

Penndel Borough Council Meeting  
Via Zoom Communications

April 5, 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

Solicitor's Report on the 03/31/21 Executive Session

Dave Truelove reported that an executive session was held on Wednesday March 31st beginning at 6:30 PM and ended at 7:40 PM. All council members were present as well as himself. Litigation matters were discussed.

Council or Borough Announcements

Barbara Heffelfinger reported that she spoke to Ed Preston. There will be the 5K run and also the parade is on for this year. There will be a flyer in the newsletter that will give you all the dates. Beverly Wolfe said the 5K run is on April 25th and the Memorial Day Parade is scheduled for May 29<sup>th</sup>.

Consent items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE MARCH 15, 2021 WORK SESSION AND APPROVE THE BILLS FOR THE MONTH OF MARCH 2021. 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, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

**Reports:**

President's Report

Beverly Wolfe reported that she owed some information to Mike Smith. She said at the last meeting he talked about a specific property that was part of the roads program in 2017. The property in question is 411 Hulmeville Ave. It was on the list and they received a letter from the borough giving a heads up about the project. Then the second letter was letting them know what they needed to do and had photographs attached. It was sent certified mail and they have the

return receipt which was received on June 6, 2017. The street work was done in the fall of 2017. Apparently, the work was never done and nothing else was ever pursued by the borough. She said this happened four years ago and she's just reporting back to him the findings because he was saying that she was not being truthful about it. She now has all of the documentation you could possibly want and she's being forthcoming. Mike said that she had said that property was not on the list. Beverly said that's because she had Phase 2 and did not realize she didn't have Phase 1. Mike asked why a lien was not put on the property like they were all threatened with. Beverly said she can't answer that. She was on council at the time but was not privy to any of these things that were going. Mike said John Stratz was on council as well. Beverly said they weren't on the streets committee or public works. Mike said John was on the streets committee. Beverly said he was second in command. Mike said John was and he has all the emails. Beverly said it's interesting that he has all those emails. Beverly asked Mike if they could continue the discussion in public comment. She was just giving him a report of what she found and he's asking questions that she probably does not have the answers to. Mike said ok as long as he doesn't get held to three minutes. Beverly said this back and forth is not going to continue. They will listen to his concerns and then she can report back to him. Joe Dudash asked what council is going to do about this and if the engineer would go out there to get it corrected. Beverly said she doesn't know what action to take yet because she didn't even finish the report. She just received the other portion of the information this afternoon. It's been four years so she has to figure out what the next steps will be. Joe said it's just odd they so easily slap liens and everything else on other people. Beverly said when she is done with the report, she will be very happy to share that with council for discussion. When you see some of the things she found doing this research, it will become probably a little more evident than it was not selective in any way and it was not just one property. It takes quite a while to research all these and pull permits. You learn for the future for what happened in the past. That's the way she has to look at it. Joe said he agrees they have to go slow and cautious with these new ordinances. Joe asked if she had checked on what Mr. Moser asked about the contractor license. Beverly said she thought she reported back on it. She said Mr. Sodano mentioned contractor registration as well and it is in the fee schedule. The fee schedule is on their list of things to be reviewed this year. The contractor registration has been required by this borough for a very long time. Joe said it has to do with that extra charge and Beverly said it's in the fee schedule to register as a contractor with the borough. She said perhaps the new borough manager would be better to answer the question since he has more experience with it to see if this is something they need to take a really close look at.

#### Mayor's Report

Mayor Winkler read his report which is attached.

#### 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.

Barbara Heffelfinger asked what the current status of the project was. Carol Schuehler said all the new lines and manholes are operating and they've tested all but one of the manholes and they tested the sewer lines, vacuum test and mandrel test. The testing is almost complete. The restoration is about 80% complete. The finished paving still has to be done on the portion of blacktop that's being restored but they're pretty far along. They are in pretty good shape on this project and meeting the deadlines imposed by the permit so that we don't interfere with turtle mating habits. Things are going well and they are close to 90% done with this project. Beverly

Wolfe asked if they are going to come in under what they projected or just about what they projected. Carol said at this point it looks like they're going to come in very close to the bid contract price. They made some quantity adjustments up and down in a couple of things so it should be pretty close to the bid unit price if they don't have any surprises. The contractor has worked with them and things are going well. Beverly said in regard to the linings, these have nearly 60 years of service life. The concrete right now is in good condition. She asked if Carol was proposing to not line them or to line them. Carol said there are manholes that had been out there for 60 years. Those manholes came out as part of this project and concrete manholes went in. When they specified the project, they asked for this additional PVC lining to be built into those manholes. The supplier forgot to put those in when they cast them. So now there are two choices. One option that would be perfectly acceptable is to have them do the aftermarket lining which is the same lining that they've done in a couple manholes in the borough with a 10-year non prorated warranty. It's good stuff and has a 50-year life. The other option is you save that \$18,000.00 right now because based on the condition that there is in the other manholes, this isn't an urgent issue or a real concern in this part of the system. In 50 years from now the borough could go back and line those manholes if any concerns arose. It's sort of like when you buy a new car from the dealership and they want to sell you extra rust undercoating. She saw an opportunity to save the borough some money and wanted to bring it forward to Council. Beverly asked what usually degrades the concrete in these manholes. Carol said gases that come off of sewer and wastewater flows if things are slow or stagnant or if the slopes are flat. It happens more often if you have sewer sitting or moving very slowly through the system. But over there the sewage is moving so it appears based on the evidence of the manholes that were removed, that they don't have an acidic problem in those manholes.

