

Penndel Borough Council Work Session Minutes  
Via Zoom Communications

May 17, 2021

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

Ben Hauser reported that at 7:04 pm, council briefly met in an executive session to discuss potential litigation with respect to a property in the borough that will be coming up in tonight's meeting. Present at the executive session were Council President Ms. Wolfe, Mr. Dudash, Ms. Heffelfinger, Mr. Stratz. Mr. Nickerson was not able to make it. The Mayor, Mr. Thompson and he were the other participants the executive session which concluded at 7:16 pm.

Present at the meeting via Zoom Communications

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

Also present via Zoom Communications

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

Borough or Council Announcements

Beverly Wolfe said the Penndel Annual Car Show is Saturday May 22<sup>nd</sup> from 3:00pm – 7:00pm in the Our Lady of Grace School parking lot. Mayor Winkler said there will be some refreshment trucks. Beverly said the Penndel-Hulmeville Memorial Day Parade is on for Saturday May 29<sup>th</sup>. Council will receive more information as to participating.

Correspondence – Letter from Penndel American Legion Post  
Marie Serota read the letter which is attached.

Consent Item

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE MAY 3, 2021 COUNCIL MEETING. SECONDED BY JOE DUDASH. A roll call vote was taken. John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, abstain, Beverly Wolfe, yes. 4 ayes, 0, 1 abstention (Barbara Heffelfinger) motion carried.

**Reports:**

President's Report

Beverly Wolfe reported back to Jay Moser about the contractor license he had asked about. She found an article about contractor registrations and the ABCs of it. It tells you what the classifications are and the importance of contractor registration. It shows the reasons why a

municipality might consider having contractor registration when hiring a contractor. They make sure that they have their state license and insurance when they get the contractor registration with Penndel Borough. Jay said he understands that, but they can't charge for it because they are paying the state. Beverly said they can do a local municipal one. Jay said he doesn't think they can. He said maybe Mr. Hauser should look at it because it's double dipping. Beverly said the solicitor's office did look at this originally but will look at it again. There are other municipalities around Penndel that charge this registration fee. Jay said they're charging a Mercantile tax. It's based upon the cost of the job but it's not a contractor's license. Beverly said she would go to the PSAB who referenced her to the article. Jay said he would check with his employer when they come for permits. Beverly said she will go back to the PSAB and tell them they're wrong and have them take a closer look at it. Jay thanked her for her effort. Beverly said she would get to the bottom of it because there's nothing in the DCED guidelines or anything about a Mercantile tax instead of a contractor registration. Mercantile is for sales. Jay said all it is doing is raising the price of the jobs and the citizens have to pay it.

Beverly reported that for the June meeting, council should be preparing to be back at borough hall. Due to the new guidelines, there are no requirements for masks as far as she knows. If somebody comes to a meeting and is not vaccinated, it's on them if they choose not to wear a mask. She asked Ben Hauser if they have to take a vote on it. Ben said he believes they will have to take a vote on how they advertise. With the changes from Covid, they may have changed their advertising for the meetings. They may have to reauthorize the advertisements. Beverly said they will have to look it up and see how they executed closing borough hall and taking the meetings off site onto Zoom. But they will announce it. Gary Nickerson said that if they must vote on that, that essentially means the next meeting is on Zoom. Beverly said no, it means that they have to figure out how to advertise it. She's going to add it as an agenda item and it will be depending on them getting the proper advertisements done. They will take the vote tonight to authorize it but pending certain things being done. Marie Serota asked if they will also be opening up the hall during the day. Beverly said they have to and they have to see what they did for closing everything up. She believes they had resolutions and they advertised the Zoom meetings until the governor's order expires, which means they must advertise. That means tonight we have to authorize advertisements. So, add that to the end of the agenda pending the proper verbiage and finding the old advertisement or resolutions so they can redo them for opening borough hall.

Beverly said if it is appropriate, she would like to get Mr. Wheeler on the agenda between public comment and committee reports so he doesn't have to stay for the entire meeting. Also, under old business, they had talked about letting the American Legion Post use the borough's bulk mail permit to send their letters to people for donations and about the bricks for the memorial. They all agreed on it but never made the motion and voted on it, so she is going to add that under old business.

#### Borough Manager's Report

Geoff Thompson reported that he is working on the fence ordinance. He is accumulating a database on commercial businesses in the town to get a good handle on what's vacant and what's occupied. He is reviewing the fee schedule and looking at the surrounding communities for what they charge and what Penndel charges. He is hoping to have that within the next month or two. Beverly asked him to address the contractor registration fee.

#### Mayor's Report

Mayor Winkler asked Beverly if she received the email he sent regarding the bench to be donated for Phil Oseredzuk. Beverly said she did. The mayor said they wanted to know if the

borough would accept it. Beverly showed a picture of it. She said for those who may have forgotten, Phil Oseredzuk was the young man who lost his life in a terrible accident. Beverly asked if it was being donated by the Live Like Phillip foundation. Bob said he's not sure if it is from his mother and another couple that live close to him. Beverly said she had some questions like the ones that had come up with the other donated benches that the Boy Scouts installed. They did that but the borough is responsible for the maintenance. She wants to know who it is coming from, who they can credit for it and what needs to be done. Bob said he would get her an email address.

#### Engineer's Report

Carol Schuehler did a presentation on the sewer replacement project which is on file in the secretary's office.

