's sure Karen has a record of who has received them and how many they've given out. Mark said, in that case, buying 60 cans does not seem excessive. Karen would know the rate of which they go through them so that as long as that's

an appropriate number of cans to buy, then that's fine by him. Beverly said it appears to be so based on history.

Terry McIntyre, 335 Hulmeville Ave., asked how often you can request a recycling can. Beverly said she thinks Karen keeps a log. Terry said he got one years ago and got one of the small cans and the last couple he just purchased. He didn't realize you could request one again. Beverly said they will put something in the newsletter. Terry said then you better double the order. Beverly asked Karen if she keeps a list. Karen said she did at one time but not now. Beverly asked if the amount that is given out per year runs pretty consistent. Karen said yes. The first time they ordered them they ordered 600 at the very beginning and then probably ordered maybe 50 a year. She was able to get them cheaper but each year the price has gone up and she worked on them and has gotten them cheaper but that's not happening now. Beverly said the Act 101 grant money is also going down as well so they have to be more frugal with it. She asked if they should last the year and Karen said yes. She asked how residents know about this and how they can get them. Karen said it may be in the newsletter or the website.

MOTION BY JOE DUDASH TO PURCHASE RECYCLING BINS FROM HOME DEPOT NOT TO EXCEED \$900.00. 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.

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2021-6 MODIFYING THE SUPERVISORY AUTHORITY AND RESPONSIBILITY OVER PART TIME MAINTENANCE EMPLOYEE. SECONDED BY GARY NICKERSON. Beverly said they talked about this, but this is formality. Joe said he didn't mean any disrespect to her because she does a lot for this borough and works hard but he just thinks they are creating another bureaucratic business structure which makes decisions even more difficult and complex. He thinks they just need one supervisor. Beverly said they will in about two or three weeks. Joe said why not wait or just put him under Gary. Beverly said it should be someone who's able to be at borough hall all the time is the reason it was done in the first place plus they could teach what needs to be done. If for any reason that Bob's not available, it is somebody who has authority to maybe give instructions or figure out what to do with them next and plus if there's a conflict, it's a way to resolve it. That was the best idea they could come up with for now until Jeff comes in. Joe said he should know what he needs to do. They should just give him a whiteboard, put it on there and if he's got any problems, just put it to the next day. He thinks they're just adding another bureaucracy. He just doesn't understand. The whole thing is down to leadership. He's not naming names, but the supervisor needs to get their act together and tell him his weekly duties. Beverly said they're getting stuff done and she feels very strongly that they need a secondary backup. Joe said he doesn't think so. He said she will battle with Bob and Bob will battle with her. Beverly said to just give it a try. Bob Winkler said Anthony removed some stuff out of the back room and the hallway today and started opening things up and whatever needs to be done. Last week he was cutting trees down and doing some patchwork on Crescent St. He also was changing the clocks today. Bob said he doesn't care who is in charge of him. Bob said he sees this is going to be a political thing. Beverly said he knows why this was given to him in the first place. He needed someone with supervisory presence. Bob said when the business manager comes, he's under him. Beverly said yes but for the time being, she can at least direct him to do something if she needs it done if Bob is not around. Bob said he doesn't have a problem with that.

A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Joe Dudash, no, Beverly Wolfe, yes. Motion carried, 4 ayes, 1 no (Joe Dudash.)

Mark Moffa said the next motions were originally on the agenda a couple of weeks ago, but they hadn't gone out until like the day of the meeting, so they wanted to give the other council members some time to review to see if they had any questions or concerns. This establishes the job description which council members asked to review before they voted. They took a list of a relatively standard borough manager job description and he did amend a few things that were sort of specific to what they want in the borough. He will promote the positive image of the borough to the general public and promote and facilitate the borough's revitalization efforts, supervising staff, serving this chief personnel administrator, investigating complaints, preparing and submitting the budget annually to council and so on. They are typical manager responsibilities. General things like plan for the current and future needs of the borough. He doesn't think there's anything in there that's controversial or warrants much debate.