**Tom Sodano, 126 W. Woodland Ave.**, asked if they are familiar with the fact that the Romans made concrete that stands for 2,000 years. Modern man has trouble making it last 60 years. When you look at what concrete is being supplied now, do they know that it is structurally identical to what was there, meaning the Romans used aggregate that came from volcanoes. That's why theirs lasts longer with the sand or aggregate or whatever is in what's being installed be able to withstand the duration of time that the supplier in 1960 supplied is a big question. They're fighting a situation or remedying a situation where they had a flow issue so stands to reason that the particular mains that they are discussing had a lot of liquid in them most of the time so there would be minimal area for there to be gases. But now that they're going to increase its flow capacity, it'll be more normal to what they would expect to see in those type of flow characteristics where you might have effluent halfway up the walls instead of 3/4 of the way up the walls making room for more gas. If they eliminate these liners, are they being penny wise and dollar foolish and allowing newer concrete that might not withstand 60 years to deteriorate faster? Carol said there are other manholes in the system that they found when we did the video inspection from the same time period that did not hold up and have deteriorated and did need repairs. Concrete itself really has evolved over the decades and in terms of additives for strengthening and protecting the concrete so it's actually likely that the manholes built today are actually better than the ones that were built in 1960 just because of the advances in concrete. The cross sections and the details really pretty much look the same in terms of wall thickness and such that really hasn't changed much over the decades. She doesn't know exactly what manholes were installed in 1962. The manholes themselves don't fill up. They are junction points for the pipe. They might flow fairly full, but it is really staying in the channel unless there's a big water problem down at the interceptor. It's really not so much a matter of the water coming up in the manhole except for the extreme events that caused the overflows in past years which hopefully they won't see again. The borough could certainly go back at a later date and line these manholes. You don't have to accept this change order, but she sees the condition of these concrete manholes that they pulled out and they were pretty darn good and

the fact that here's an opportunity to save some money. They could go back and line these in 20, 30 or 50 years if the need arose. The liners are an interesting process. There are three different layers of material that has some flexibility and some structure to it as well as a protective coating that keeps sewer from ever getting to that concrete. The borough actually has installed them in a couple of manholes in 2015. If they want to line them, it's a great system and they're getting a bargain but if you want to save the money, she doesn't see a need for it at this time.

**Jay Moser, 525 Hulmeville Ave.**, said for the \$18,000.00, since this is a grant project with a 15% match, would part of the grant money be going back. Carol said grant does not cover the entire cost of the project. As long as they expend the grant money plus 15% which the borough will, they would not be sending any money back. It would be less money coming out of the borough's coffers.

**Mike Smith, 127 Dehaven Ave.**, asked Carol if the rebar and wire that's in the manholes are epoxy coated or just bare. Secondly, those manhole liners were installed in Penndel were fairly easy to put in. They heat them and they expand into the manhole. But what is the cost going to be doing it now or later. Will it be more expensive later on? Beverly said that Carol did say it was a bargain. Carol said she did a manhole lining project in another community in 2018-2019 and the price per manhole ranged from about \$1,800.00 to \$4,000.00. It varies depending on the depth and the size of the manhole and what the costs will be in 10, 15, 20, 30 years. If the borough was going to invest in lining manholes there are a lot more candidates in the borough that will be more in need upon inspection than these newer structures. As far as the epoxy coating, she would have to pull the shop drawing assuming you're talking specifically about the steps that are exposed because everything else is down inside the concrete. Mike said he just wanted to make sure she had that information.

MOTION BY MARK MOFFA TO APPROVE CHANGE ORDER #1 FOR THE SEWER MAIN REPLACEMENT PROJECT REMOVING THE REQUIREMENT FOR A MANHOLE LINER, GENERATING A CREDIT OF \$18,000.00 AGAINST THE BID UNIT PRICE OF THE MANHOLES FOR THIS PROJECT. SECONDED BY JOHN STRATZ. Beverly Wolfe said she is also wondering if they're being penny wise and dollar foolish to quote somebody else. Those linings that are blow molded really work and they were very successful with some back in 2015 and 2016. However, given that the stuff that they have there has lasted so long, she will just voice that concern. John Stratz said as much as he fully understands precautions, \$18,000 in liners can go to the ones that they desperately need to get to in other parts of Penndel. Beverly said she agrees with him.

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

MOTION BY JOHN STRATZ TO APPROVE PAYMENT #1 TO PACT ONE, LLC FOR THE SEWER MAIN REPLACEMENT PROJECT IN THE AMOUNT OF \$268,127.62 AS RECOMMENDED BY BOROUGH ENGINEER. 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, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

#### Zoning/Code Enforcement Report

Mark Moffa read Charlie Pluguez's report which is on file in the secretary's office. Council commented on how detailed the report was.

### Fire Marshal/EM Report

Nick Foufas was not in attendance. Beverly Wolfe reported that at the last meeting they got a very comprehensive report from him about all the inspections and everything being up to date. She will get a report from him. He has also been keeping them up to date with the covid numbers.

### **COMMITTEE REPORTS:**

#### Administration/Cable

Mark Moffa reported that the new borough manager Geoff Thompson starts on Wednesday and they've been getting his space ready and doing exciting things like putting his desk together and his chair and moving filing cabinets and so on and so forth. They are excited to have him start. He and Beverly put their heads together on some things for him to start working on from day one. They met with the current staff for a little pre preparation meeting because this is a significant change and they wanted to make sure that concerns and questions are addressed and that the staff knows they are available to try to answer those.