MOTION BY JOHN STRATZ TO APPROVE FULL AND FINAL PAYMENT IN THE AMOUNT OF \$36,860.14 TO PACT ONE FOR TOTAL CONTRACT COST OF \$304,987.76, FINISHING SLIGHTLY UNDER BID COSTS, AS RECOMMENDED BY BOROUGH ENGINEER, CONTINGENT ON ALL REQUIRED PAPERWORK FROM THE CONTRACTOR. SECONDED BY BARBARA HEFFELFINGER. Joe Dudash asked if they are holding 10% of that for three months like an insurance policy. Carol said the contractor has provided a maintenance bond in the amount of 10% of the contract and that is effective, for she believes, 12 months so that's their guarantee. A roll call vote was taken. John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes. All ayes, motion carried.

#### Public Comment Agenda items

No comments.

Beverly said to Mr. Wheeler that council considered his issue. She shared her screen so everyone could see the concrete issue. She showed the area that he and several council people were concerned about with the slurry and the expansion joint. They were concerned that over time it would snap off and be a problem again. They received his quotes from last November. They had a contractor come out and take a look at it and their proposition was to take the entire block and they are in general agreement that it should be replaced and the expansion joint fixed and make sure there's no trip hazard. In the block is the water shutoff valve. She inspected the block herself and had Marie Serota with her. The two gentlemen from ZCart Concrete are recommending that to have Bucks County Water and Sewer take a look at that water shut off because it's very loose. Their recommendation was to replace the entire block and it would be up to him if he wants to call Bucks County Water and Sewer out and have them look at that shutoff valve and possibly replace it. They got a quote from them to take out the entire block including the demo of the old concrete, fix the expansion joint, install stone, wire mesh, and new concrete for a price of \$500.00. Council met in executive session and at this time, is what they are offering to him to fix this obvious problem. They are not requiring that he use that contractor. They are offering him the \$500.00 they would have had to pay to fix that block and he can find his own contractor if he would like. This was discussed in an executive session. They will take a public vote on it, but they wanted to talk to him first and let him know what they agreed upon as a group to offer. If he won't accept it, there will be no need for a vote. Ben Hauser said the offer is contingent upon an agreement in writing so that would be the final step if that's the direction everybody wants to go in. Tom said he just wants to try and put some things to rest. He read through the January 19th minutes and it just seems like there's a lot of misinformation out there. This is going on for seven, eight, nine months. It seems like a lot of people are stuck on this thing about letters being sent to 151 Bellevue Ave. The letters were not ignored as somebody mentioned. They hired a contractor, Giuseppe's, and he came to the

January 21, 2020 meeting and told them that he had everybody on Bellevue Ave. pretty much locked up. He was behind schedule because of Covid and the weather and he was trying to get everything he could done. So, he did hire a contractor. There are people stuck on this ordinance thing that he's not following Pennel's ordinances and that council people should know that. Tom said he is a licensed contractor in the state, but he is not a concrete contractor and that's why they hired one according to the letters. Giuseppe's was actually over at Keller's property when the borough contractor showed up and started jackhammering his property and Sylvester and Keating's property. Giuseppe's went over and asked what they were doing because he had contracts with these properties and was told he wasn't fast enough and that the borough sent him. So, he just wants to put those things to rest. They did hire a contractor and he is not a concrete contractor. It seems that people keep talking about aesthetics. He is concerned about the aesthetics. He put a lot of money into that property to make it look nice and a lot of residents in Pennel come by and thank him for taking that ugly building down and putting that building up. They should be proud of that, not doing what they're doing to him. Tom asked to see the pictures Beverly has from the January 19th minutes. Beverly said she has the pictures that the borough engineers originally did, and she has pictures that she took of the work area. Tom said he would like to see them because she showed him pictures that were not even his property. Beverly said that's correct and she remembers that he was a little bit displeased with the work performed on those too. Beverly said she did show him the ones of his property that were in front of his building. Tom said when he met with her, Barbara and John Stratz, she agreed for him to replace two blocks and he got prices for it. Beverly said she told him to give her estimates of what he was unhappy with. Tom said his interpretation was that she pointed to two blocks and said she agreed so he got prices on two blocks. Now, seven months later, she wants to go down to one block. He's not accepting the \$500.00. He was trying to be nice. He thinks now what he's going to do is get a price to repair all of it, the asphalt included, which was done wrong. He had met with Carol and the contractor which was already discussed at one of their meetings and they all agreed on how it was going to be fixed. Carol and the contractor went behind his back and changed it. He is not happy with it but he let it go. Now he's not. He's going to fix all the concrete and the asphalt and it's probably going to be in the \$8,500.00 to \$9,000.00 range. That is his answer. Beverly showed a view of the property from Google Earth before the street was paved and showed the area in question. The facade of this building looks beautiful. Tom said he only sees one crack next to the pole. He doesn't see what needs to be replaced other than that one piece. He said it's terrible work and not even legal work with the height differences that are beyond what's acceptable. This sidewalk would not be allowed in front of any one of their houses. They would make the guy take it out. He thinks this has become a personal issue. Tom Wheeler is against Pennel council members for whatever reason. He doesn't know what happened. He has nothing against them but apparently somebody's ruffled. He doesn't know if it's because he's known Bob Winkler for 45 years and is friends with him. He doesn't know if it's because he knows Joe Dudash and is a friend of his. He doesn't know what happened but it's obvious that the council members are coming after him and not the sidewalk. He has a partner. He doesn't really deal with that stuff. He works outside in the field. He has nothing to do with the building. He got the call when it hit the fan. He didn't know anything about letters, but he knew the project was going on. His brother called and said this guy was going to do it and he told him have at it. He got the call to go out there and meet Carol and Jamie. Now that they are going to have the meetings in the hall, he can't come because of health issues so they are going to be dealing with his partner and he isn't the nice one. He's tried to work this out for seven months. Joe Dudash asked what would make him happy because he's just as confused as he is. The guy they hired shouldn't have done sloppy work. He wanted to know how they could settle this. Tom said when they broke that corner and filled it with the slurry, that would have been marked by Carol for replacement if it had already been there. The one that was ground down is just obscene for somebody to take a grinder and

grinding concrete down. He thought he was being a gentleman and accepted those two replacements. He dropped the asphalt and the other stuff. He didn't get into the mess that they made on the curb. Beverly said she is going to put an end to this. She asked if CSM Builders was ok. Tom said that's one of his guys. He said to be aware that that is a November 3, 2020 estimate and material is up 400% in the last year.

