

Penndel Borough Council Meeting  
Via Zoom Communications

May 3, 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  
Borough Manager Geoff Thompson  
Marie Serota, Secretary/Treasurer

Borough or Council Announcements

John Stratz said instances are piling up where correct protocol is being neglected in the borough. If a resident has any problem, they should report it to the borough office. This way they will have a record of the problem and the correct committee can be made aware. They have had problems of this nature with the streetlights with possible injuries that are another municipality's problem and the one that concerns him the most, is their crossing guard. If the citizen had followed proper channels, this incident would have had a much different outcome.

Presentation by Penndel American Legion Post #436

Pam Otto and Jerry McHugh gave a presentation on the renovation at the Penndel Memorial Field. Jerry McHugh said people are concerned about the condition of the monument at the field and the Legion was asked if they would be interested in overseeing the rebuilding of the wall and the sidewalk in front of it. They have come up with a program for a fundraiser to sell paving bricks with the names of the veterans and the residents of Penndel and the surrounding area. They have not come up with a final price yet because they're still working on putting the whole package together. They are looking to have the kickoff time for Memorial Day this year with the mailing shortly afterwards and the actual construction to be finished by Memorial Day 2022 with a ceremony at the rec. field. The name of the project is the Penndel Veterans' Memorial. They are a non-profit organization and are relying on donations as well.

Correspondence

A letter was received from Caroline Lavenduski & Richard Winters on 04/20/21. Beverly Wolfe asked if all of council received and read the correspondence from them. Council acknowledged that they did. Beverly asked them to wait until public comment at the end of the meeting.

### Consent Items

Beverly asked Tom Sodano if he was able to get the agenda and voucher for tonight's meeting. Tom said he was and it posted about 5:00. Beverly said that is when it was finalized. John Stratz asked for an amendment on one line in the minutes.

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE APRIL 19, 2021 WORK SESSION WITH THE AMENDMENT UNDER THE BUILDING AND MAINTENANCE SECTION TO READ JOHN SAID HE HIMSELF WENT AROUND AND IDENTIFIED AND TO APPROVE THE BILLS FOR THE MONTH OF APRIL. SECONDED BY MARK MOFFA. Mike Smith asked if it was true that the police department only has one taser. Beverly said that this is for the minutes. Mike said it was in the minutes. Beverly said then that's what was said. Mike said he would wait until later to mention it. Joe Dudash asked if they are going to hire somebody to get caught up on the 2021 minutes. Laura Germain said they are on the website and are visible to everyone. Joe said he didn't see any from 2021. Laura said they can talk about it in her committee report. Beverly said she can see them. A roll call vote was taken. Mark Moffa, yes, Gary Nickerson, yes, Barbara Heffelfinger, abstain, John Stratz, yes, Joe Dudash, yes Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried 6-0-1 (Barbara Heffelfinger was unable to review them).

### Mayor's Report

Mayor Winkler read his report which is attached.

### Chief's Report

Chief Perry said it is false that they only have one taser. He just wanted to put that out there. He then read his report which is on file in the secretary's office.

Joe Dudash asked if there was an accident a couple of weeks ago in front of borough hall because the sign is down. Chief said yes and the report was given to Marie. Joe said he saw the sign was down and didn't hear anything about. Chief said the Mayor was looking into getting it replaced. Joe asked the chief what his wish list is for the RDA grant money this year. Chief said he's still compiling it at this time. Joe asked if he is looking at a vehicle. Chief said he doesn't think they need a vehicle. There are some other equipment needs that they applied for last year that they're going to apply for and possibly some new items. Joe asked if it's for the officer's equipment or for radios. Chief said what they are applying for what they were not awarded last year. What they were awarded last year was the cost of three new computers for the cars as well as three AED's so that the officers have up to date AED's that are compatible with the AED's that Pennel/Middletown ambulance carries. They just got them in they're working on finishing up some minor training that they needed and will be rolling out shortly. Joe asked how soon he would have the list together to give to council. Barbara said the applications for the grants are due in September. Mike Smith said it was reported in the minutes that they only had one Taser. The chief said that's not true but they're not going to release exactly how many tasers they have because it is an officer safety concern. He can discuss it with council in an executive session, but he doesn't think it's appropriate to release the weapons they have. Mike said he was just concerned. Chief said they have more than one and the officers definitely have what they need to do their job.

### Engineer's Report

Beverly Wolfe read Carol Schuehler's report which is attached.

Caroline Lavenduski asked if they know approximately when this building will be completed because it's been going on for years. Beverly said they do not have a target construction completion date from the developer or the builder.

Persons to be Heard (agenda items)

**Steve Lowe, Pennel Fire Co. representative**, asked for relief of permit charges for their new roof. They received the grant from the DCED and found a roofer that wants to start before school actually stops because he is already under contract to do two schools in the neighboring school district and he needs all those 90 days so he's trying to squeeze them in.

MOTION BY JOE DUDASH TO EXEMPT THE PENNDEL FIRE COMPANY FROM PERMIT FEES FOR THE REPLACEMENT OF THEIR DAMAGED AND VERY OLD ROOF.

SECONDED BY MARK MOFFA. Mark asked if the inspections were still happening, but they are just waiving the fees. Beverly said correct. Mark said the borough absorbs the cost unless code enforcement inspection company waives. Beverly said yes if they choose to do it pro bono. 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. Joe said for Steve to tell the department thank you for helping with Santa Claus and for their service.