#### Buildings & Maintenance

Gary Nickerson reported that Mr. Diaz put in his resignation so he thought at the next meeting they could talk about the description of what the new maintenance worker's job responsibilities would be. They are hoping the new maintenance worker's skills would include being able to use a weed whacker so they could save some money on doing the entrances to Taddei Woods and the sewer pump stations and things like that. When they advertise for the new maintenance worker it would include things like that and taking trash out down at the rec field. He thought that at the work session they could talk about those things. Barbara Heffelfinger said in all deference to Gary, she thought that was kind of silly because when the guys come out to cut the grass, they have a guy at the same time weed whacking. If they cut the grass and they don't have the maintenance guy in for another 3-4 days, it will look like you know what in the meantime so talk about being foolish about how you're spending your money, she thinks that's a no brainer. Gary asked if she thinks paying \$30.00 for a contractor to spend maybe 90 seconds weed whacking Taddei Woods is a good use of borough money. Barbara said it's not just Taddei Woods, it's all over. Gary said he's not saying they need to have the maintenance worker mow the entire borough. He was saying that right now they're paying \$60.00 to have the entrance behind him and then the entrance on Washington Ave. which probably takes maybe five minutes and they're currently paying \$60.00 for that and they're paying \$27.00 for each pump station. It's just his suggestion and they can talk about it. Barbara said they should talk about it at a committee meeting and then bring it to council at the work session. Beverly asked Gary and Joe to put a list together and then have a presentation from the building and the maintenance committee at the work session with recommendations as to what they like to see. Barbara said there's other committees that might have certain job responsibilities that the future borough maintenance worker might need to. If you have a committee meeting, you bring that information to the work session. Beverly said between the two of them they probably have a good idea of what some other committees might want and if they don't, those committees will be free to speak out about it at when they present what list would be.

Joe Dudash said he received an email from one of the employees regarding Mr. Diaz leaving and the trash in the office. It's only going to be for a short time because the manager is going to hire somebody. He doesn't see a problem of emptying the little trash can into the big one and then rolling it out until they hire someone. Beverly said they spoke about it and they will pitch in.

### Community Development

Barbara Heffelfinger said she didn't have anything because she was not given any direction on what they would like her to do, especially for the RDA grant. Beverly said she thought they talked about looking at stuff like DVRPC. Barbara said no, because she had no direction at all on where they wanted her to go. She would be more than happy to do that and sit down with Carol if they would like her to. Beverly said to do that ASAP because she thinks there's a couple of grants hanging out there that they should go for. Barbara said there are but the RDA grant. You have to start looking for bids and contractors. Beverly asked if she was talking about the ones that they were awarded last December. Barbara said for the building. Beverly said Gilmore has been working on it and she will get a report from Kurt on it. It is for the front entrance and he is working with the architect to come up with a design that they will all like. Barbara said she thought that's what they paid him for before. Beverly said it was just a sketch plan. Now they are doing the actual plans to redo the whole front vestibule and the concrete work and everything. Barbara asked who is going to go out, the contractors. Beverly said that will be their responsibility. Barbara said they're going to pay them again for. Beverly said she thinks they are talking about two completely different things. The other grant was the police grant that they're handling. Barbara said they are past the deadline on DVRPC. Beverly said she thinks there's something else coming down the pipeline. She finally got her December edition of the borough magazine today and there's a couple other things in there that looked interesting. Beverly said she herself and Barbara need to get together and talk about it and have Laura learn a little bit more about going out and finding this stuff. They will have to figure out a time to get together, especially Barbara who is the queen of grant writing.

### Community Relations

Laura Germain reported they are getting the newsletter ready to go out. Barbara is always kind enough to do most of the folding and mailing. They are hoping for this week. They will put the additional flyer in so they don't have to reorganize the whole newsletter and cause further delay. For the website contracts, she and Barbara met and they had several questions so she reached out to the website people who did get back to her and she thinks that will be ready to present at the next council meeting which is just for additional work that needs to be done either a project by project or month by month kind of a thing which we'll talk about in more detail then. She is going to do the Pennel Safari again. There will be the huge mural of safari animals outside of borough hall and people can put little animals outside on their stoop or in their windows and people walk around on the weekend. They had people either email or post pictures of what they saw and then she did a random drawing and sent some gift certificates out. It was really successful last year and since they're still in the pandemic, to do it again. With the weather getting nicer, everyone can always use a pick me up. That will be the weekend of April 20th through 21<sup>st</sup>. She will start putting it on the Facebook page on the website. She was looking around in the Facebook page diagnostics and tracking. On her first year on this committee, they had reached 500 followers. They are now at 700 and something so that's a huge amount of people following and a lot of the businesses are following them now as well. She also noticed that how many posts get sort of interaction and get noticed. Usually they get around 100 - 200 posts that are of people noticing their posts or liking them or clicking on them. Some of the posts have gotten in the thousands. The safari ones from last year got 5,000 interactions that was pretty cool. The posts about the trash are popular, the meetings not as popular. The events seem to be the most popular in terms of Facebook. She doesn't know about the website but with Facebook she can kind of track what's popular. She thought she would keep an eye on that and if anything interesting pops up she'll report it at the meetings. Beverly said these community events are really a lot of fun and they bring the community together. She thanked Laura for that and Barbara for the work on the newsletter.