MOTION BY BEVERLY WOLFE IN THE MATTER OF 151 BELLEVUE AVENUE CONCRETE WORK THAT WAS DONE BY THE BOROUGH CONTRACTOR TO AUTHORIZE MR. TOM WHEELER OF WHEELER BROTHERS TO HAVE CSM BUILDERS, LLC OUT OF HULMEVILLE, PA REPLACE TWO SECTIONS OF THE CONCRETE IN FRONT OF THE PROPERTY IN AN AMOUNT NOT TO EXCEED \$1,500.00. SECONDED BY JOE DUDASH. John Stratz said they were going to do that entire block for \$500.00 so wouldn't they do two for \$1,000.00? Beverly said they are letting him use his contractor. Joe said Beverly is taking into consideration that construction materials have gone up. A roll call vote was taken. John Stratz, no, Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, no, Beverly Wolfe, yes. Motion carried 3-2.

Joe Dudash said there are really two problems here. This is coming from him. He said to Mr. Wheeler that he wanted to apologize for the appalling character assassination placed against him by a member of council. The worst part is that he was not present at the council work session on January 19<sup>th</sup>. He received correspondence from people outside the borough. The people of Penndel, including himself, want to express their sincere apology to the people of Hulmeville, their council and himself with the political arrogance of a member of this council. The people and council in government entities have truly been a partner with Penndel as they assisted in granting money for the Police Department's new building, civic joint projects and fire and police assistance when needed. Joe thanked Tom for always being professional and bringing his business to Penndel. He feels that the councilman needs to apologize to Mr. Wheeler and the people of Hulmeville. Beverly said she has the minutes of that meeting. Joe said if he did that to one of his council people, he would be totally upset over the same situation. It's an accusation against him using political power to get something done up here and that's a negative reflection on the people of Hulmeville. Beverly read for the audience and into the record what they're talking about. Maybe she's mistaken, but she doesn't see what he's talking about. Beverly read the following from the January 19, 2021 minutes: John Stratz said ordinances are the only way a small town like boroughs can make laws. They finally, after the fiasco in 2016 and 2017, finally followed the letter of their ordinances and they asked the people of Bellevue Ave. to comply with the ordinance. They went through hoops to allow this customer to comply with their ordinance and considering he's part of Hulmeville's council, he finds it disgraceful that he refused to follow Penndel's laws and then wants them to pay. John said he disagrees. Joe Dudash said Mr. Wheeler never put his position as president in Hulmeville into this issue. He's always kept that separate as a businessman of Penndel. Beverly said John didn't mention that Mr. Wheeler was president. She said Joe did. Joe said considering he's part of Hulmeville's council, it's character assassination against the people in the council. Beverly said she doesn't agree with that but that's OK, they don't agree on a lot. Joe said if Tom did that with the Penndel council, he'd be on him. This isn't the first time John has done this. He's done this on a couple residents. He had a fight over here with a lady on Bellevue Ave. He's got a history of doing this stuff. John Stratz said Joe was lying. Joe said oh he's lying? He asked if he wanted him to pull the minutes up to show him. Barbara said it's not an appropriate time for this. Beverly said they're talking about fixing the guy's problem. Joe said this is a two-faced problem and Barbara is like him as far as she wants the borough to be respected. This man, as a representative of Hulmeville, did not bring it into this situation and it should have never been said. He's sure if they did a character assassination of Penndel, she

would be the first one spitting bullets. Beverly asked what about Mr. Wheeler's character was assassinated. Joe asked if there is something she cannot interpret. He said it's not hard to figure out what he said to him and he's got a history because they have had other complaints. Barbara said he's going too far and the problem is solved. This could be settled in another way. This is not the appropriate venue. Mr. Wheeler is a businessman in town, and he's been very good in many, many ways. Joe said he wants the people of Hulmeville to know that the people of Penndel don't go for this crap. Word spreads like wildfire around here. For himself he is saying sorry to Hulmeville council and the people of Hulmeville and he is sorry this happened to Tom. Beverly told Tom to let them know when his guy is ready to do the work.

### **COMMITTEE REPORTS:**

#### Administration/Cable

Beverly reported that Geoff has been more involved in day-to-day activities and will be lending them some of his expertise which they will be seeing later on with the fence ordinance.

#### Buildings & Maintenance

Joe Dudash reported that he and Gary have been working with Geoff on Mr. Diaz's position. With the help of Karen and Marie, they got the tables set up for Election Day tomorrow. Gary Nickerson said they didn't do public comment on the agenda items. Beverly said they did and asked Marie if they did. Marie said she has it in her notes that there were no comments. Tom Sodano asked if the word agenda was used and she said yes. He said there was no agenda on the website. Beverly said they will have to figure out a better way to do this. Tom said it's pretty much not an issue once they go back to in person meetings. Beverly said she has copies on the table at the meeting, but it should still be posted. Tom said that was his only comment because he didn't know what was on the agenda.