**Tom Sodano, 126 W. Woodland Ave.**, asked if the computer under new business to be kept on the mayor's desk that will be used by multiple persons is a laptop or a desktop. Beverly said a desktop. He asked if there will be some way to lock it up or something like that because once they go back to regular meetings, there's a lot of people in that room and they wouldn't want someone to mess with it. Beverly said they won't be able to log into it and they're going to have a locking device to secure it down to either the desk or the wall. Tom said maybe even a drawer to slide the keyboard in that locks so you don't have people playing with it. Beverly said it will be a requirement to be powered off.

**COMMITTEE REPORTS:**

Administration/Cable

Mark Moffa reported that they have been working with the new manager and trying to get him up to speed on everything, had a few meetings so far and tonight is the first night Geoff prepared a meeting packet so they're starting to evolve into in a little bit of a different procedure. They will continue to work with him and get him up to speed on everything going on.

Buildings & Maintenance

Joe Dudash reported that he, Gary and the manager have been working on the job description for a maintenance person. They are also looking into the possibilities for cost effectiveness at both hiring a new person versus contracting out. Gary Nickerson reported that Mayor Winkler was telling them some of the responsibilities that the former maintenance worker had. Geoff was trying to come up with the job description. Everybody is skeptical that they can get a person to do the things they want for \$12.00 an hour. They're still trying to figure out what makes the most sense. Joe said they will need to place either the new person or the contractor under the direction of the manager because when they were switching things from just Bob to adding Beverly, Mr. Diaz's name is on the resolution. Beverly said it is now null and void since they have a borough manager. Gary said it doesn't say maintenance worker it says Mr. Diaz. They can do a resolution to say the maintenance worker would report to the borough manager. Dave Truelove said when they finalize the job description, they would have a resolution approving that and also amending the prior resolution to change it from a designated name to

the position itself and saying the borough manager and or his designee. They want to be specific and flexible at the same time. Geoff Thompson said he put the job description together and said they would report to the manager and his or her designee.

Joe said he and Gary were down at the basketball court and they have trash and weed issues. They talked to the manager about the situation so they're going to have Burcz Landscaping which handles the borough stuff go down and take a look at it and give them a rough estimate. Barbara said they better be prepared to have an open pocket because they're going to pay big time from her experience With Burcz. Gary said he would imagine they would because it's pretty obvious that there hasn't really been any work around the basketball nets for years because there are six-inch diameter trees growing around them. They put in these beautiful LED lights down there and Mr. Diaz and Mayor Winkler seal coated the basketball court and a quarter of the basketball court is covered in poison ivy. They should probably maintain this now to avoid a situation that they have with Taddei Woods. This is something that's been neglected for a long time so it's probably going to cost some money. Hopefully they'll have a quote for council to look at the next meeting. Barbara said Kevin is a great guy, but you have to watch the quote he gives. She asked him to do some work for the Heritage Society and he gave her one quote and then charged her something else. Beverly said they've got to get it cleaned up. She, Geoff and Mark just had a conversation about this not too long ago. Joe said each year they put in new mulch because of safety in the playground. Beverly said they should be looking at that now.

#### Community Development

Barbara Heffelfinger asked, on the contract for Gilmore, why they are being charged for grant administration. Why are they letting them do the administration of the grant for the front of the building? She was looking it over and she doesn't think that's a proper charge. Beverly said she doesn't think that the administration of the grant, which includes filling out all the paperwork and everything that they require us to fill out, that having the people that are doing the work should be filling the paperwork out. Barbara said she knows Geoff is very skilled at all of this and if he has the time to do this, but she just doesn't see paying them that kind of money. Beverly said they are not ready to present that to council yet. It is still being negotiated.

#### Community Relations

Laura Germain reported that they held the second annual Safari Walk. She and her daughters went out on Sunday and biked around and saw other families out there. She thanked everyone who put stuff out on their stoops. They had a display at borough hall and there was a display at Redeemer Lutheran Church. It makes it a lot of fun for the kids when you're looking and there's a few places on the block that have stuff out. She will be doing the drawing for the Wawa gift card shortly. She likes to give it a little bit of time because some people take a while to send their entries in. She said even when Covid is over, she would like to keep doing this event because it gets people outside and it's relatively easy.

Laura asked Joe Dudash to go on the website and tell her what he's seeing for the minutes because it's not lining up with what the web guys said when they did their internal check. If he's seeing something different, she needs to know. Joe said he would check. Laura said after their meeting two weeks ago, she was getting together the information to send the website people about the ones that were invisible to everyone. She was able to put up all the nonvisible 2021 and 2020 minutes. The 2021 minutes are on the home page under agenda and the 2020 ones are available there as well because she doesn't know how to get them off there. That's something the website people will do but they are also available under governments forms and documents. They go back to 2014. They should now be visible to everyone. They tried

multiple browsers and they also showed her a cool trick using the incognito, how to check it to make sure her admin wasn't interfering with seeing it correctly which she thinks is what was happening because she would always check it after it posted, and she could see it. She thinks she's solved the problem with why the minutes were invisible and it didn't cost the borough any money. It just took her some time to figure it out. The website people did help her. They always are very good about helping. They had it written into the contract that training is free so when she asks questions, that's included, and they don't charge anything. She asked Joe if he could find them. He said he looked under minutes and it's got 2020 minutes and a bunch of past years, but he doesn't see 2021. Mark said to go to the homepage. Joe said he can see them now. Laura said there should be two for January, one for February because one was missed and two from March. They are going to fix the 2020 minutes being on the home page and she would like to add a little link button so people can look at the old minutes. There are two 2019 meetings that she could not get to show so she sent it to the web guys and they're going to upload them. She did an audit of all the 2021, 2020 and 2019 and far as she can see, everything is up there. They have what's called a semi dynamic site meaning that there are going to be constant changes with the minutes, the agendas and the news items right in the calendar but there is not going to be any sort of video feature every week. She thinks the website stuff is in good shape and she and Barbara will talk about this at their committee meeting next week. It makes sense from a financial standpoint for her to try to see if she can figure things out herself first before she sends it to the web people. If anyone sees any problems on the website, let her know. She and Barbara will talk about the next newsletter at their meeting and include the brick project in it.