### Finance

Barbara Heffelfinger asked why the credit limit was increased on the credit cards. Beverly said it was to be able to purchase the items that they needed for either the new manager or for the mayor. They didn't have a high enough credit limit. Marie said if the borough doesn't have an account with a company, they have to use the credit card. They have an account with Staples and Quill but some of the items were purchased online or at Office Depot, so they had to use the credit card for those. They were over the credit limit, so it was increased. Mark Moffa said they're talking about extremely low limits. The limit on the card was \$3,000.00 and it was increased to \$4,500.00. Barbara said as chair of finance she would like to have known about it. Mark said she was included on the email. Beverly said they will be sure to let her know about things like that.

### Open Space

John Stratz reported that the Bucks County Health Department will be treating parts of Pennedel's catch basins for mosquito breeding in and around Taddei Woods. Beverly asked if they do that at no charge to the borough. John said that is correct and they thank them very much for doing that.

### Ordinance

Mark Moffa reported that as tends to happen, someone makes a simple request and it turns into a major project. In response to a request for residential handicap street parking, they've been looking into rules and regulations on this as pertains to their code. Hill Wallack did some very thorough research that they received a report on today so they will be looking to revise the ordinances to bring them into alignment with what's needed to properly address these situations where folks might need a handicap spot on the street. He expects to have further information on that at the next meeting.

### Public Safety

Beverly Wolfe said she wasn't able to attend the presentation that the Chief gave. She has heard from her fellow council people that it was fantastic. The chief very kindly offered to schedule some time to show her the presentation. She believes everybody else was very pleased with it and learned a lot. Beverly asked if they're working on their portion of their RDA grant. Bob Winkler said they are working on it. Barbara said they better start thinking about what kind of project they're looking at for next year.

### Public Works

John Stratz reported that for streets, he will say that Mr. Diaz will be greatly missed. Last year and for the last two weeks this year, Mr. Diaz has been working on filling in potholes under the guidance of the Mayor. He did a great job and saved them a lot of money. John said he would like to include street work in the new maintenance worker contract when they work on that in the next couple weeks.

### Long Range Finance

Gary Nickerson reported they put hiring of a maintenance employee on hold until Geoff starts. Beverly said that makes sense because he may have some other ideas.

### New Business

MOTION BY JOHN STRATZ TO ACCEPT THE RESIGNATION OF PUBLIC WORKS EMPLOYEE ANTHONY DIAZ WITH REGRET. SECONDED BY BARBARA HEFFELFINGER WITH REGRET. Barbara said she hopes when they try to get another maintenance person that they have some kind of response because Mr. Diaz was the only person who applied for it

before when they hired him. It may not be easy to fill. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE USE, OPERATION AND MAINTENANCE AGREEMENT FOR THE NESHAMINY WILDCATS ASSOCIATION. SECONDED BY MARK MOFFA. Beverly said this is for the baseball/softball portion. Beverly said it is a revised agreement and they put some other clauses in there. It's not exactly a perfect product because it is a year-to-year contract now, not a multiyear contract. Next year she would like to see that evolve even further into more specific things. She thinks they need to get what they're doing down at the rec. field in order a little bit better before they start asking people that use the facility to start doing work that they're not even exactly sure what needs to be done. They know there's a lot of work to be done right now. They just don't know where the responsibility should lie. Barbara said they have to clean up the trash after they use the field. Beverly said they need to do a much better job of following up with them. They've done a terrible job with that and they're going to have to make them accountable for everything that's in that contract which doesn't include refuse cleanup. Gary said this contract doesn't really specify what exactly they're supposed to do. It just says that they're using the facilities and we're supposed to be providing trash cans. Beverly said they do provide the trash cans. They provide the dumpster. Dave Truelove said the agreement does require the Association to be responsible for maintaining the facilities at a safe, sanitary, neat and attractive condition so it's a general responsibility. It imposes an obligation to keep it exactly as it says. Gary said he thinks the borough is lacking in their responsibility to maintain the playgrounds. It is completely unrealistic to expect the Wildcats to sweep and clean up the basketball courts in the middle of December. Gary said this is the football one and this contract is dated the 16th day of September 2020. Beverly said it's not the right one. Dave said the correct one is from August 1, 2020 to July 31, 2021. Beverly suggested they table it until the next meeting so they can make sure that everyone has the correct copy of the contract.

MOTION BY BARBARA HEFFELFINGER TO TABLE THE MOTION TO APPROVE THE USE, OPERATION AND MAINTENANCE AGREEMENT FOR THE NESHAMINY WILDCATS ASSOCIATION. SECONDED BY LAURA GERMAIN. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried. Beverly said they'll get that out next couple of days so they can go over it because it is different from the old one. Laura asked if they should disregard what they have and a new one would be sent out. Beverly said yes. Barbara asked if Andrew Hart was still involved. Beverly said yes.

MOTION BY JOHN STRATZ TO APPROVE DISBURSEMENT OF \$5,220.00 FROM THE PENNSYLVANIA MUNICIPAL LEAGUE TO VITORIA SILVA FOR HER TENURE AS A POLICE DEPARTMENT INTERN (CHECK FROM THE PA MUNICIPAL LEAGUE IN THE AMOUNT OF \$5,220.00 WAS DEPOSITED ON APRIL 1, 2021.) SECONDED BY BARBARA HEFFELFINGER. Chief Perry explained that they were given the opportunity to pay one of the interns for her time with them. He said that \$5,200.00 is not even close to what she deserves. Tori put in so many extra hours and was the best intern they've ever had. They were able to get her paid and compensated and he believes she's going to use that towards her tuition at Temple University. Beverly said that this is an in and out. They already received the money in from the Pennsylvania Municipal League and it's just going out in the form of a payment to her. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Joe Dudash, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.