Gary said he was in the process of trying to get some bids for the basketball courts. There are kids playing on them and they're covered in poison ivy and it's just a mess. He's having a hard time getting quotes. He's up to three right now to get a quote and hasn't gotten one. Hopefully he'll have something in two weeks. Beverly asked Geoff if he had any discussions with the people she mentioned to him about the memorial field maintenance. She asked him if he could reach out to another municipality and see what they might have to say about doing some maintenance down at Penndel's field. Geoff said he misunderstood their discussion but will look into it. Joe said Burcz Landscaping went down there and looked at it and doesn't want to touch it. Joe said he thinks they're going to be spending more money on it because they let it go too long. Beverly said it's very time consuming and they will have to come up with a longer-term solution. Barbara said maybe they should think about the Spring Valley project. Beverly said they will make some contacts and see if they can find out if they can get some assistance with our field in conjunction with the Spring Valley farm project. Joe asked if they were supposed to get a fence torn down or put up and if they got any more grant money for that. Beverly said no, that was Middletown's part of the Spring Valley Farm project. They took all those trees out and took that fence down at no cost to Penndel. They had a grant application in to do the fence on the Rumpf Ave. side but were unsuccessful in getting that one. They have another one, the CDBG grant for the bathrooms. She doesn't think the other one came around again to do the fence. They are going to try it from a different angle rather than looking at grants. Possibly a cooperative agreement with another municipality. Barbara said they're not giving up the field. Beverly said no, just the maintenance of it. Barbara said she didn't think that Middletown's new supervisor group was aware of what the Spring Valley project encompassed. Joe mentioned an auditorium outside. Barbara said that would take millions of dollars. Beverly said they are working on cooperative agreements with other municipalities. It's really important for a small

municipality like Penndel to try to have cooperation from the other little guys around them and some of the big guys. That project is going to be a win win for both municipalities. She talked to the parks and rec director. 2020 was a lost year so they are gearing to start back on the Spring Valley project. They'll have walking trails and an amphitheater for concerts and all kinds of facilities over there. But Penndel is going to have something that they won't - a playground for the kids when they get bored.

### Community Development

Barbara Heffelfinger said Spring Valley Farm is one of her pet projects. Beverly wants the residents to see the plans because it's going to be something both municipalities can enjoy. Barbara said the one thing that she's heard is comments from a lot of people is if they could get a walking trail because people walk down at the field all the time. They haven't heard about the bathrooms yet. Gary asked when the deadline is. Beverly said she thinks they usually are announced at the end of July. Geoff said block grants are usually awarded the end of July, beginning of October.

### Community Relations

Barbara Heffelfinger said she hasn't spoken to Laura as she is at the end of semester and is grading papers. They will set up a meeting to try to get the agenda straight on the website. They should be able to use the website designers in a pinch if needed. They need a backup for the website. Gary thinks a professional should be handling it, not a council person. Geoff said it shouldn't be hard putting the agenda on the website. They can show the people in the office how to do it, they can take it over. Beverly said she would give him the information and with a little more training, that might be doable.

### Finance

Barbara Heffelfinger said she would like to meet with Geoff to talk about who is doing what. For the EIT, they are at 15 plus so it's coming. Joe asked if she was worried about it because of the economy. Barbara said you just don't know how many people are out of work and are just coming back. Beverly said she was skeptical and still is but some of the other taxes they have collected are surprising her. Barbara said they are at three quarters of the budget for the year on parking meters. Beverly said they would take any victory, big or small. And with the real estate market being so hot, they are already over 100% of budget collected. They are also on track with Berkheimer's mercantile tax and the LST.

### Open Space

John Stratz reported that the memorial tree for Lee Delano has died. It was broken down at the base and he thinks maybe a lawnmower hit it. Beverly said they would replace it. Barbara asked Joe to talk to Kory to see if she has a recommendation. Bob Winkler told them that Mary Ellen was aware that it's dead and was looking to replace it so she should talk to her before she gets something.

### Ordinance

Gary Nickerson said that Geoff put together a fantastic spreadsheet that summarizes all the issues like whether they want to continue to prohibit a front yard fence which is anything that's forward the face of the house. The other issue is property line setbacks which they currently have a one-foot setback. Other issues are how they're dealing with corner lots. Currently corner lots are not allowed. Corner lots are kind of in a tough situation and they recommended that they be dealt with on a specific basis by the Zoning Hearing Board. Geoff took a look at that and made some revisions after comparing it with some of the other municipalities. He recommended that they keep a couple things and that they revise a couple of issues. Gary said

