

Penndel Borough Council Meeting Minutes

June 7, 2021

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

Present at the meeting

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

Also present at the meeting

Dave Truelove, Solicitor, Hill Wallack  
Police Chief Sean Perry  
Carol Schuehler, Value Engineering  
Marie Serota, Secretary/Treasurer

Presentation on the Heritage Society

Barbara Heffelfinger made a presentation about the Heritage Society and on the importance of keeping the history of Penndel in borough hall. She would like the old documents that are in frames hung up on the walls and the space for the historical items to remain in the hall.

Consent Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE MAY 17, 2021 WORK SESSION AND TO APPROVE THE BILLS FOR THE MONTH OF MAY 2021:

<b>General Fund</b>	<b>\$26,465.19</b>
<b>Fire Tax Fund</b>	<b>\$27,605.99</b>
<b>Refuse Fund</b>	<b>\$34,743.44</b>
<b>Sewer Fund</b>	<b>\$65,812.37</b>
<b>Capital Reserve Fund</b>	<b>\$19,055.13</b>
<b>Sewer Capital Fund</b>	<b>\$ 4,283.00</b>
<b>Liquid Fuel Fund</b>	<b>\$ 45.52</b>
<b>Escrow Fund</b>	<b>\$11,665.20</b>
<b>Payroll Fund</b>	<b>\$ 584.28</b>

Payroll

General Fund	\$30,818.18
Sewer Fund	\$ 5,249.08
Refuse Fund	<u>\$ 874.86</u>
<b>Total</b>	<b>\$36,942.12</b>

### Escrow Fund Bills

#### Auto Zone:

Hill Wallack LLP	\$80.00
Value Engineering	\$2,839.00

#### McHugh Land Development:

Hill Wallack	\$200.00
Penndel Properties	\$4,764.70

#### Schoolhouse Court:

Hill Wallack LLP	\$240.00
Value Engineering	\$1,411.50

#### Mill Creek:

Value Engineering	\$130.00
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#### Vincent P. Jackamonis:

BP #21-04-16Z Escrow refund	\$2,000.00
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SECONDED BY LAURA GERMAIN. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. All ayes, motion carried.

### ***Reports:***

#### President's Report

Beverly Wolfe recapped what Mike Smith asked about for the 2016-2017 Roads Program which repaved quite a few streets. Beverly explained the lien process. In order for the borough to lien a property for non-compliance in a project, the borough has to do the work. They cannot just lien a property because they didn't do it. During the 2016-2017 program, there was no borough retained contractor in place to do the work prior to the roads being paved. She took the list that the then engineers prepared and checked it against the permits and records for each and every property and cross checked the list and got it down to 53 properties with no permits and no final inspections that were on the previous engineer's list to be done. The majority of these were on Dehaven Ave. She drove down Dehaven Ave. and since this was from 2016 and 2017, any markings on any of the curbing or sidewalks are long gone so there was nothing distinguishable for her to look at. Her conclusion is they would have to spend more taxpayer money to reinspect these properties. They have either no permit for those on the list and no pass or fail on their inspection. They don't know if they were done or not. They were earmarked to be done but, for whatever reason, they don't seem to have the information in the file for these properties. They will have to reinspect them to see if it's an oversight which will cost the borough money and lastly, they will be asking people to dig up relatively freshly laid roads. It's not right but she doesn't think that the borough is in a position to go back and redo this entire program and look at these properties again and waste more money and then have people dig up something they were supposed to do five years ago on newer roads. Mike said he has emails that said property was not going to do that for whatever reason. He can show pictures on Google that the curbs were terrible then. The problem throughout the whole borough with all the ordinances is that they spend tens of thousands of dollars on ordinances and redo ordinances all the time that they don't enforce. Beverly told Mike that he's holding this council responsible for something