MOTION BY BARBARA HEFFELFINGER TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

Comcast invoice dated 03/02/21 in the amount of \$129.46 for internet at 790 Neshaminy Street

Comcast invoice dated 03/01/21 in the amount of \$224.71 for internet & voice services at 37 W. Woodland Ave.

Gettysburg Benefit Administrators invoice dated 030121 in the amount of \$169.59 for dental insurance installment

SWIF invoice dated 030121 in the amount of \$4, 251.22 for fire department workers' compensation installment

Independent Blue Cross invoice dated 03/08/21 in the amount of \$5,484.44 for medical insurance installment

Selective Insurance invoice dated 03/12/21 in the amount of \$17,635.00 (January, February and March) workers' compensation and commercial package

Comcast invoice dated 03/22/21 in the amount of \$200.59 for internet and voice services at 300 Bellevue Avenue

Deer Park invoice dated 030221 in the amount of \$54.90 for 3 5-gallon bottles of spring water

Grimmer Construction invoice dated 02/24/21 in the amount of \$3,718.00 (the Liquid Fuels portion that was not paid last month) for snow plowing

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, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPROVE REOPENING OF BOROUGH HALL AS WAS DONE PREVIOUSLY WITH ACCESS THROUGH THE BACK DOOR ONLY AND APPROPRIATE SIGNS POSTED FOR MASK REQUIREMENT AND SOCIAL DISTANCING EFFECTIVE 4/6/21. SECONDED BY LAURA GERMAIN. Joe Dudash asked if they will come through the door and stop at the back. Beverly said it's not going to be locked all the time they're going to ask people to stop there and they can check and make sure masks are on. They don't want anybody just rolling in and going into the offices that don't have a mask on which she's seen happen. Marie said they're going to have them come to the table like they did before the with the plexiglass they're going to put the sign that says stop here in the way so they have to stop without moving the sign. Some people just walked right past it before. With the signs on the back door and the signs on the front to go around the back, she thinks it will work. Beverly asked if the back door will be unlocked. Marie said yes. Laura asked when it starts so she can update the website. They decided it would start immediately.

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

#### Persons to be Heard

**Mike Smith, 127 Dehaven Ave.**, said that back when the streets were going to be redone, everyone that was on that list was given the same statement that if they did not comply, they would have a lien placed on their property. Several of the neighbors on his street are on here tonight. A couple of them were threatened with liens. He knows for a fact that one had to take money from another source in order to do this and they did it. But with this property, nothing happened. He knows for a fact that the borough was threatened with a lawsuit because he was given a U&O and the curbs and sidewalks were never on it. He doesn't know who brushed it under the table, but it seems like this is a common theme with this property. Nothing ever gets

done. Mike said to Beverly he doesn't know what she knows and what she doesn't know. But it was very well known what went on back then. Beverly asked if they are talking about back in 2017. Mike said yes. He said if she looks back, she'll find emails speaking of it but he'll leave it at that. Beverly said he originally brought up that he got some answers but has more questions. Beverly said just so they're clear, she wants to read into the record that the address was part of the 2017 CDBG funded road program concrete replacement requirements #2 with the original contract being #2016-0304. That was known at the time as Phase 2 which is when that property went onto the list from Gilmore which she does have. She also has a U&O copy for that property that was signed for by the zoning officer at that time who authorized it and was dated 3/24/17. It was passed by the U&O officer at the time. She's trying to find the checklist because all the inspections are here. Mike said nobody is saying that that didn't happen. Mike said the person that lives there threatened the borough with a lawsuit because they were provided a U&O and then when they came through and marked the curbs and sidewalks, that's when the lawsuit was threatened. Beverly said she has to take a look at that one because she knows nothing about that. Mike said some of his neighbors saw the sidewalks and curbs marked. Beverly said she's sure that they did. She just doesn't have a record of it. She does know that in the letter that was sent it says they have to have it done before September 1, 2017 and they had to arrange for it. Failure to contact the borough or to complete the required repairs may result in the borough performing work at their expense or in the collection of additional charges, penalties or other sanctions authorized by the ordinance. That's what that section says. It just says other sanctions authorized by the ordinance and this is only one letter. She doesn't have any other letters if there were any others.

**Tom Sodano, 126 W. Woodland Ave.**, asked who the U&O was signed by. Beverly said it was signed on 03/24/17 by Bryan Guthrie.

**Barbara May, 136 Dehaven Ave.**, said she remembers receiving the letter and it specifically said that if they did not have the curbs and sidewalks completed by the specified date that a lien would be put against the property because the work would be done at the borough's expense and that was the way the borough was going to collect that money. She finds it to be extremely unfair to those of them who had to take money from other sources or in her case, borrow from her 401K in an effort to get this work done before the road work was completed at the timelines that were imposed by the borough. Her neighbor across the street has not done the work to his to his sidewalk or curbs that the rest of them had to do and she would like the borough to investigate why it was never pursued with them. If it had been her, she would have had a lien put against her house if she couldn't have gotten it done. She finds it to be incredibly unfair to the rest of the neighbors who made it work. At the time she was a single mom struggling and working three jobs and it wasn't so easy for some of them to come up with this money, but they made it work under the constraints that the borough imposed so it wouldn't go against their credit like a lien on their property. There shouldn't be exceptions for certain people. These ordinances are in place for a reason and they shouldn't be OK for one and not for all. Beverly said she is correct. And just so everybody here is aware of the letters that she read an excerpt from, it's on borough stationary but it was sent out by the engineer's office.