he's not really sure how Beverly wants to do it. He could bring up each one of these issues that Geoff suggested and take everybody's temperature on these issues. There's a lot of different decisions that the council has to agree upon so they can send this to the lawyers so they can start working on it. After that it would go to the borough Planning Commission and then come back to them and then they'd have to advertise it. He asked if they should take a mini poll. Ben Hauser said they're basically going to be taking an opinion on how they want the ordinance to look like good final action. I mean you're basically kind of guiding this office in terms of where they'd like to be if they drafted this. It would obviously come back to council or at least the ordinance committee and the local planning commission and the county planning commission and then back because it's a zoning ordinance right and then it goes to council. Gary said he and Mark were originally just going to send this to the lawyers. Beverly said they took everything that everybody's been saying in all these meetings so the more they delay, the more time it's going to take and the more they delay fixing this awful fence ordinance. She said it looks to me like they've taken everything that every council member brought up and some members of the public into consideration. Joe asked if they are going to vote on this tonight because he can't vote because Mark still has some information. Gary said all he would like to do is to authorize it to go to the solicitors so they can start drafting something. Gary said he was just going to go over the spreadsheet and their recommendations and then just kind of tweak them. They are not going to allow front yard fences. They are going to permit side yard fences and the side yard fence issue is mainly going to be dealing with houses that are on the corners, so that side yard fence would protrude outwards from the front face of the house. Barbara said since she has a corner property with a lot of traffic going around the corner, she is apprehensive about any corner property having a fence on either the front or the side because of the sightlines for traffic. Gary said the big thing with the intersection sight line regulations is the existing one is extremely vague, and they currently allow a four-foot fence right on the corner. They've suggested revisions that are similar to Middletown's who had an excellent diagram that prohibited any structure including vegetation. They have no issue with the backyard fence. Max fence height would be six feet. This is the issue that we were just talking about, the corner lot exception. When he and Mark originally designed this, they didn't want to have exceptions for corner lot fences, but seeing the issue from last week, requiring any corner lot property to go to the Zoning Hearing Board and present their case, they were trying to do away with that. That means they have to get descriptive and say what is allowed. Barbara said so she could not put anything in her side yard. Gary said she could extend from the front facing her house, a four-foot-tall fence from the front face of her house to Neshaminy St. and back. Right now, you cannot do that. They would designate her front yard on Crescent St. and the side on Neshaminy St. and then she would be able to do that. This would alleviate property owners from going to the Zoning Hearing Board. Barbara said she doesn't agree with that because of what she sees on her corner. Gary said there would be a setback on the corner. Barbara said they have to be more explicit about the kind of fence that could go in there. It has to be something that people can see through with the traffic. She's had about 15 million accidents on her corner. Even school buses have come and asked her to chop down trees and everything else. It's a very active corner. The other issue is the property line set back issues. They're going to recommend that fences can be installed on property lines and they're going to continue to not require surveys. Gary said he thinks this is a good recommendation. Barb seems to be against any sort of carve out exception for corner properties. If the majority of council is against it as well, then they could leave it as it is. Beverly said other municipalities with the corner lot exceptions are, Collegeville, Hulmeville, Langhorne, Langhorne Manor and Middletown. All of these municipalities except Collegeville have a lot of exceptions. There's only one that does not have it. They should allow the corner fences, but they make the intersection sightline regulations very specific and the fence types very specific. Gary said that is correct and it's up for debate. Beverly said so he changed his mind about the survey. Gary

said he's going to go with the professional advice. Beverly said she sees that Langhorne Manor is the only one that requires it. And it appears to her that Penndel is the only one with a property line setback. She said it seems to have addressed all the major concerns and is still a loose thing. Geoff said on a corner lot, the side yard on a corner lot, not the front yard where your home faces, max height for a fence that they're recommending is four feet and the furthest it could come up towards the front of the house would be the front face of the house. There would be no privacy fences allowed in the side yard of a corner lot. In Collegeville they did not have a lot line set back and they never had any problems. He was the zoning officer, so he looked at all the fences and actually allowed front yard fences. They just had to be able to see through them. On the permit they said they would highly recommend a survey but didn't require it. The visibility issue is really important. The way they have it structured now should be very easy for the zoning officer and the residents to interpret. Beverly said Middletown has nice drawings specifically for the intersection. If they can't put it in the ordinance, they can put it in the fence permit application so it is very clear. She said if council had a chance to read over it and listening to Gary and Geoff, she believes they have a proper and good first attempt of getting a draft ordinance that they can review again and see how much more they want to tweak it.

MOTION BY GARY NICKERSON TO RECOMMEND THAT THEY SEND THE FENCE ORDINANCE PACKET THAT WAS DRAFTED BY THE BOROUGH MANAGER AND THE ORDINANCE COMMITTEE TO HILL WALLACK TO START DRAFTING A DRAFT FENCE ORDINANCE. SECONDED BY JOHN STRATZ. Joe Dudash asked that they shelve it until Mark can review the other information that was sent because there's no sense wasting taxpayer's money. Beverly asked Joe what information he has. Joe said he did a task force with Mr. Smith and Mr. Sodano and they went over the information and did some changes and Mark said he was going to review it. He feels that they should give him enough time. Beverly said you see where the process that this has to go to through to even become law. It takes months and now it will be delayed again another two weeks. Joe said it would just be one more session. He thinks it's disrespectful that they don't have Mark review it first. Beverly said if he would have told her he was reviewing something it wouldn't have been brought up tonight. Joe said he's under the gun and has an election to run. Gary said Mark had no problem with him presenting this.

**Tom Sodano, 126 W. Woodland Ave.,** about the survey, if they're moving the fences to the lot line and not having the one foot, an important thing to consider with why the surveys should be is that many of them are familiar with the stone monuments. It's a second-degree offense in the state of Pennsylvania to move or alter one and they're inviting people to do that if they're not requiring a survey. They already have a situation like that in the borough so he thinks that it would be shortsighted of them not to have the requirement for the survey in this particular area. It could prevent them getting caught in the middle of a lawsuit.