#### Finance

Barbara Heffelfinger reported that taxes are beginning to come in and also the EIT money. Joe Dudash asked if she could tell them how it looks. Barbara said she asked Marie about this this morning. She asked her if the reports are quarterly, monthly, whatever and she said they come in sporadically and so our current total according to the current report within the last of couple days is \$10,000.00 so that's up to the end of April. Joe asked her how things were with the mercantile tax. Barbara said she would have to look it up. She didn't particularly look at that, but they are over the amount that was budgeted for the taxes that were paid last year. They've gotten more than what they budgeted for. Marie said the reports are coming in monthly. The payments are sporadic being deposited into the account, but they are sending a monthly report.

#### Insurance/Pensions

Joe asked if they are going in a hole. Barbara said she's not optimistic but at this time she doesn't think they can really say. People are getting rehired. It may be a low first quarter and will come up starting the next quarter. It's very hard to predict. Beverly said for the Mercantile tax, they're at 21% of budget through April. It's a little bit better than she expected. The better thing in finance is to go low and if it goes higher, then you could be surprised. Beverly said for real estate taxes they are currently at about 37% which is great. The prior year real estate taxes are double what they predicted already. They budgeted seven and they're almost at 16,000 and she is very pleasantly surprised.

#### Open Space

John Stratz reported that he and the mayor talked earlier today of their intentions of getting over to the Memorial and weeding it. He also intends to get over to the pavilion and do his art with the bushes so that it will be totally up to snuff for the Memorial Day festivities. For Taddei Woods he would like a community cleanup day of any volunteers that would be willing to help. He's not sure if they can schedule that because of the risk. Beverly said at this point if everybody tries to be socially distance and wear protective gear, they can do that. Beverly said

they would have to get supplies and make sure that everybody would be outfitted. She asked John and Laura to put something together for the website and on social media pick a day and get people to volunteer.

### Ordinance

Mark Moffa reported they were talking about revisions to the fence ordinance and recommendations to Hill Wallack on drafting and putting together an initial draft. They've been reporting periodically throughout the year and asking for council's input. There were some concerns at the last meeting about council members not really having the information about what exactly they're proposing and wanting to be fully aware and involved in the discussion of that before they went to the draft stage of the ordinance revision. He thanked Joe and Barbara for pumping the brakes on that because it allowed Jeff to get involved and put together a nice spreadsheet for them. When he and Gary researched, they looked at many other municipalities. Geoff just looked at the ones contiguous to Pennel. They're looking at the controversial or the more difficult portions of these and how they can revise these rules and regulations going forward. Mark said he sent everyone the notes that he and Gary prepared and now everyone has Geoff's spreadsheet. He would like this on the agenda for the next work session. Everyone will have a couple weeks to go over them and now they have the spreadsheet from Geoff. If anyone has questions, they can ask. He would like to take a deep dive on this and bring to everyone's attention the controversial parts. Do they not want front yard fences, what they're going to do with corner properties, whether they want to build exceptions into the ordinance or not, the property line setbacks we currently have of one foot off the line and if they want to require surveys which he thinks most people agree would just be for new brand-new fences and not for replacing existing fences. Those items are separate columns in Geoff's spreadsheet so you can see what other towns do. You'll see their recommendations which kind of take a real deep dive into the specific portions of the code that they would need to change to rectify the current conflicts and they might change with council recommendations. Council can take a deep dive before it gets to the lawyers. If they come up with some stuff and as they're writing the law, they might say they can't quite do it that way and it could just end up bouncing back and forth a little bit but that appears to be the way council wants to go with it. He said to look at the pictures they sent in color because Gary took those shots from the satellite imagery and in referencing existing fences, you can't see the existing fence in the black and white photos so look at that in color. They have to figure out what to do particularly with corner lots. Barbara suggested they take a ride around the borough and look at those different properties along with what Geoff, Mark and Gary have done. It's more clear than just looking at pictures. Mark said he's been doing a lot of walking around the borough lately and has been taking note of all the fences, particularly corner properties. In talking to residents, that is one of the hottest topics in town. When you're standing there looking at a corner property, you can kind of assess what looks reasonable and what doesn't look reasonable. An example of a property where if they went to the letter of the law on that particular corner lot, they would have a very small fencible backyard area and so you can see there where the fences were bumped out a little bit on each side. The question is do they want to build that those kind of exceptions into the ordinance and if so, how do they write that. Middletown allows the whole declaring one side to be a side yard and then you can come out to a certain distance from the sidewalk, he thinks eight feet. They can consider things like that or you can take a harder line approach and say they're going to enforce the code to the letter of the law and will empower the zoning hearing board to grant those exceptions. That's not an unusual dynamic either but it does put a little bit of an extra burden on the owners of those corner properties because they're going to go through the expense of going to the Zoning Hearing Board. Ultimately many of those corner lots will probably end up at the Zoning Hearing Board anyway, but if they can build some reasonable exceptions into the ordinance that could save a lot of folks some grief. Barbara said also if you