that happened back in 2016 and 2017. Mike said Beverly, Barbara and John were on council at that time. He said it's very obvious through the emails that he's gotten that it was just let go. Beverly asked where he got the emails from. Mike said it doesn't matter where he got them from. Beverly said she knows where he got them from. That property did not do it and everybody else on his block had to. That property was allowed to go and it's not right. He's going through this now where the same property has a problem and he just went through a court case today where the judge asked him why this borough council did not make that person take that fence down. Dave Truelove said, procedurally it's not the way it was, and Mike knows because they had that discussion. He's not disagreeing with the fact that the fence should be taken down but there's a process to do it. The problem is when he received that permit back in July of last year, he received a vested right. So, the only way that can be done is for an appeal that he made to the court. Now they're trying to do what they can to rectify that as efficiently, safely and effectively as possible without implicating the borough and without anybody getting hurt. And since you mentioned ordinances, there's a fence ordinance that is being redone, hopefully to be uniform across the borough because, at the time that ordinance wasn't exactly clear and he thinks he knows that as well and it was nothing that he created or Beverly, Barbara, John, or he created. Mike said he's not saying anybody created this problem. He was asked today by the judge if the borough cited him after the Zoning Hearing Board. What he's trying to get across is that they go and spend thousands and thousands of taxpayer money, and nothing is ever enforced. Dave said he would dispute that now because he knows that BIU is doing a much more, at least the people they have in town here, much more vigilant job about looking at properties because he sees the emails. Dave said he understands his frustration. Mike said he knows what he's worried about. They are always talking about safety; he has to live it every single day. Beverly said getting back to the 2016 - 2017 Roads Project, she thinks she's given her position on it. She did the work and research so should they really go back to 53 properties and have them dig up relatively new roads? Mike said why can't they, under the maintenance part of the ordinance, have this looked at and do one street a year. Beverly said we would still be asking these people to dig up a relatively freshly paved street. Mike said they are digging up all over the place. He thinks the one street was down maybe three months and that was dug up. Beverly asked how he would recommend that they implement such a program. Wouldn't he think that would kind of pit people against each other. He chastised her for taking a suggestion from one of the folks that's in the audience and putting that out that if you see an unsafe condition on a sidewalk, let them know and that was people tattling on their neighbors which it's kind of the same thing. Mike said this is a situation that not many here would understand. He has the emails. Beverly said maybe he should release them. Mike said she was copied on them. Beverly said she doesn't know what emails he's talking about. She was one of the ones who was very supportive of them going through the curb ranking system with those engineers and defining exactly what ones they were going to go after. Mike said Terry's wife just tripped and fell on a sidewalk and they have similar issues in various parts of the borough. Beverly said with this particular issue that he brought up to her was from 2016 and 2017, and, unfair as it may seem, as of right now her position is they shouldn't take any action. Maybe others have a different opinion and they will be asked to express that.

Beverly said Jay Moser is not there tonight to answer his question about the contractor's fee that Geoff researched. Geoff said the Home and Consumer Protection Act basically says that municipalities can charge registration fees for commercial work and any new construction. What is exempt is what they call home improvement which is work being done within your house which is not new construction. So, they can charge in certain circumstances. He checked with staff and they are following along.

### Mayor's Report

Mayor Winkler read his report which is attached.

### Borough Manager's Report

Geoff Thompson reported that he was working on revitalization issues and had a Zoom meeting with the Revitalization Committee, and they talked about some information to put on the borough website and some marketing brochures. They will meet in the beginning of July.

### Chief's Report

Chief Perry read his report which is on file in the secretary's office.

Joe Dudash asked if there was any drug paraphernalia found on Cynthia Ave., like needles, on the 10<sup>th</sup> and 11<sup>th</sup>. The chief said he didn't recall if they were on Cynthia. They had a call about some on Rumpf. He just doesn't remember. There were some located on the ground in the roadway and they looked like they were old needles. Joe asked about the three drug houses. The chief said it's still an open investigation. Joe asked about the rotating duty tow. The chief said he believes that the duty tow is supposed to be in Penndel Borough and their impound lot is also located in Penndel. Joe asked if there is any reason why they're not using the Penndel boys like Simon's or Scrappy's. The chief said he didn't know the answer. Joe said the one they have now is outrageous. The chief said he had no idea what their rates are and if they are compatible with what the industry standard is. The company they do use does do some of their tows as well. He doesn't know which one of them has the astronomical pricing. Joe asked if he knew who said to use the company. The chief said since he started here, they've used them. Barbara said they've always used the same company. There was a discussion on the same thing years ago and all the owners of the tow companies came and were voicing their opinions about that and Chief Sciscio came out and said this is what we're doing. The chief said he is more than satisfied with the response time and the tows provided by the tow company they use. They don't have any say in what their pricing is. Dave said in his experience most towns put out RFP's or something like that so they may rotate and that is something he would suggest they do before next year's budget. The chief said he is not opposed to it. Joe asked if each officer has one of each when he or she comes on or if they are swapping out when they come in and the person going off gives them their stuff. The chief said he has no problem addressing that in a work session. Joe said he just wants to make sure each officer has their equipment. The chief said they have a sufficient amount of equipment that they need to keep the officers safe, but more is always better. Joe said to give what they need to Beverly. The chief said they have a limited budget. Beverly said that she and Dave looked it up the duty tow and for the record it is in their ordinance, 390-46 through 48. They will have to have a look at that because it doesn't address how it's awarded it just addresses that it exists. The chief said he is open to discussing it.