**Mike Smith, 127 DeHaven Ave.,** said he has been the most affected by this. He is also one of the people that put this ordinance together along with Barbara and he doesn't think it is a terrible ordinance. He just thinks it needed to be tweaked and that's coming from after what he has seen in his situation. If they do not have surveys, they're going to have a legal nightmare between neighbors and have neighbor fighting neighbor. As far as the side yard as he explained to Mark, he doesn't have a problem with the four feet on the side, but the problem is coming down the side, where do you start those four feet? Is it even with the side of the house because as they are well aware, the borough is in a lawsuit now because he can't see exiting his driveway. The problem with corner lots is that not a single one is the same. He agrees with adding some of the exceptions in there, but he does believe wholeheartedly the only thing you

should allow, in the side yard, is a post and rail with a mesh fence. They should also have the neighbors sign off on these permits so there's no legal recourse for anybody to come back and say they didn't agree with it. Beverly said those things are all addressed including the traffic line of sight issues and the agreements between neighbors for connecting fences. Mike told Geoff to sometime come around the corner and take a look at his situation and he'll understand why this fence ordinance has now come up. Geoff said he did look at his property and they addressed that in the ordinance. The side of the house is where the side yard starts so in the side yard, they would only be allowed a four-foot-high fence. Mike asked if that is from the side of the house. Geoff said that is what he said. Mike said he just wanted to make sure that they're on the same page because he doesn't want to hear later on that it's a terrible ordinance. Geoff said he was in Collegeville for 17 years and they never required surveys and he's not aware of any problems and no neighbor issues regarding fences. Mike said this one here, the monument was removed so that's why there's been a lot of issues here and obviously he's aware that there is a legal case going on and is what has brought this ordinance to attention right now. Beverly said they had this on the radar even before that. They addressed the restrictions on obstructions and impact traffic visibility in what Gary, Geoff and Mark did and they have the illustrative diagrams and everything in the package that they want to send to Hill Wallack. Mike asked Geoff what the site line is. Geoff said he didn't have that information in front of him. Beverly said it is addressed and it is just an outline. Beverly said what she's looking at with the specific stuff which were previous hot button issues, was of being the corner lot exceptions, were they going to allow it or not, setbacks, and what they were going to permit in rear yards and side yards and if they're going to require surveys and make sure of the sightline regulations. Mike said if they follow the sightline triangle that they have, that calls for 10 foot back from the curb line and it's not enough. They need to go back further than that especially in the circumstance that he has. Beverly said they have addressed almost everything that they discussed in this draft including pool fences and koi ponds. Mike said they need to be fenced in. Beverly said that ordinance is from 1966 it needs to be addressed. Kids drown in a bucket of water. They like to see nice orange fish swimming around the pond and try to grab them.

**Terry McIntyre, 335 Hulmeville Ave.**, asked Gary, on the proposed changes to the ordinance, when you're on a corner property and you're coming out from the side, let's say that these two fronts or the side of the house go into the side street, how far was the setback proposed for a fence because like you're talking about sight angles which is important when you're trying to make a turn on a corner. Gary said he thinks it was based on the speed limit for the road and it's based on engineer recommendations. Mike had said 10 feet and he's just throwing it out there just for a thought because every corner property you have some houses that are obviously on a corner property with two borough streets and then you have some that were on a corner property with a state road which they have different requirements for your setbacks for right away. He's not sure exactly but some are 8 feet and some go 10 feet. He was just curious for his own information on what they had planned. Beverly said this is a rough initial draft. They have a gentleman here who is an experienced township manager and they're utilizing his expertise on this. Terry said he thinks a lot of these corner property people struggle because they don't have much backyard and they want to close in some of their yard so they can utilize it for whatever they want to do.

**Jay Moser, 525 Hulmeville Ave.**, said on the property line set back, you've got to be six inches. Originally there was, he thinks in the code, he's not sure with six inches, you can't touch the monuments. His neighbor in the back, he had to buy a two-foot section of chain link because his yard was a foot and a 1/2 on that yard, but the monuments are on the opposite side of the fences or six inches in off the property lines. You can't jeopardize the monuments.

Definitely. Setbacks on the side, the building code has requirements that the corner of property on your house has setbacks on the address side as well as your side yard. Maybe come up with a percentage of how far back that has to be. A third of that percent he thinks it's 35 feet, make it a percentage of what that side set back is as a percentage because he thinks it's 35 feet in front and 35 feet on the side if you're a corner property that you cannot build upon. If you take a third, you're in 20 feet and that should give you plenty of sight line. A roll call vote was taken. John Stratz, yes, Joe Dudash, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes. Motion carried 4 ayes, 1 no (Joe Dudash). Beverly said it's a good start because they need to get it done. Joe said they are wasting taxpayer money giving it to the attorney already. When he did the trash contract, he made sure he had everything done so it wasn't wasting taxpayers' money, but he guesses they're like drunken sailors. He said how many times are they going to change it and then it comes back and then Mark is going to review it. Beverly said he only sent it to Mark. He didn't even send it to Gary who is part of that committee. Maybe they have already addressed those things. Joe said Gary never agrees with anything he says anyway. Mark is the only intelligent one. You're going to ram this through tonight and it's just ridiculous. Kids could have been run over at Smith's place. Beverly said that was a different situation. Joe said it's been a year and a half, and it is a security issue and now all of a sudden, they have to ram this through to send it to Ben. The people see what's going on here. Beverly said she's glad they do. Joe said maybe they'll see on election day tomorrow. Beverly said to not talk politics. Joe said he's just telling the facts. Beverly said that's fine and she'll get her life back. Joe said good for her.