MOTION BY MARK MOFFA TO APPROVE THE BOROUGH MANAGER JOB DESCRIPTION. SECONDED BY GARY NICKERSON. Joe Dudash asked if there was anything in there about the manager having an expense account. Mark said it wouldn't be in the job description as much as it would be in the contract. That should go in the agreement. Mark said they can add a line in for if he's going to be wining and dining a developer. That would be special occasions not like policy. It is no different than the cell phone. It's part of compensation, like he gets that amount allotted each month. Beverly said normally it would be travel and expense like in the private sector. Mark said they can verbally add that into the contract now. Ben Hauser said section 9 can be amended to say section 9 cell phone and other reimbursement measures and then make the paragraph existing itself talking about reimbursement for certain expenses and then approve the agreement and then he'll clean up the agreement and send it to Mr. Moffa and Mrs. Wolfe because they're the point people. Beverly said she doesn't think there's anything in the budget process that would allow them an expense account line like a travel expense line but she's going to look at it. Ben said there is a paragraph on the agreement basically giving him automobile use between different sites, not necessarily to commute to and from home. Just as he leaves borough hall and then goes out to the site and he records his mileage he gets that reimbursement. Mark said maybe Jeff's first job should be to figure out what the line item in the budget should be so that he can get his compensation. Beverly said no. Put that challenge in front of her. Gary said he doesn't think this is something that they need to have. This agreement can be amended. Ben said they have a number of options because of council changing elections, the borough manager agreement can go no further than the reorganization meeting on every even numbered year. They should leave the agreement as this for simplicity's sake and then when Mr. Sanderson comes on board, they can negotiate an addendum saying here's what they're going to do in terms of expenses. That may be the way to do it rather than amending it tonight. Beverly said there is no expense item in the DCED guide that allows for this kind of expenditure. 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.

Mark said the contract is again sort of a typical contract. The term of the contract, which has been specified per state statutes, says it can only go until the next organizational meeting which people tend to renew every two years with their managers. Duties and authorities there's a lot of legalese. Part of the contract that specifies hours not to exceed 29 1/2 is just an issue as far as being an exempt employee. They're not anticipating the manager to work 29 1/2 hours. That is just the legal limit for the part time status. They are anticipating 15 hours a week with some additional hours as needed to attend borough council meetings and the like. Compensation is \$75.00 an hour. He doesn't get any sick time or health benefits or any fringe benefits. He can take unpaid time. They discussed the \$50.00 a month cell phone allowance. They discussed trying to maybe add an expense thing, but they will not have that in his

document. He gets mileage if he goes to a conference. He doesn't get anything controversial or exceptional in the agreement.

MOTION BY MARK MOFFA TO APPROVE AND SIGN THE BOROUGH MANAGER AGREEMENT. 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.

Beverly Wolfe read Resolution 2021-5 honoring Theodore Kristiniak that was voted on in the last meeting. She said she would give a signed copy to Estella. She thanked Estella for loaning Ted to them. She said everyone on the Zoom meeting has a story about Ted. She knows she can't see everyone, but everyone is smiling and shaking their heads. She said they all loved him and hopefully he knew that. Mike Smith said he will be putting a bench on the corner if the borough allows him to do it in Ted's name. Joe said he lived at KM Auto and the Sunoco and always had stories. He will always live in their hearts.

Persons to be Heard

Tom Sodano, 126 W. Woodland Ave., said in support of what she had said about having a secondary person. They all know Bob's background and he's the guy and having somebody who has knowledge of what's been going on is good, especially, when you consider that he's being challenged in the primary. If that particular person were in the same situation, it's questionable whether his skill set would be able to fulfill what Bob can do. So from that perspective, he thinks Beverly had a really good idea with having somebody that has longstanding background. For the water heater, he heard somebody mentioned a tankless and he's glad they didn't move in that direction. From his experience, it would have been a really poor choice. They don't do well in damp places like that basement and they struggle to move the water where you need it and the farther it has to go the worst they are. The Bradford White is a quality unit. For the ordinance stuff, when he lived in Middletown, they did do sort of a courtesy notification no matter what you were doing. He had a shed thing and they didn't grant the permit until they had mailed letters to the surrounding property owners letting them know what he was doing and the same thing happened when his neighbor was doing a fence. He didn't get the permit until the letters went out and the letter had specific dates, and you had 30 days so you got that advance notice. It wasn't formal. It was a courtesy notification and it worked out really well. And if you had a current survey and he doesn't remember the exact time, but he believes it was within two years, they accepted that. If you got a survey for a fence and the following year you did a shed, you didn't have to resurvey each time. If you had the ordinance that way, that might work. Either they require a survey if you haven't had one in a certain amount of time and they accept it or whatever period of time is a way to handle that. Beverly said she couldn't read through Middletown's code that quickly, but it would be interesting to check the particulars. Tom said there was some timeline that if your survey was current it was good.