### Solicitor's Report

Dave Truelove reported that they are obviously back in person and will continue to monitor the state laws that may affect it all. The borough code is probably the most explicit when it comes to requiring in person meetings unless there's some other directive or provision for remote participation by an individual member so they will just continue to monitor that with everything else.

### Engineer's Report

Carol Schuehler read her report which is attached.

Joe Dudash asked about the wall for Mill Creek. He said it sounded like she wanted it in there and they just did grading. Carol said they had to do a wall because they're not allowed to grade

within five feet of the property line. A graded slope is fine as long as it's stable. This appears to be stable, and they have a document from their engineer certifying it's stable. Her biggest worry was about encroachment on the neighbor. They have a letter from the neighbors saying that they accept it, so it's fine. Not having a wall is not a terrible thing. It's one less thing for a child to fall off and one less thing to fall in 20 years. The fact that they were able to end up with positive results and that's why she has no objections to the waiver. Joe asked Dave about the legality. Dave said waivers are not unusual to be requested. As long as it is not a public safety concern or something like that and meets those requirements and can be justified, it's not unusual. Joe asked if there was any paperwork that needed to be done. Dave said the approval of the minutes of the meeting should be enough. They have letters from the engineer requesting the waiver and the letter from the housing group which is the neighbor agreeing to it and Carol's evaluation and detail so there's several documents that support the request. Joe asked about Schoolhouse Lane. He said he saw a strange truck and was it replacing curbs and doing the sidewalk. Carol said they tentatively have that scheduled for this week but what he would have seen is the curb machine. Some of the curb elevations weren't working. Joe asked if she was watching. Carol said Jamie was but the reason they went back and surveyed the curb after they set them was because they were going back and forth with the engineering firm that designed it. They discovered that it had less than 1% slope in some places. Joe asked about the basements and all of the water they were pumping out. Carol said they worked on properly directing the sump pump discharges of the first houses built at the top of the hammerhead which is the issue that he is talking about. She thinks that's been satisfactorily resolved at this point. Joe asked about the fire truck matter and if they came up with anything. Dave said for the HOA, the challenge there is that it hasn't been established because they have requirements for that. They have to have 80% of the properties sold so they're not there yet for that. But they do understand it's being scrutinized.

Tom Sodano said that Joe brought up about the curbing and she had mentioned the issue with draining. They have had more water than they had since the beginning of the project behind them after the rain the other day and that was after they put that new section of curb in. If Jamie didn't check, she should ask her to make sure that they didn't inadvertently crush the outlet pipe they ran under that curb because it looked like they backed up which it hadn't done in all the time he's been watching it. There were over 12 inches of water back there for two days in that swale and it wouldn't go down the drain which means the outlet was the issue. Carol said she would check on it.

#### Zoning/Code Enforcement Report

Beverly Wolfe read the report which is on file in the secretary's office. She said they got a very thorough report. They are doing a super job with the impressive back up documentation.

Joe Dudash reported that one of his neighbors works for a trucking outfit where you can buy parts from them. She heard one of the salesmen talking and it was the trucking company in Pennel buying parts and repairing trucks which is against the ordinance. At one point they were going full blast down there and they had talked about the mailbox and there was nothing for a while probably because of Covid. It looks like they were going to do something. Beverly said they have submitted plans and Geoff is working on that with BIU. Joe said he is concerned about them repairing trucks. Beverly said they will get on it right away and Geoff will report back when he has some information.