require them to get a survey and go to the Zoning Hearing Board, that's a lot of money that the people in this borough don't have. Geoff Thompson said this is a zoning ordinance amendment so the Planning Commission gets their review of everything and they can give advice to council also. Joe Dudash said he spoke to many residents about fences and they know the ordinance is a mess. He's got some input from Tommy Sodano and Mike Smith, who is living hell right now. He's got it all compiled and he's going to them so they can look it over. There are some things that need to be changed. The main concern because they've been through the zoning hearing cases on these fences. As you know, there's been some, he doesn't want to say fraud, but their contractors were doing incomplete work and now the borough residents are getting stuck with the deal. They want to get this thing pinned down because they don't need any more lawsuits. The residents are already paying too much money for the lawyers, courts and everything else. He's glad they're taking a deep breath on it. He has another issue which Caroline and Richard have brought up. He's not too happy with some of the stuff that's going on at Schoolhouse Court. Carol isn't here tonight so maybe Beverly can write it down and pass on the information. He has some information that's valuable and they even covered pools. Mark said he should send his comments to the other council members and it will probably help facilitate that discussion. Based on conversations he's had since he wrote this letter to Ben in conjunction with Gary, he thinks his view has shifted a little bit because what he and Gary were recommending was essentially that they keep the intent of the 2012 provisions in place and just eliminate the conflicts in the older parts of the code. However, if you go to the letter of the law, in the 2012 revisions, it keeps that hard line on the corner properties and he thinks he's softening as he sees all these corners and he talks to more and more people. He's starting to come around to the idea of building some leniency right into the ordinance if they can and save some folks from having to go to the Zoning Hearing Board because you see some of these corners and it's like some of them would be really ridiculous if they really stuck to the letter of the law. Gary Nickerson said they talked about this a lot over multiple meetings and they are trying to come up with something that was not subjective and they are trying to do something that was extremely simple. The current fence ordinance is scattered through multiple places in their code and it is very difficult to make sure that you're doing something right. He's open to suggestions for dealing with the corner properties. Just keep in mind there's different orientations for houses on corner lots. There are orientations where the houses are perpendicular to a street and then there's situations where the house is not. If they are going to go in the direction of being prescriptive, keep that in mind. If they have something regarding fence setbacks on either side or if they want to force the house to designate a front yard, there are a lot of variables. Beverly said to those conflicts in their code, apparently when the last amendments were never revised and that is something also very important that they catch everything that the people in 2012 did not. Gary said if they are going to go down the prescriptive route, they have to cover everything, otherwise you're going to end up with 2012 all over again. Mark said that's what he and Gary were trying to do. They're just trying to keep it as simple as they possibly could. There seems to be more and more appetite for leniency with some of these properties and it's just going to make it much more difficult to write the ordinance, but they need to get it right. Mike Smith talked a lot about how he was involved in the 2012 ordinance and he even has changed some of his opinions from that time. Everyone's opinion evolves over time and you can never anticipate every possible fencing scenario. In 2012, they tried to eliminate front yard fences but left the part of the code in place that has the rules for front yard fences. They've got this part of the code that states you're allowed to do 4 feet but then tried to eliminate that but didn't fully. That's one of the conflicts they need to resolve. What he and Gary recommended was to get rid of this whole four-foot mention at all because if you're only going to allow backyard fences, you can go up to six feet in a backyard so let's just allow six-foot fences because they're not allowed in front yards. If you're going to allow anything on the side yards or something that cuts into the corner property, and to declare one of their yards

to be a side yard and you want to fence in that area, now they're going to have to go back to the discussion because they might want to limit those to four feet. Then you can talk about styles if you're going to have fences coming out closer to a sidewalk. Maybe you can prescribe the fence types in those areas. There could be a lot on the table if they're going to start to allow all of these different variables. It really opens up the whole discussion again.

### Public Safety

Beverly Wolfe reported there were questions asked at the last meeting that they wanted to make sure they had clarification on. Mr. Dudash sent over today, to the public safety committee, who after they had a brief discussion earlier this week, was kind enough to send over exactly what he would like to see, and questions answered. The information that he wants they have in hand and it's also been passed on to the mayor and to the chief. They will have answers for that as soon as possible.

### Public Works

John Stratz reported that things are at a rest right now with sewers. For streets, it is appreciated when the public calls the office and gives locations of potholes, that gives him a chance to go out instead of having to case the entire borough. The best price he's gotten has been \$1,800.00 for 40 potholes which makes it \$45.00 per pothole. Anything less than 40 potholes drives up the cost which is why he's not jumping on this in January when there are only five potholes. It's cost prohibitive but now that they have enough, they can start doing this again. He is going to look outside their normal channels of filling the potholes trying to find another company that does potholes in black to match the streets. Besides the color, he's hammered out a better warranty than most. Still not a fabulous warranty because they really do disintegrate quickly. He wants to find out if there's anything he can do to keep that disintegration to a minimum.