### Public Safety

Beverly said everyone received a copy of the answers to Mr. Dudash's questions regarding the police which he put in writing. Joe said there was some miscommunication because, even though he understands what Sean wrote, it's not telling him what each officer has on their utility belt. He guesses he needs an inventory because he wants to know if there's enough equipment for each officer per shift including additional equipment to replace broken equipment. Does each officer on the shift have their own taser, handcuffs, body camera, gloves, etc? Beverly said she will have Sean address this with him at the public meeting. Joe said they can't talk about that because that would give up with the officers have. The second thing was with the car. All he wanted was the inventory as far as if they had a roof leak and it was repaired and everything with the car the warranties. He doesn't need all the DC jibber that Sean gave him. He wants to know what each officer has when they strap on that utility belt. Do they have one riot helmet in the car but then a riot breaks out and he needs to call in five-part timers and they only have one helmet. That's what he's after. Barbara said that's why they have a swat team. Joe said they don't have one. Beverly said they are in Tullytown. Joe said it's the county. Sean is a negotiator. Barbara said they've used them and she can tell him when. Joe said he doesn't need it in public because that would just divulge to whoever where they're short something. Beverly said she would discuss it with the chief. Joe said Bob's here, he should know because he's the chief law enforcement officer so just go to him. Joe asked Bob if he was answering or if he was just playing mute. He asked Bob if there was an incident last Monday and Tuesday with drug paraphernalia found on Cynthia and Rumpf Aves. at 6:30 a.m. which would have been the 11-7 shift. Bob said he didn't know. Joe said all he needs is yes or no. Barbara asked him if he could wait for Sean's report. Joe said Bob is the chief law enforcement officer and he should say yes, he heard. He goes over this stuff with Sean. Barbara said this isn't the appropriate time for this. Joe asked when the appropriate time for public safety is. Barbara said to go to borough hall and ask him. He doesn't have to do it at a public meeting. This is why he is asking him because like the case back in June when they got into a big tiff over this with the three drug houses and all he asked the mayor and Sean to commence with a police drug community self-defense strategy. The same thing with the accidents on Bellevue

Ave. in front of the funeral parlor. He asks for a strategy report and he gets this DC fluff about its an ongoing investigation. He said don't give him that crap. He's been in law enforcement too long and this is why he gets aggravated when they say why doesn't he just go to and all he gets is this DC bluff game. Barbara said to keep trying. Joe said now he knows where she stands with public safety. This is why he said he loves that the people that are on public safety have no experience in law enforcement.

### Public Works

John Stratz said he would just like to thank Carol and Jamie for all their hard work. It's an excellent job and he feels it will benefit Penndel immensely. The picnic grounds are beside themselves with joy as it has truly improved their property. It's a win win all around.

### Refuse

Gary Nickerson reported that he was approached by a representative from a Docuvault. It's an e-waste recycler and they would like to have a waste collection event at the borough where residents could drop off a whole list of various electronics including televisions and monitors. They've done this before and it's been pretty successful and there's no cost to the municipality. There is a fee assessed for residents if they are disposing of a television but then they don't have to drive it to a facility. They didn't really have a lot of availability but did have something available in the fall. He was curious to see what council thought about it and he could come back with some dates and something for them to sign. He will send it to everyone and will come back with a firm date. They spoke about this before the relaxation of some of the COVID requirements. People don't even get out of their car. You pop the trunk and their staff takes everything out of the trunk. If they do it in the fall, it could look very differently. They have to figure out an appropriate place to stage this. He doesn't know if they can do all this in the borough hall parking lot and it depends on what the social distancing requirements are. He asked everyone what they thought. Council thought it was a good idea. Geoff Thompson said he would be cautious of having it at borough hall because those things are very popular and they will possibly have cars backed up the whole length of the street. Gary said the only other place potentially would be maybe down at the rec field but with football in the fall, he's not sure how they would stage that. A lot of times they pair this with a shredding event. He said he didn't think they would be interested in that at this time and they charge around \$300.00 an hour for the shredding. He thought they could start with the e-waste. If the residents want a shredding event, then can do that but he figured they could start with the free thing and see if there's a demand for shredding. Beverly said they need to think about it because it's too good of an opportunity to pass up. Everybody's got these old TV's and monitors laying around and she doesn't want to become like some of the other municipalities where they sit at the curb for a month. Gary said he likes the fall because it gives them an opportunity to get the word out. They are fully insured and maybe they can partner with anybody else in town who has parking that's big enough to do something like this. John Stratz said if you're looking to partner with someone, Tina Davis just had her shredding event a few weeks ago. He's always there as Karen's back up for getting food for the food bank that people bring. He's sure she wouldn't mind them bringing in some recycle people to get that kind of waste. Beverly said will people travel that far to drop off their electronic waste. John said electronic waste is a lot bigger than shredding waste and Penndel does not have a school that has that kind of space. Tina had hers at the technical high school. There is a limited number of space at the Catholic school and he doesn't think it's enough space. Beverly said that's a good point. Jay Moser said on the chat it is one way in one way out. Beverly said they will just have to figure out the logistics.

### Old Business

Beverly reported that at the last meeting they talked about allowing the American Legion to use the borough's bulk postage permit which is a lower rate so they could do their mailing of the flyer that they want to send out regarding the rebuilding of the memorial and the buying of the bricks to honor a service member or loved one. She believes council was in general agreement that they could use it and they never voted on it.