### Persons to be Heard for Agenda Items

**Tom Sodano, 126 W. Woodland Ave.**, asked for clarification on the payment for Armour and Sons. He was under the impression that when that was done the last time, John Straz said that was the final payment then but now there's another bill. Beverly said it is the refund of the retainer.

### **COMMITTEE REPORTS:**

#### Buildings & Maintenance

Joe Dudash reported they are waiting for Dennis and Sons to get back to them with an estimate to replace the flat roof because it's leaking. The chief said the shingles on the front roof were done when it was renovated. Amanda Mieluch said she has a good roofer that does flat roofs if they would like the name.

Joe reported there is a tree down at the rec field by the toddler's area. He called Mr. Young and he said that he could squeeze them in for tomorrow because it's an emergency for \$450.00. Gary said it's partially blocking the path that leads from the pavilion to the basketball courts and playground. About a third of this tree fell down because it is rotted.

MOTION BY JOE DUDASH TO ACCEPT THE QUOTATION FROM YOUNG'S TREE SERVICE TO REMOVE THE DOWNED TREE NEAR THE TOT LOT IN THE AMOUNT NOT TO EXCEED \$500.00 DUE TO PUBLIC SAFETY INTERESTS. SECONDED BY GARY NICKERSON. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Strat, yes. All ayes, motion carried.

#### Refuse

Gary Nickerson reported that at the last meeting he brought up the topic of an e-waste collection drive. He spoke to Monsignor Prior with OLG and he agreed that it would be a fantastic idea and he gave them consent to use the OLG school parking lot on October 2<sup>nd</sup>. He gave the borough manager a copy of the e-waste collection agreement which is basic and Geoff looked at it and says it looks fine. It basically says it will be held on October 2nd and they would arrive maybe an hour before to set up. It would start at 9 and end at 12 and they would spend about an hour packing everything up and then be out of there. The residents won't even have to get out of their cars. The staff will just unload everything. The e-waste people are excited and they gave him some promotional pamphlets that they can use to get the word out.

MOTION BY GARY NICKERSON TO ENTER INTO AN AGREEMENT WITH TECH COLLECTION PROS, LLC TO HANDLE THE OCTOBER 2<sup>ND</sup>, 2021 ELECTRONICS WASTE COLLECTION AT OUR LADY OF GRACE SCHOOL FROM 9 TO 12 ON THAT DATE AT NO COST TO THE BOROUGH. SECONDED BY JOE DUDASH. Pat Dicken asked if there are any items that they will not take. Gary said there is a list and they will be sure they get those pamphlets out and the information on the website and newsletter. There's a large list and they do charge \$30.00 for televisions and kapa ray tube monitors. Chief Perry said they have some evidence that they're going to get rid of from years ago. They take all kinds of hard drives and computers, and they have something so they're not liable for whatever is on the hard drives. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Beverly Wolfe, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. All ayes, motion carried.

#### Revitalization

Gary Nickerson said that Geoff mentioned some of the revitalization stuff and they are not at a point where they are ready to schedule another meeting.