### New Business

MOTION BY BARBARA HEFFELFINGER TO PURCHASE A NEW COMPUTER FOR THE P/T CLERK AND OFFICE STAFF WHEN NEEDED TO INSTALL AT THE MAYOR'S DESK WITH ALL SAFETY PRECAUTIONS BEING TAKEN WITH IT INCLUDING SPECIAL LOGONS SECONDED BY JOHN STRATZ. Beverly said she has been pricing out computers, just the boxes, and they have a license for the Office 365 software. They will get all the security features put on it so she doesn't expect it to exceed \$700.00. Mark said he would like for this computer to be like a shared resource for any elected officials and members of boards and commissions. They could probably all have separate logins. Beverly said they can tailor every login so that they only can see specific things or do specific things. Joe asked Beverly to explain why all of a sudden, they need a new computer. Beverly said she believes it was purchased when it was running Windows Vista. The software can't be upgraded anymore because the computer is so old. AMS recommended they switch it out. Joe asked if the \$700.00 is for the whole works. Beverly said it should be because they don't have to buy a monitor. She will get a lock for it to lock the box to either the desk or the wall so somebody can't steal it off the desk. Joe asked if Marie would hold the lock. Beverly said yes just like it would be with anything else in her office or, as members of council, they would be able to have the key as well. It will be powered down every night and they will be able to start their log on and get into it and be able to print things or see something that'll be particularly helpful when they finally get an actual real SharePoint or other file server done which is a plan to be done by the end of this year. The part time clerk will be using that desk which is what has been happening now. They can put a little extra memory in it to run software so that it'll be more efficient.

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 RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

**Langhorne Postmaster** invoice dated 4/5/21 in the amount of \$267.26 for quarterly sewer/refuse billing postage  
**Independence Blue Cross** invoice dated 4/7/21 in the amount of \$5,484.44 for medical insurance installment  
**SWIF** invoice dated 4/1/21 in the amount of \$1,881.22 for fire department workers' compensation insurance installment  
**Comcast** invoice dated 4/1/21 in the amount of \$231.63 for police department internet and voice services  
**Selective Insurance** invoice dated 4/11/21 in the amount of \$3,457.00 for workers' compensation and commercial package insurance installment  
**Gettysburg Benefit Administrators, Inc.** invoice dated 3/31/21 in the amount of \$169.59 for dental insurance installment  
**Langhorne Postmaster** invoices dated 4/21/21 and 4/22/21 for newsletter postage in the amount of \$219.56  
**Penndel Middletown Rescue Squad** donation dated 4/23/21 in memory of Vanessa Gulick in the amount of \$130.00 (reimbursed in full by personal payments from the Mayor, Council and staff)

SECONDED BY JOE DUDASH. 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 ACCEPT THE RESIGNATION OF SUBSTITUTE CROSSING GUARD RACHEL BANKS EFFECTIVE MAY 10, 2021. SECONDED BY MARK MOFFA. Beverly asked Marie if they are going to be advertising for a replacement and Marie said yes. Chief Perry said he put something up on their social media to try to get some resumes sent into them. Chief Perry said if anybody knows of anyone that is looking to pick up some hours here and there, that would be great. The problem they run into is that for the substitutes, it's sometimes feast or famine where they have a whole bunch of hours for them one month and then the next month, they have none and he thinks that sometimes plays into them not being able to keep people. He put it up a couple of days ago and hasn't gotten a single response from it. He doesn't know if there's a better avenue of trying to bring people in for those positions. Beverly said they will have to take a look at that and see if Jeff might have a few suggestions. She can't imagine a substitute school crossing guard on indeed but that costs money. They will look into it before they spend any money on that or newspaper ads because she doesn't know how effective they are anymore.

***Barbara Jean May, 136 Dehaven Ave.***, said that maybe a way to hold more crossing guards in the borough is to rotate the shifts. Give them a week at a time maybe or rotate them out to just even things out a little bit more. Chief Perry said that was a great suggestion. He thanked Barbara for helping them out with filling vacancies and picking up more hours recently which eliminates an officer being at the corner.

Joe Dudash said he was puzzled because he knows how the Chief and Mayor train. He asked what the deal was that she didn't know that she was supposed to get out of the car when a bus came. Chief Perry said he doesn't know if it's appropriate to speak about personnel issues at a public council meeting and that he could address it more in an executive session. Dave Truelove said that's probably the best way to address it. It's a valid question but he would agree it would probably be best to discuss it at an executive session. 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 need to look to see what other things they can do to try to fill these positions. Mark asked what the hourly rate is. Chief Perry said off the top of his head he believes it's in the \$13.00 an hour range. Barbara Jean said it's just short of \$13.00. Beverly asked who dictates what the hourly rate is. Chief Perry said council would make that decision. And something to consider is that the school district pays half. Beverly asked if they would have to ask the school board to match whatever rate they want to give them. Dave said yes because each the school district and the respective municipalities pay half a each for the compensation for the schools crossing guards, so he thinks you have to go to them. Mark asked what the proper procedure would be to have that conversation with the school board. He asked if Dave would reach out to their attorney or would Beverly reach out. Dave said he would be happy to do it. Beverly said they need to look at that. Dave asked if that is an issue not just in Penn del but in other places as well. Chief Perry thinks that's a nationwide problem right now.

#### Persons to be Heard

Beverly said Caroline and Richard have been waiting patiently and she is going to grant a persons to be heard exception and not hold to the three minutes for this session of council because she thinks it's going to take a little bit more than three minutes for them to explain the situation.