**Mike Smith, 127 Dehaven Ave.**, asked Dave Truelove if the traffic engineer is still on the table. Dave said it is. Mike asked if it had been voted on by council yet. Dave said it was as part of the executive session, the decision authorized him to engage the engineer. Mike asked how they can vote in executive session to spend money. Dave said it is a litigation matter and you can do that with something like that. Tom Sodano said they absolutely cannot vote to spend money in an executive session unless it's a specific item that has to do with litigation meaning attorney fees, court fees, etc. Hiring someone else you cannot do. That's taxpayer money.

Dave said this is related to the litigation. Right now he's just having a discussion with the engineer so they have not authorized a specific disbursement. Tom said that he said that they voted on spending on engaging an engineer. Dave said he misspoke. What they're doing is getting an engineer who he spoke with today to take a look at the area. The biggest concern everybody has about the situation over there without getting into too much detail because they're in litigation is public safety. He has an obligation to the borough as the solicitor to make sure that the public safety issues are met. He did engage in discussion with the opposing counsel who was in agreement to at least look at this from that perspective and if they could engage an appropriate engineer to look at this and give them some type of read on what their recommendation would be, that would be something that would hopefully protect everybody in this in this circumstance which includes perhaps and probably moving the fence in some manner or fashion. They don't know exactly how much it may be. He's going to meet with him the middle of next week to take a look. He can give him a proposal for scope of services and council would vote on that. What he misspoke about was the initial contact with the engineer. They have authorized him to meet with an engineer and to have that discussion. There wasn't any vote on the actual disbursement. It would have to be done in public. Dave said he wants everyone to understand something. There's nothing being hidden here. The problem is when you're in litigation, certain things have to be discussed in a in a closed context because for lack of a better term, they don't want to show their hand to the public. He thinks everybody here understands that but there are certain things they can discuss and should discuss and ultimately if there's a retention of another expert to assist them, that would have to be authorized here. He just wants to find out what the scope is right now. He doesn't think it's going to be terribly expensive and he knows it's a question somebody's going to ask of who is going to pay for it. That's something else they will be looking at. They want to bring this to a fair and appropriate resolution, but we want to do it in a in a in a way that protects the borough and the public at large. Mike said he made it perfectly clear to Dave today but wants to make it perfectly clear to the rest of council that he does not agree with spending any taxpayer money for this issue. And as far as bringing an engineer in here, he wants it known that he is not going to fold just because this engineer comes in here and says move it back two feet. There are codes and ordinances that everyone is required to follow. He gets a law that's put to him and he has to follow it. If he doesn't, then something bad comes to him. They have an officer of the law that is hired by Pennel Borough to uphold the laws of the state and the town and right now he's laughing at them. No one is upholding the law. They have written an ordinance that is pretty damn specific and it needs to be upheld. He tried many months ago to negotiate it and he wants it known that he is not budging from that fence being made to comply with the ordinances. Beverly said this is a traffic engineer. Mike said he understands that and doesn't want this to be binding and he spoke with Dave about it today. It's not going to be binding to him. He doesn't want it being used against him to get this thing moved. Dave said the reason why he contacted Mr. Smith today is because he is an intervenor in the litigation at the county court. As a party, he has a right to be informed about the plan and the steps proposed. Beverly said her point of view is simply public safety. Mike pointed out line of sight and all kinds of stuff. Nobody here is an expert on that. Mike said he's been complaining about public safety and now all of a sudden it's a big deal. It's got to be a big deal from the very first minute that it's out there. It should have been done back on September 8<sup>th</sup>. It's got to get done. Dave said they totally agree.

**Tom Sodano, 126 W. Woodland Ave.,** said he agrees with Beverly that it is 100% about safety. If you review the transcript of the zoning hearing, the expert on the subject spoke at length on the line of sight which was George K. He knows that law inside out. If you review that transcript, you'll find the answers to the questions on line of sight.

For the agenda, if you print the voucher page, there are still no numbers. It's just blank on the voucher sheet. He's not sure if it is how the program loads up, but the numbers just aren't there on his end. Barbara said the numbers are not available until later on that date. They've had this discussion and the suggestion was if they were printed on there, they wouldn't have to be read. So now they're not being read and they can't see them so you might as well go back to reading them. Laura said what happens is a few days before the meeting she gets an initial agenda that has everything, but those numbers are blank. She puts that up right away because they get a lot of emails days before the meeting asking for the agenda. The day of the meeting those numbers are finalized and she takes off the original agenda and puts up the new agenda with the new numbers. She will discuss this in her next committee meeting with Barbara but her thinking now is that she'll put the meeting announcement up and wait to put the agenda up until finalized. And it depends on when he is printing it. If she puts it up at 5:00, it might not update immediately. It might have been updating on his browser when he printed it. People complain either way. People want the agenda early and they want the complete agenda, so it is definitely something they have to discuss. Mark said the numbers are there now online. They didn't get the version with the number until 4:00 PM. Tom said he waited until after business hours assuming that by 5:00 o'clock that it would have all been loaded and at 5:30 today, it was still blank. Tom said when Mark read the zoning report from BIU, the person he named was Charlie. Tom asked if it was the guy from before. Beverly said it is. Tom said when they talked about hiring BIU, he said he has no problem with the company but he's a moron and he was assured that he would not work in the borough if they hired them. And now you're saying this guy is here again. Barbara said he's doing a fantastic job. Tom said he's an idiot. Barbara said that's a matter of opinion. Tom said the guy is a clueless human being and if he is he's doing a fantastic job then somebody must have a puppet stick up his behind because if you actually ever hammered a nail yourself and then you have a discussion with him about that, you would realize this guy is just a parrot of what he's read and he has not a clue. Tom said the last thing he wanted to mention is that the minutes are not current. At the last work session there was a pretty spirited discussion over something that had been said in a previous meeting and Tom Wheeler was the person who questioned it. It happened at the work session on the 19th of January. If those minutes were available, then the discussion could have been ended immediately because it could have been reviewed what it was that John Stratz said. Once they are approved, and he understands that Marie is busy, but if they could get more current on them, they could eliminate a lot of problems and people will be able to see what went on at the meetings. The last minutes on the website is the January 4<sup>th</sup> council meeting. Beverly said they are working on it and will get this fixed. Tom said it created a situation where somebody was accused of saying something that he said and then it was denied and if they had the minutes, they could simply review them to see what it was in the minutes. He said he knows what he wrote down but doesn't know if that's what's in the official minutes. Beverly said she did promise that she was going to get back to Mr. Wheeler personally.