## Community Relations

Laura Germain reported that John Stratz had a good idea in that they should have a celebration that they are reopening here at the borough hall and just in general. It's at the very early stages and her tentative date now based on her schedule is July 11th and she'll make sure that it works with everyone. Some ideas were to use some of their budgeted money to pay Rita's Water Ice who donated to the rec board when that was there. She has a bunch of stuff for kids that she had from other events. She doesn't have a lot of information for now except the tentative date, but it will definitely be outside for safety because most kids under 12 are not yet vaccinated. She thinks it's safe now to do the outdoor movie night in August like they did two years ago. They were planning to do one last summer but did not because of everything that happened. She and Barbara will have a committee meeting and will try to pick a movie which they try to figure out what would attract the most amount of people. She's not going to do quite as many events as she usually does during the summer because she thinks it's better to be a little prudent, but she thinks two big events would be a good start. Plus, a lot of them are usually in borough hall and she thinks being outside this summer is smart. For the website, the alert box is done. The website company completed that project and they're paying for that today. It only took them an hour to do which is great. If you go to the website, you'll see a little sort of pop-up box that grays out the rest of the website and you have to read that alert box which will be great for anything that's sort of urgent like a road closure or a meeting has changed. You are forced to read it. Geoff offered to be trained on the website stuff so if she's at work and can't get to it, he will be able to do it right away while he's here and maybe Karen or Marie as well, but they haven't talked about that. The website company asked for a wish list of things that they want them to do on that project basis that they talked about. She and Barbara will come up with that at their committee meeting and come back to council. All minutes are available now. There were two 2019 minutes she was having a lot of trouble getting on and they're on now so now all the minutes are on from she believes 2014 forward. Anything earlier than that is available here at the hall. They will be working on the next newsletter. There is a storm water education contest which Carol came up with this idea to bring awareness. They will have kids make a poster about some water education and they could display it here and Carol offered to fund a prize for the winners. They had a lot of issues with the last newsletter, so she is going to do more publicity about the contest and put it in the newsletter and pick a later date for it. The idea behind that is to increase awareness and also for community involvement by having kids involved. Carol thanked Laura for doing the contest because it helps the borough with the requirements of the MS4. The last thing, as Barbara had mentioned about the presidents and the decorative stuff, she had an idea that she just mentioned to Barbara that maybe they could have an event around President's Day if they don't mind waiting that long, where they display all the presidents here and make a sort of fun event out of it and then kind of retire them like museums retire exhibits. This way they're honoring the people who have donated these pictures but they're leaving space on the wall.

## Open Space

John Stratz reported that he joined the mayor at the rec field to get ready for the parade which unfortunately, didn't happen. He put vinegar around in all the cracks until he ran out and it did a wonderful job with clearing out the weeds in the cracks. He artfully clipped the bushes around the pavilion so as to improve the safety so there won't be any problems in the pavilion with anybody being able to hide behind the bushes. He requests that if they're doing that tree, they should get somebody to go behind the pavilion and cut down those little bush things that are all growing on the fence but are trying to pop up again. They need to keep an eye on them and

proactively cut them down, so they won't have the problem that they've had in the past with six-foot-high weeds.

#### Public Works

John Stratz reported that the streets were swept in the borough. He is actively looking at somebody else to do the potholes. If worse comes to worse, he will get Pothole Killers again. He is trying to find somebody who will do an equal or better job at less than \$45.00 a pothole.

#### Old Business

Joe Dudash suggested they keep cleaning the hall and police department extra for Covid because it's not over yet. Chief Perry said he is very satisfied with the cleaning that's been going on. Dave Truelove said it might still be covered by federal money. Beverly said they should continue with it. Joe asked Marie to let Michelle know to keep doing the extra cleaning.

Beverly said for the memorial bench for Phil, which was brought up at the last meeting, she requested information on who manufactured it and what it is composed of because she believes it's recycled plastic of some kind and how it would be best to anchor it, and anything related to the installation of it and where it would be. Beverly said that Gary had expressed a bit of a concern because they're starting to get more and more of these kinds of things and that they should have some kind of policy on it in the future which is something they need to look at. Joe said in talking to some of the war vets, they would prefer that they put it towards the pavilion. Beverly said it's not going to be anywhere near the memorial. Joe said near the pavilion would still honor Phil and it's where kids are playing with their families. Beverly said they may want to plant a rosebush or something nice there and it's a place where they or anyone can come and remember him.

Beverly said the final draft of the agreement to rebuild the memorial was sent over to the legion on Friday. Dave said Ben Hauser is working on it. Beverly said their attorneys will have to look it over. This will protect the borough and the American Legion. It is a standard agreement, hold harmless, insurance, the whole nine yards and who's responsible for what. When she gets something, all of council will see it and approve it. Joe asked about the handicap spots and if there will be a walkway. Beverly said the spots will be striped and there will be a lighted walkway and it will be ADA compliant. It will all be presented when they finalize everything.