***Caroline Lavenduski and Richard Winter, 148 W. Woodland Ave.,*** said they applied for a permit to put a fence in their yard. She said some of council has seen the letter they wrote. Initially when she spoke to Mike Italia last year, who she knows is no longer employed by the borough, he told her, along with the builder Richard McManus, they could put the fence one foot in from the back of the property and six feet in from the curb along Hulmeville Ave. and it has to come from your front wall across to Hulmeville because you can't have a front yard fence. They were fine with that, but they were still saving up money because fences are very expensive, so they didn't apply for the permit until recently. When they applied for the permit a number of weeks ago, the new zoning officer came back and said no, you can't do this and you can only fence in your backyard. Their backyard is the size of a Philly row home backyard. It's about 10 by 20 feet and it would be silly to fence it in because their property backs up to an easement and they really don't have a backyard, they only have a side yard. That's the reason they even bought this property was because they knew how big the side yard was. Their hope, and it sounds like there's a lot going on with the zoning ordinances and whatnot being reworked, that they will be able to bypass some of the hoops. They pay a lot of money in taxes to be here. They have a dog, so they need to fence in the yard for the dog. She can't walk this dog five times a day anymore and they want to have kids at some point. They cannot have kids playing in the side yard without a fence because it's too dangerous. They were working on the document that is required by Penn del, but they would really appreciate it if they filed for this variance and were granted a variance because they don't want to jump through hoops on this. Dave Truelove said council does not have the power to grant a variance. They do have the authority if they want to oppose or participate in their application. He's heard no indication that they want to do that, so he doesn't think you're going to get opposition at least from what he's

heard from the council tonight. All the statements you made indicate to him that they have, from his experience, a good case for what's called hardship which would be a justification for the variance and that's one of the standards for that. He doesn't hear anybody saying that they would like to participate in their hearing. If there any neighbors or anybody else who wants to participate, they make their case then to the Zoning Hearing Board. They've heard that there are some very hard-working council people trying to really straighten out the fence ordinance situation which has been a mess for years. Hopefully it will be resolved soon although not for them at this time but not long after. He thinks in their case their request for a variance certainly has some meritorious hardship claims. Caroline said her concern is that they will apply for this variance and because the zoning hearing board is currently working on changing the ordinance, they're not going to pass it and they're going to deny it. Dave said that the Zoning Hearing Board does not do that. The council is the legislative body that enacts the ordinance. The Zoning Hearing Board issues their decision based on what's in the ordinance and the standards for a variance. They cannot comingle their functions. The Zoning Hearing Board's job is to take the application and the variance request and apply it against the standard with the ordinance. They're not going to be involved in how to amend the ordinance. Caroline said If they apply for this variance, she's hoping it shouldn't take very long to get an answer because if it is going to take forever, they're moving. Dave said they would get a hearing date and to his knowledge, there are none pending right now so whenever the next zoning hearing board meeting would be conducted, submit their application and it would be scheduled. Caroline asked when the next meeting would be. Marie said they meet on the third Wednesday as needed at 7:30 pm. Richard asked where the meeting would be. Beverly said it's normally at the borough building but right now it is on Zoom. Joe Dudash said he doesn't want these two spending money. Schoolhouse Court is still under construction and his experience with developers and HOA's is that the developer is in control of the Homeowner's Association until there's a dedication of the percentage of buildings. They haven't seen it yet because he has been talking to other residents and they don't have a HOA book from him. He has been trying to get information, especially about the fire trucks because you can't get one down there. He's not getting any answers. He doesn't want them spending money like Smith has. The builder still has the territory of fences and whatever. Dave said right now it is not in existence so they are not governed by that yet so they actually may have an easier time now than they would with the HOA. Joe said he doesn't want them spending money and then next thing you know they are told they have to go to the developer. Dave said he would argue on their behalf. The developer has dropped the ball on this. Joe said he's got fire truck problems. Beverly said Dave's office threw it back at their attorneys to fix the problems. If they had signed off on that without these changes, the fire trucks would have been a big problem and they'd be trying to shovel snow in a cul de sac. Joe asked what kind of pressure can Penndel do to help these two individuals and get him moving. There's other issues as well. These poor residents are dealing with pumping water out of these new basements. It's going 24 hours a day and they have no erosion control fences up in the back and their sidewalk was taken out over a year ago and they've done nothing. Dave said the problem is they don't have a lot of leverage. He asked Marie how much money is in their escrow account. Marie said \$8,100.00. Dave said that's the leverage they have right now. If they want to do any more, they have to either replace the escrow or they have to finish it up and get their escrow monies returned. So, the best leverage they have right now is financial. And they're not going to authorize release of that anytime soon. Also, that's where Carol comes in because a lot of that would require her input and that's certainly a big part of the leverage. Joe said he doesn't want these two residents caught up in the same thing where they're kicking the can over to the Zoning Board and next thing you know it's coming back again, and they're caught in the middle of it. Dave said this issue should not have the same result. Joe said they didn't think that for the other one and here they are today with a lawsuit. See if you can put pressure on those two and give confidence and to himself and

to Caroline and Richard that he will not put up with it if that builder comes back at them and if so, Dave will go after him. Dave said he had no problem with that.