**Dave Cahill, 462 Cynthia Ave.**, said he has three issues. The first one is for David Truelove. He asked Dave if he is aware that there is another privacy fence with the same issue as the fence next to Mike Smith's house on Centre St. at the corner of Centre and Joyce at the old Donna Caracappa house. He said Dave might want to take a look because he doesn't want him to miss anybody if they're going to have a traffic engineer come in and do some kind of a sight study. He wants to make sure that they get all the fences in the borough that might be an issue. The address is 107 Joyce Ave. Dave asked if they really brought dirty Charlie back. Beverly said obviously they did. Dave said he guesses they saw that coming. He has an issue for him, so he'll be visiting borough hall. Dave said he would like to get him involved in something. Barbara said to call and make an appointment. Dave said borough hall is open now. Beverly said yes and you have to take all the precautions. The back door is open so go to the desk and

stop. Dave said he'll have his little mask on. The third question is for the chief of police. Dave asked how he is making out with the murder investigation and if there is a murder arrest coming up soon for that overdose death on Cynthia Ave. Chief Perry said it's not classified as a murder and it's still an open investigation so they're not going to release any information at this time. Dave said not classified as a murder? Someone died right? The Chief said every death investigation they do is treated that way, but it's not necessarily classified that way until it is confirmed and is in fact what happened. Dave Truelove said that's also the DA's office that makes the decisions. Chief Perry said that is correct. Dave Cahill said he has already made a phone call there. He's just trying to get some answers to some of the questions he has because he's been missing the chief at the monthly meetings. Chief Perry said the DA's office has been involved since day one, so they are aware of it as well. Dave said there's children that live in that home. He asked if Children and Youth were notified. Chief Perry said it's an open investigation and he's not releasing any information regarding that case. Dave said he doesn't see anyone visiting the house and he's a little concerned. He made the chief aware of the drug issues on the street. He said when the cops drive up the street, he can't help but notice that they're always looking at his house when they drive by and he's just kind of wondering why. Chief Perry said they're looking at every house when they're going down the street. That's part of being a trained observer and being a police officer is looking at houses making sure they are not being burglarized and making sure that there's no other things going on. Dave said there's two houses on the street that they're supposed to be watching. Chief Perry said he didn't know what he's referring to but if it is involving that information that he provided to him, again, that's also an open investigation and they wouldn't be releasing any of that at this meeting. Dave asked Chief Perry if he was aware that one of his new officers was asked if he was watching the drug houses and he said that he wasn't aware which homes they were on Cynthia Ave. Chief Perry said they have two new officers and they are in field training. Whatever information he's referring to or information that they turn over to the officers, is part of their field training and they may not know everything on the first day. Dave said he just wants to make sure that they are watching the right houses. Dave asked if there a reason why it isn't being listed as a murder. Beverly said he answered that. Chief Perry said if something gets called in as a shooting and you turn up there and it ends up being fireworks, do you classify it as a shooting or do you classify as fireworks. Dave said someone supplied the gentleman with the drugs. Chief Perry said again, he's not going to go into detail about an open investigation, but he can say that any death investigation is treated as a homicide until they can rule that out as a factor. That is policing 101. Dave asked if he told council that the drug problem moved away. Chief Perry said he did not say that. Dave asked if he told council that they had a drug using problem and not a drug dealing problem over here on Cynthia. Chief Perry said no, he specifically said that there is not a drug trafficking problem in the borough but there is a drug user problem. Dave asked if he didn't think that they have a problem in this borough. Chief Perry said he didn't say that. Dave said he just asked him that and that's what he said. Chief Perry said he doesn't think there's a drug trafficking problem. There's a clear difference between trafficking and using. There are dealers in the borough and they've made arrests for drug dealing. Dave said not on Cynthia Ave.

**Terry McIntyre, 335 Hulmeville Ave.,** said as his wife reminded him, don't forget we've gotten snow in April so don't put those plows away just yet. He's glad to see the parade is coming back. He hasn't heard anything, so he's made a few phone calls to the state about the condition of the street. They have seven weeks left and he was wondering if anybody heard an update because they were out filling cracks one day, but they are still very large holes. Beverly said they need to step this up a little bit. Terry said it would be a bit risky taking the parade down this road right now. They're all going to have to run out to Lowe's and start filling holes themselves. Beverly said she would make some calls tomorrow.