Terry McIntyre, 335 Hulmeville Ave., said he wasn't going to bring this up until someone mentioned sidewalks, but a couple of weeks ago, his wife who likes to take walks, stumbled over a neighbor's sidewalk that was heaved up and got pretty banged up. She almost broke her orbital bone and broke her glasses. They did notify the property owner and showed them and they were kind of surprised. They didn't even realize that the sidewalk maintenance was really in their wheelhouse which he was kind of surprised about. They said they would take care of it. He asked Carol what would be an acceptable amount of heave between two pieces of sidewalk before you would have to say this is a danger because the one she tripped over was roughly

about two inches or so between that and the next piece of sidewalk, so it was almost like a step. There's quite a few of them if you go around town. He thought it may be a good idea to put something in the newsletter reminding people of the importance and the hazards their sidewalks can be and to take care of that type of thing before somebody really gets seriously injured. Beverly said that's more than likely a job for code enforcement. Carol said that is correct. There is a borough code about the differential in the elevation of the sidewalk and it's much less than what Terry just described. She has not been charged with walking the borough and looking for that but that is up to council. When she looks at the road, she does look at that. But that would be a code enforcement issue. A borough resident could let the borough office know if there's a discrepancy like that then they could have code enforcement investigate it. Terry said he saw a lot in code about the construction and you know the dimensions for the sidewalks but didn't really review the property for maintenance or whatever but it's just a thing where he thinks a lot of people take for granted. In the warm weather, more people are out using sidewalks. They had a pretty bad winter but there's been some sidewalks that have been needing attention for years around here. He thinks a little bit like a 1/4 inch or half inch but when you get up to a couple inches, that's a huge tripping hazard. Beverly said they are going to have to put something up on our site reminding residents to inspect and be diligent and for anyone who has a problem with something like that, they need to report it to the office. Terry said you don't want to go around and start killing people but when you get a sidewalk that's heaved that much, it needs to be taken care of. He would never allow that on his own sidewalk. He would take care of that or spray some orange paint until he got around to fixing it or something. Beverly said that's being a responsible homeowner.

Mike Smith, 127 Dehaven Ave., said he is putting this out there again. The liability issue of the borough and the borough residents because of this fence could be astronomical. He doesn't think the borough has enough money to pay if something happens. He is putting it on the record again so that if it does happen, it's coming back to the borough. He has already talked to several major firms and it may be thought that the borough could not be sued but it could. The next thing is when they're talking about liability, as he drives around the borough, he sees a certain person with a handicap sticker on his mirror. He's also the mayor of the borough. At this point if that sticker is for him, he wants to know why he's working for the borough because he is out there doing work and it's creating a major liability if something happens to him. Secondly, if the sticker is not for him, it's conduct unbecoming of anyone on this board. He parks in handicapped places and the other person if it is not for him, is not with him. He thinks it's a real smack in the eye. This guy is supposed to be the Mayor of Pennsylvania but yet he goes around doing all this stuff. Someone needs to get control of that before the liability of him getting hurt on the street happens. He knows that years ago, they stopped him from being out there because of that liability issue. It's going to come back to every resident of this borough and at some point, they're going to all be paying for it and everybody's going to look in the mirror and wish they would have done something. You have to get this guy off the street. Beverly is now in charge or secondary but should be primarily in charge. As it was before, there was always a board in Karen's office and it was written on what needed to be done by each and every council member and the guys went out and did it. They were always under the coverage of the public works department chair. He doesn't know how it ever got to Bob. He is just reiterating about the liability issue and now that he is a party or as it's called in legal terms, intervenor, he'll be giving everyone updates because he's not hiding anything from anyone. When this fence issue comes out, at every meeting you will know if something goes on behind the scenes. It's being allowed to stay up. It should be taken down until when the situation is rendered somewhere along the line but that's not what's happening.