**Tom Sodano, 126 W. Woodland Ave.,** said he had a conversation today with a site superintendent from there. There has been piles of debris and dirt and they've been picking up trash by the bag because those guys weren't cleaning up after themselves. But in the last week the piles of dirt disappeared, there's some grading and some work going on and they picked up all the trash. This site superintendent was hired specifically to move a lot of that along so to answer what Joe is asking, I think that part of the problem was that the developer himself wasn't able to manage the site but with this guy here, it has changed rapidly on a day-to-day basis. He thinks they're in a better situation there. As far as the fence is concerned, he did ask him specifically some questions regarding the fence and based on conversations with Caroline and Rich, there is not a conflict physically with what they would like to do and with what the developer has as a vision or plan of along Hulmeville Ave. He thinks that they're all going to be pleasantly surprised in the next few weeks with these developments that are going on. Caroline said she has the Zoning Hearing Board document, and they will go ahead and file it. She doesn't want to hire an attorney to fill out the document. She thinks she completed it fairly well but if it gets denied, she will hire an attorney and will move forward with whatever she has to do to get this fence. She doesn't really want to move so that'll be their Plan B, to hire an attorney. She has the printout of the lots from the builder so she will use that to submit with the application and she's hoping it's a really easy process and she thinks all of them would want it to be easy. Dave said he doesn't believe they need an attorney in front of the Zoning Hearing Board. She made her case very well. He can't speak for any for the Zoning Hearing Board but she's making her case and he thinks they would have a good chance. Now, hopefully they will have more frequent contact with the developer. Richard asked if besides attending the hearing if there was anything else that they would suggest they do in the meantime besides applying for the variance. Dave said suggested they approach their neighbors to see if some will come to the meeting in support. Caroline said they already did and was thinking about going around and having a petition signed. Dave said other people have done that and it never hurts and maybe have one being there to say they signed this petition and all these other people said that they agree. Mark Moffa said he agrees that she made a strong case and he wouldn't be too worried. The board is a three-member board and they have their own attorney. It is a quasi-judicial proceeding and there's a court stenographer. The diagram she showed she should include that in her packet that she gives the Zoning Hearing Board members and give them as much information as she can including the testimony of their neighbors that they support it and the character of the neighborhood issue which is usually big for Zoning Hearing Board members the other thing is the sightlines for corners and that what you are going to do is not going to impede sightlines for drivers. Caroline said it is not going to be a privacy fence. It will be split rail fence with mesh and you can see right through it because they know it's a big issue. She said she is a realtor and she had one of her photographers do drone photos of the property and he put in what the fence would look like and it really looks good.

**Mike Smith, 127 Dehaven Ave.,** told Caroline and Richard they can do the hearing themselves. It's very simple. They just follow some basic rules and they'll be fine.

Mike said there was some political literature that went out that kind of opened his eyes about the police bicycles. Years ago when he was on council, he was approached by the then Chief Sciscio and were asked to get a second bicycle. There was several of them who donated money for the second bike and he's kind of appalled that it's sitting down at the plant. He's not sure why it's not used and he's hearing rumors. He knows that Sean and Al Sigafos were trained. Sciscio was at that time and he thinks Paul Callan is too. Those bicycles shouldn't be

down there. They should be in the police station. Chief Perry said the reason that the three bikes are down there is they have limited storage at the police station. They go down there every winter, and it isn't until just before the Memorial Day parade that Mayor Winkler takes those bikes over to a place that services them and makes sure that there's air in the tires, they are greased up and make sure that everything is done for them prior to the parade. They do use them occasionally but not as much as they should. They also don't necessarily have an extreme need for them. The problem they run into is having a bicycle unit, it has to be a secondary unit. If they are on the bike at Rumpf and Neshaminy and there's a bad car crash at Durham and Lincoln, they are not getting there very quickly to the other side of the borough and they would only have a bicycle to block traffic which is a safety issue. Having a vehicle on the road is important so having a bicycle as a secondary unit is great. They can utilize those for community policing events which they have. He puts out an email to the officers requesting for them to show up at an event and he gives preference to the bicycle unit. He can't say they are always the first to volunteer. He is on the bike most of the time for the parade which he plans on being on the bike this year for the parade. Again, the bicycle being the secondary unit is the most important thing. They utilize it as best they can but unfortunately sometimes they have staffing issues where they can't get people to come to work. They have full time jobs in other places, have obligations and according to the borough code, he can't force them to come to work if it interferes with their livelihood, their other job. That's kind of the main reason they don't utilize them as much as they should. The other part of it is not all of the officers are trained on riding the bike. Every time he finds training it's like upstate Pennsylvania where they have to wake up at 4:00 AM, drive all the way up there for training that's three days so they have to drive up and back for three different days. It's tough to get people trained in this when they don't have trainings anywhere near Bucks County. There's a lot of reasons why we don't utilize the bikes too much. They have two bikes that were donated to the borough. They also have a third bike that was donated to them by the air force through Officer Sigafoos. They do have bikes available and they do utilize them when they can but it's tough to utilize them every day. It's something that's not going to happen. He would love to use them more often but using them every day is something that's not going to happen. He would love to, but they can't. They can make a more concerted effort to try to get those to be used more often but again, that cuts into their budget by having two officers on duty at a time. Mike said he's aware of the budget. He saw the bikes down at the plant and was like what are we doing with these things. Chief said that's something that happens every winter. As soon as the weather gets poor, they take them down there. They have a Sally port that is just barely big enough to fit a police vehicle in there and having three bikes in there takes up a lot of room. In the wintertime, the mayor is often the one who throws them into his truck and takes them down there and he usually helps him out with that. They leave them down there pretty much all winter which is when that photo was taken if that is what you were referring to. They do utilize them but it's usually a weather issue and that's why they're down there. They did not use them last year specifically because of Covid. He didn't want the officers on the bikes making direct physical contact with people when we were in the middle of a pandemic. But he can certainly make a more concerted effort to do that this summer. Most of the officers are vaccinated or have antibodies and are able to get on the bikes and be out there. Mike said Joe always wanted to have the face of the officer in the face of the neighborhood. Chief said he was often the one on the bike, so he knows. Mike said he's glad he's here to answer the question because he knows he was. The Chief said he doesn't mean to seem adversarial in this at all. He just thinks that there's a lot of other reasons why they don't use the bikes that are not being mentioned. Mike said he doesn't consider it adversarial. He said he cleared up his head so he's good.