**Jay Moser, 525 Hulmeville Ave.**, said that seeing Terry reminded him of safety in town. He started walking and finds it very difficult to walk some streets in town with the sidewalk and curb situations that have been going on for years. They can't even walk down Crescent St. because there's no sidewalks on one side when that street was done. The other issue is cars parked on the sidewalk in their driveway. You can't walk down the sidewalk. You have to go out in the street. There's an elderly couple that walk every day and they can't walk down his side of the street because of the house being done next door. The sidewalks are all broken up which he understands because it is construction but during the winter, the sidewalks were never shoveled. He'd like to know if they were ever fined. It's none of his business if they were, but there should have been warning sent out that the sidewalks were not shoveled. He would like to make a suggestion. If there is a streets program and they know what's going to happen in the upcoming years, maybe those citizens should be told ahead of time saying it's going to be done in six months or a year. And maybe in the newsletter you can let them know to check their sidewalks and curbs for safety reasons. Walker Ave. is horrible and that street is probably not going to get done for years. You cannot walk it. He has tried it. There are tripping hazards. He feels for Terry's wife because she made a horrible spill and it's going to be somebody else and unfortunately, it's not going to fall on the borough, it's going to fall on the owners of the property. So maybe a little note in a newsletter stating that. Beverly said she thinks that a note was put on the sewer bills. She believes Laura and Barbara are going to put that in the newsletter. Beverly said that's very interesting about blocking the sidewalks. Jay said there are a lot of spots that are very bad. Beverly said that the ordinance committee is already working on a massive overhaul of the sidewalk and curbing ordinance. That was something they mentioned was to give a heads up to people far ahead of time of what streets will be done like PennDOT does. Jay said he doesn't think they all have to be ticketed. He thinks a warning is good. Second or third time, different story. Chief Perry said the police can't be everywhere. He deals with it in his own neighborhood while walking his dogs. He routinely has to walk in the street. He told Jay to contact them and let them know which houses are continually a problem and they can address it. He has to double check the ordinance and see if there's anything that covers blocking the sidewalk. They can certainly knock on the door and ask them to move it off the sidewalk. They want to make sure that people are using the sidewalks. He can call them or email them at [police@boroughpenndel.org](mailto:police@boroughpenndel.org) which gets forwarded directly to him.

**Tom Sodano, 126 W. Woodland Ave.**, said when Woodland Avenue was done and they marked the different properties that needed to be done, he had a discussion with his insurance guy and the first thing he asked him was if he got marked. Tom said he did not. What his insurance guy said was very specific. He said if you get marked or if you get notified, even if they don't paint it but you receive a letter from your municipality and you do not fix it, your insurance company will drop you. The people that Jay mentioned on Walker Ave. that is uneven and whatnot, if they were to get a spot inspection from their insurance company and the guy comes out and just happens to look, they'll drop them. That's a very dangerous thing to do because they are worried about the safety aspects and don't want to get caught in those lawsuits. Especially if you've been notified and didn't address it.

**Mike Smith, 127 Dehaven Ave.**, said there is a maintenance ordinance that could be enforced at any time. He asked why they don't send Charlie out to check a street here and there. There is a maintenance part of the ordinance that requires homeowners to take care of their curbs and sidewalks. It doesn't have to wait till a street is redone. Dave Truelove asked if he was talking about the property maintenance code. Mike said yes. Mike said recently Dave brought up about the other fence. It's sort of the same thing but it's self-inflicted on him getting out of his driveway. He put the fence in alongside of the driveway and he screwed himself over. He's just

letting them know he did look around but he's not the fence warden either. He's not about to drive around town and look at everybody's fences.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:40 P.M.  
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, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

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

## Mayor's Report

04/05/21

Attended Council meeting and work session

Attended Chief Perry's Use of Force presentation

Attended Mayor's Executive Board Conference

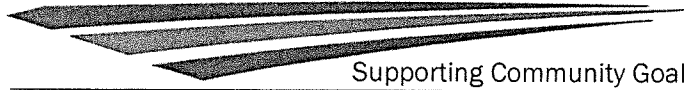
Swore in two new police officers

Supervised a person needing ten hours of community service

Performed 1 wedding

Had Anthony put up a no parking sign on Oak Ave.





## April 5, 2021 Engineers Report Pennel Borough, Bucks County

### Upsizing the Sewer Pipe along the Neshaminy Creek – Change Order No. 1

The new manholes and pipes are installed, and restoration work is underway. This evening we present an opportunity to save \$18,000 on project costs for Council consideration.

As the result of a mistake by the manufacturer, the concrete manhole structures were cast without the additional PVC lining specified in the drawings. PVC lining provides added protection against the concrete corrosion that results from exposure to sewer gases, extending the useful life of concrete wastewater structures. The contractor has agreed to rectify this mistake by applying manhole linings after installation, an added expense for them but without cost to Pennel.

The concrete structures removed did not have such a lining. To the best of my knowledge, these manholes were installed in or around 1962, so they have nearly 60 years of service life. The concrete in these structures was in good condition. Considering the good condition of these aged structures, it would be reasonable to conclude the build-up of hydrogen sulfide and other corrosive gases is minimal in this section of the sewer system. The Borough can therefore delete installation of lining on the new structures and reduce project cost. The contractor has offered an \$18,000 credit if the requirement is deleted.

### Upsizing the Sewer Pipe along the Neshaminy Creek – Payment No. 1

Also before council is a recommendation for payment to PACT One, LLC in the amount of \$268,127.62. This amount of roughly 82% of the full contract value, a representation of work completed to date with a 5% retainer. In addition, project performance and payment bonds are still in place to guarantee completion. We recommend consideration of the payment application as presented.

The Borough has grant funding toward this project in the amount of \$213,155, with a 15% match.