Mike asked if Beverly came up with an answer for the curbs and sidewalks that were not done when the street was done and if there is a lien against the property at 411 Hulmeville Ave. He asked at the last meeting about why those curbs and sidewalks were not done and now and Terry's wife fell. It should be out there in the open now. Somebody should be doing something. Beverly said she did look into it. The 2016 and 2017 road program that was administered by the previous administration and it shows Mike's property. Mike said his were all done. Beverly said she pulled the permits and made a spreadsheet. She asked Mike for his address. He said 127 Dehaven Ave. Beverly said it was listed by the previous engineering firm handling that streets program that he had to replace 40 linear feet of sidewalk and 14 linear feet of curb and his permit only had the sidewalk repairs on it which is kind of weird. Mike said he got his curbs done. Beverly said Hulmeville Ave. was not listed as any of the streets that were repaved during that program so if he was at that address, it did not appear on any of Gilmore's charts for replacement of sidewalk or curbing. Mike said she was on council at that time. Beverly said she was the one who voted to have what level they have to be with ranking and they had to be replaced. Mike said the area between Hulmeville Ave. and his driveway, the curbs alone needed to be done. Beverly said it's not listed on the report. Mike said he thinks that's because it got taken off because that is when the property was purchased. Beverly said Hulmeville Ave. was not being repaved. Mike said for her to come out and look at those curbs. Beverly said she is not a qualified inspector. She is only giving him what happened during the 2016 and 2017 project. Mike said so that is the way it was hidden because he remembers that he was going to file a lawsuit against the borough because he was given a U&O Mike said the curbs and sidewalks should have been done. Beverly said they should have been, but she can't help it that it wasn't on the engineer at that times report. Mike said they should be done because they are deteriorating and they're going to destroy the road. Beverly said so now that's a new issue to be addressed. It wasn't neglected from 2016 – 2017, it was never on there. Mike said she should know by now that he doesn't ask a question unless he most likely knows the answer. Beverly said she doesn't give him information unless she guarantees that she has it. Mike said then she must forget pretty quick because she was on council and he threatened to sue the borough council when he was told to do his curbs and sidewalks. Mike said he would bring the minutes to her. Beverly said to please do and she'll show him this spreadsheet of the stuff from Gilmore showing the chart of everything that was done plus the shoddy permitting that was done. Mike said they were marked to be replaced and he argued the point. Beverly asked who he was referring to. Mike said Mr. Darnley. Beverly asked if he owned the property in 2016 and Mike said yes. Beverly said his address is a Hulmeville Ave. address and it's not listed on the roads program. If it was marked why isn't it on the actual report from Gilmore? Mike said because he was going to sue the borough. He said to remember back in their executive meeting. They were not going to go after him because they had just provided a U&O within 90 days of this needing to be done. Beverly asked if Mr. Darnley came before that council because she was simply a council member back then. Mike said he made it known. He told everybody out on the street. Beverly said so he told people on the street. He didn't come before council which means she didn't get to hear it. Mike asked who was in charge of streets back then. Beverly said she was the streets chair. Then she said, no, she was pulled off of that committee and was on community development. She was put on that committee under protest. Mike said it goes back to the same thing he's been saying all along. Why have ordinances and laws if they do not get enforced. Beverly said he needs to show her what he has. She can show him what she has. She is not coming over there so he needs to show her the report that he has. Mike said he'll get the all the information. It's obvious that it got hidden. Beverly said she has the report that was hidden from Gilmore Associates which was the engineer at the time who reported on every street and residence and the condition of the curbs and sidewalks so somebody at Gilmore hid that? Mike asked why is it that he had little nicks out of curbs and he had to take them out and his curbs are falling apart. Beverly said ok, but that's right now. You

had mentioned when the road was repaved. Mike said it was then too. That's the part she's not getting. Beverly said obviously not. Mike said she is just going to argue the same point. Beverly said she is because she can only tell him what's in black and white from the engineering reports from the engineer at that time. That's a very disturbing thing if they falsified that record of what roads needed to be fixed for a project of that size. It's kind of disturbing to her. Mike said he has no more to say to her, he's done. Beverly said they will have to get together somehow and she'll show him what she has and he can show her what he has.

Tom Wheeler, 151 Bellevue Ave., said a few people had called him after the meeting a couple months ago that basically his character was assassinated at the meeting. Somebody implicated that he was using his position as Hulmeville Borough council to try and push them around. He said he's never been to one meeting and mentioned that he was a Hulmeville Borough council member. He's not asking for an apology. He's asking why that was brought up by one of the council members. It was Mr. Stratz and he asked if he would like to say why he attacked his character. Beverly Wolfe and Ben Hauser both said John did not have to answer him. John said that was incorrect and he never assassinated his character. Tom asked if he said he was using his power and flexing his muscles as an elected official. Ben said he does not have to answer that. John said now it seems as if his own character is being assassinated. Beverly said she would take a look as to what went on and the proper measures will be taken if she finds something that's inappropriate and will be discussed with him in public. Tom said if he is wrong, he apologizes. But he heard it from too many people.

Terry McIntyre, 335 Hulmeville Ave., said when he was on council, they had to get volunteers for everything because they had no money or manpower. They were putting equipment together and they had to hire someone for that. They put down and spread the mulch at the rec field and fixed the roof at the pavilion and did work in Taddei Woods. They had to get a rider on the insurance policy to cover a volunteer or an elected official. Like Mark said, they are going to come and put the desk together for the manager. He might slip and put the screwdriver through his hand. Who covers that? He asked if the borough is covered for that. Beverly said they are. They still have that volunteer rider on the policy. Beverly said thanks for bringing that up. She said you know her, she does not like liability. Mike Smith asked if she just said that. He said it's been facing her for eight months. Since September he's been bringing it up and they don't want to do anything. You don't like liability but here it is, and you don't want to deal with it. Beverly said he's too much. Mike said he's being honest. Beverly said she is being honest too. The attorney advised them that it is being handled. She asked what he wants her to do. She can't talk about it.

MOTION BY MARK MOFFA TO ADJOURN. 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.

Submitted by: _____
Marie Serota, Secretary/Treasurer