Mike asked Beverly if she had his answer for curbs and sidewalks on Dehaven Ave. Beverly said she is still working on it and won't jeopardize her real job. She is starting to correlate data

and it's a lot of information. Mike said he got his information in one day. He asked when he can expect it by. Beverly said she's hoping by the June meeting at the latest. Mike asked if she ever found out how many lawsuits the borough has going on. Dave Truelove said the one Mr. Smith himself is involved in and the other is the matter with Mr. Steiner and the Human Relations Commission which are the only two that are currently pending. Also, there was an insurance related claim involving a streetlight that was recently settled by the insurance company. Mike said a pet peeve he's had for a long time is the parking inside the fence at the rec field. Beverly said she is going to send a stronger email to them this time. Mike said as far as the fence goes, he will discuss it at the next meeting when Mark has all his stuff together.

**Tom Sodano, 126 W. Woodland Ave.,** thanked Laura for all the work she did on the website addressing everybody's concerns. He said it's much better and there is definitely a huge difference in different browsers. Part of the problem is there may be people like himself that are on browsers that for some reason aren't 100% compatible. But it is so much better. Beverly said Edge is a little weird. She checked Edge, Firefox, Google and Chrome and the minutes and agendas appear on each one. Tom said but for the longest time they didn't. Beverly said they are fixed now. Tom said that Barbara mentioned about the EIT numbers starting to come in. What they may be running into is there are a lot of companies, especially in the pandemic, that are shorthanded. Their quarterly reporting may not be as current so once they get past the first quarter and then into the second, they may start to see better numbers. Tom said he fears litigation. It's his biggest fear for the borough. On the entire ordinance subject, the better they can do at wording to make sure that they can get compliance, the better off they are, and especially when they get into the areas like the curbing and stuff. Not being able to enforce it when people go to settlement is an issue. With some curbs and sidewalks, things like those are the nuances that seem to be lacking and didn't get addressed in 2012. He'd love to see them be able to put a little bit more in there so that in a situation where somebody's curbs or sidewalks aren't right, they're not going to get through settlement and there's a lot of municipalities that do that. He'd love to see theirs have some sort of teeth in them.

**Dave Cahill, 462 Cynthia Ave.,** asked if Caroline was still on. Beverly said she thinks they logged off. Dave said it's just like a lawyer to tell somebody they don't need a lawyer and he would recommend a lawyer for the Zoning Hearing Board so he asked if someone could get the word back to them because it would be a good idea to have a lawyer there with them. Dave said to the chief that he spoke to the DA's office on Friday. Chief Perry said if this is regarding the thing he's been bringing up at every meeting, he told him he's not going to discuss it at a meeting. Dave said that the chief told him that the DA's office was aware of all the drug overdose deaths. Chief Perry said that it is their policy that they notify them of any drug overdose death. Dave said they had no idea about the drug overdose death on Monroe Ave. Chief Perry said then he spoke to the wrong person because the officers are directed to notify them of any drug overdose death. That's their policy and that's the borough police policy which has been in place for several years now. Dave said the person he spoke to was well aware of the overdose death on Cynthia Ave. And he was also aware of what happened back in 2005 that Dan Baranoski was involved in when he was a detective with Middletown Township and the county was involved. The drug dealing on this street is on a regular basis and he's ignoring it. Chief said they are not ignoring it. They're doing the best they can with the limited information that he's given them. They're not going to discuss the details. He doesn't know why it keeps getting brought up. He understands that he wants answers, but things don't occur overnight. It's not a 90-minute episode of NCIS. Dave asked if the chief knew that his officer was involved in that incident early Sunday morning. The chief said he's very aware because he read the report and spoke to him today about it. Dave asked if he watched the body cam video. The chief said he did not watch it. Dave said he thinks he should watch it because he watched the

whole thing. He should watch the dashcam video when the officer was driving up the street and the body cam video on how your officer dealt with the issue. Dave said he was very disappointed in what he saw. The chief asked what he was disappointed in. Dave said he was disappointed in the questions that were asked. The chief said the officers are not going to discuss those kinds of things with laypeople. Dave said the officer acted like he had no idea. The chief said they're not supposed to be discussing that kind of thing with people who are not other law enforcement officers, so he commends the officer in not telling him anything. Dave asked if public drunkenness is against the law. Chief Perry said if he is referring to the issue from Saturday night, that person was cited for a non-traffic violation which is what the crime was that occurred. It was a non-traffic violation and that person was cited today. Chief Perry said he doesn't understand what the problem is. If he wants to know more about it, it'll come out in his May report. Dave asked if there is a reason why he's ignoring underage drinking that's taking place on Rumpf Ave. Chief Perry said there have been no reports that he's aware of underage drinking that's been reported to them on Rumpf Ave. He told Dave if he has something, he needs to call the on-duty officer when he sees it occurring and they will certainly address it. It is ridiculous that he wants to report things at the monthly meeting. Chief Perry asked why he doesn't call 911 when it occurs, and they will come out like they did on Saturday night when he called. They came out and cited the person for a non-traffic violation. Instead of bringing these things up and trying to make him look bad, maybe he should do the right thing and call 911. Dave asked the chief if there was a reason why he just disclosed at a meeting his calling of 911. Chief Perry said he brought it up and said he watched the whole thing. Dave said he watched it. Chief Perry said but he was there and witnessed it did. Didn't he give his name? Dave asked if he always out the people that call 911 on a regular basis at meetings. Chief said he added himself the moment he brought it up. Dave asked what the reason is that Joe Dudash, who has the most experience, is not on the public safety committee. Beverly said it was discussed before, but she'll recap it for him. He was appointed back to the public safety committee and at the next meeting she believes, he resigned.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 10:24 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