MOTION BY JOHN STRATZ TO ALLOW THE AMERICAN LEGION POST TO USE PENNDEL'S BULK POSTAGE PERMIT TO SEND OUT THEIR REQUESTS FOR DONATIONS FOR THE BRICK PROGRAM AND THE REBUILDING OF THE MEMORIAL AT THE MEMORIAL FIELD. SECONDED BY GARY NICKERSON. Barbara asked if it is legal to let somebody else use the borough's bulk mail postage. Ben Hauser asked if it was for a limited time only event. Beverly said it is a one-time mailing. It is for their initial mailing they want to use it so they can pay less for postage for the flyer. Ben said the borough is free to use its postage as it wants but just make sure you know obviously this may not be the only request that ever occurs. You're granting it for one and then if you have to deny someone later, there may be an issue of why you denied them but granted it for someone else. Gary thought this had been granted before and this was a formality, that this is something that happens all the time. Beverly said she thought they loaned their bulk postage permit to another municipality. Barbara said no, it was not for borough work. Beverly said good point. This is being used for a borough property, a PennDel entity. Barbara said she's not against it, she just wanted to know if it is legal. Ben said he would say it's legal but just be mindful that they are opening up the door for things down the line. Beverly said it's a 501(C)3 entity that's going to be working on a piece of borough owned property. Ben said next time it might be a different situation.

**Mike Smith, 127 DeHaven Ave.**, asked if they are reimbursing the borough. Beverly said they are. Mike said it shouldn't be a problem because the borough isn't losing any money and the memorial is getting fixed. A roll call vote was taken. John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes. All ayes, motion carried.

Beverly suggested giving a donation to the American Legion towards repair or beautification of the memorial field from funds that were collected by the rec board that they don't have anymore. It will not be from taxpayer funds. It will be from contributions that the rec board collected to do work on the memorial field that they kept in their own separate account. The funds were raised by the rec through fundraisers at Rita's Water Ice and the chili contest. The balance in the account is \$1,100.00. She thought maybe a few hundred dollars. John suggested new larger flags. Beverly said the legion puts the flags up. She said they will just let them use the borough's bulk postage for their mailing.

Joe said at the railroad bridge that they're working on, there's two bronze plaques at the bridge that Steve Lowe took a photograph of and asked what the borough is going to do with them. Beverly said they can't do anything with them because it's Penndot. Joe said they're just laying there so that's why Steve was curious if they were going to put them back on the bridge. They look like dedication plaques and they look like they're bronze. Barbara said they are going to have another one as well with the name. Beverly said she would ask about them.

### New Business

Ben said he wanted to update the next motion as Marie received correspondence earlier today. They are withdrawing this subdivision application.

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE WITHDRAWAL OF THE SUBDIVISION APPLICATION AND RETURN THE BALANCE OF THE ESCROW FUNDS OF \$4,764.70 AS REQUESTED IN THE LETTER FROM GERALD MCHUGH DATED 5/1/21. SECONDED BY JOE DUDASH. A roll call vote was taken. John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes. All ayes, motion carried.

Persons to be Heard

**Tom Sodano, 126 W. Woodland Ave.**, said regarding the poison ivy thing that came up earlier, they're all probably aware the house next to him has been vacant for nearly ten years and is infested with poison ivy. He keeps it away from his property with a solution that they can find online of salt, vinegar and dish soap, preferably Joy. You spray it on there a couple of times a year and it doesn't grow. It will come back next year but it goes away and is environmentally friendly. When Jay had brought up the license thing of whether it's legal or not, they may be getting caught up in a semantics question. A lot of the other municipalities have a registration, but they never used the term licensing. He was trying to get a clarification on whether they give somebody a license when they charge these fees. If they're registering these people and the fee collected is treated as a mercantile tax, they're within their rights. If they're calling it any kind of a licensing fee or something, then they have a problem. It's how they word that ordinance that makes all the difference in whether they are legal or not. If they call it a registration or some mercantile tax so that they're registered here on a per job basis, then you haven't used any words that are illegal. Beverly said the fee schedule says contractor's registration must show state registration for home improvement costs \$0.00. No state registration is \$100.00. Tom said that's where they have a problem. They can require that they have a state license to work here but if we are saying that they don't have a license and are charging an extra amount of dollars, they are then in effect charging a licensing fee. They have to be careful. The sidewalks at Hulmeville Ave. were torn out a little better than a year and a half ago and it was sad watching the kids walk in the street. But now that they've increased the work that they're doing, those kids are walking in the street, not on the side of the street or they're crossing the street. They constantly talk about safety but there are no sidewalks. The school bus comes on the east side of the street and they're forcing children who live in the Crescent St. area who wants to catch a bus here or going to the corner to catch the bus. They must cross the street which is a busy street which they've already talked about the speed problems, come up a block and cross back or walk in the street. He asked if they could get them to do something to get these guys to put the sidewalks in. Not only did they not put the sidewalks back that they tore out, now they've ripped out he doesn't know how many linear feet of the curbs that Carol inspected. Now they're tearing up a whole bunch of the infrastructure they put in and redoing that. They really made a mess. There is nowhere kids can walk. Carol Schuehler said the concrete contractor is scheduled out there shortly. She wasn't satisfied with some of the curb elevations, and they had to reconstruct them because they didn't provide proper slope along the edge of the road. She believes the concrete contractor is also imminently doing those sidewalks, but she will get some schedule information and pass it along.

**Mike Smith, 127 Dehaven Ave.**, said that Jay and Tom are both right. If he looks at what he pays every year for those contractor's registration fees, it's in excess of like \$1,500.00. Every town has it. Some are a little higher than others. He said to Beverly that he is still waiting for information. Beverly said she will have it for him at the June meeting which is what she told him at the last meeting.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN AT 10:24 P.M. SECONDED BY JOE DUDASH. A roll call vote was taken. John Stratz, yes, Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes. All ayes, motion carried.

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