#### New Business

MOTION BY JOHN STRATZ TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

**Comcast** invoice dated 5/1/21 in the amount of \$231.65 for police department internet & voice services

**Gettysburg Benefits Administrators**, Inc. dated 4/30/21 in the amount of \$169.59 for dental insurance installment

**DeLage Landen Financial Services**, Inc. dated 3/15/21 in the amount of \$276.54 for copier lease

**Pitney Bowes** invoice dated 5/10/21 in the amount of \$80.74 for postage meter ink

**SWIF** invoice dated 4/30/21 in the amount of \$7,320.24 fire department's workers compensation insurance installment

**Comcast** invoice dated 5/15/21 in the amount of \$201.31 for offices' internet & voice services

**Independence Blue Cross** invoice dated 5/7/21 in the amount of \$5,484.44 for medical insurance installment

**PECO** invoice dated 5/20/21 in the amount of \$1,964.20 for streetlight electric

**Selective Insurance** invoice dated 5/12/21 in the amount of \$3,457.00 for worker's compensation insurance and commercial package

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

MOTION BY BARBARA HEFFELFINGER TO APPROVE APPLICATION FOR PAYMENT TO ARMOUR & SONS ELECTRIC, INC. IN THE AMOUNT OF \$3,117.61 AS REVIEWED AND APPROVED BY MICHAEL FULLER AT KEYSTONE LIGHTING SOLUTIONS, LLC.

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

MOTION BY BARBARA HEFFELFINGER TO APPROVE AND SIGN THE PROPOSAL DATED 4/14/21 FROM GILMORE & ASSOCIATES, INC. TOTALING \$28,336.00 FOR BOROUGH HALL EXTERIOR RENOVATIONS. SECONDED BY GARY NICKERSON. Beverly said this is the RDA grant to redo the front walkway and make it completely ADA compliant. This is for the scope of services, the site survey and layout design, bid drawings, permits with Bucks County Conservation District, to prepare the bids for bidding on Pennbid, and the grant administration and construction. These charges are not covered under the RDA grant. They are engineering and architect fees. John Stratz asked if they asked the borough engineer to clarify if these costs are usual and prescribed. Beverly said they did not, but they did ask the borough manager to sit down with the engineering firm that's handling the project and go over it item by item. The charges were not out of line and or outrageous. They are customary and reasonable. Geoff said it is very normal for engineering and architecture and also for the landscape architecture. Barbara said she was outside working on the planters and came into Geoff and asked him to please put money in the budget for the landscaping. She asked how much landscaping they are going to do. Beverly said they still have to come up with the grading and landscaping design and it will be by a registered landscape architect. They will have plenty of input. Barbara asked if it would be on both sides. Beverly said that the original scope was to redo the entire front because it's not going to look good if they do one side and not the other. John requested that they do not touch the trees in the front. Beverly said they can make that clear to them. Geoff said they can tell them it's council's wish for them to not touch the trees. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO GRANT A WAIVER OF THE REQUIREMENTS UNDER PENNDEL BOROUGH CODE 355-28.D(2) AS REQUESTED BY WESTOVER COMPANIES, FOR GRADING WORK AT THE MILL CREEK APARTMENTS, SUBJECT TO COMPLIANCE WITH THE CONDITIONS SET FORTH IN VALUE ENGINEERING'S MARCH 20, 2020 LETTER ADDRESSING THE WAIVER REQUEST. SECONDED BY BARBARA HEFFELFINGER. Mike Smith asked if that part is in Middletown. Beverly said yes. Dave said they have a letter from the Bucks County Housing Group who owns it. Beverly said they have a letter from the executive director. Mike said he just wondered if they needed a letter from Middletown too.

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

#### Persons to be Heard

**Tom Sodano, 126 W. Woodland Ave.**, said BIU gives them wonderful reports, but they don't show up and people here have questions. They want to know what is going on in places like 40 Bellevue and he's not here to answer those questions. And why is there still an auto repair on Monroe Ave. that's never been approved, and it's not zoned for repair. They want to know if it has been looked at and they don't get to ask questions. From his understanding, the owner of the company or the principal lives closer to where he's standing than Beverly does. He asked why he can't show up. Beverly said that will be asked. Tom said he has plenty of people working for him so why do they keep getting stuck with Charlie. He knows that everybody thinks he does great reports but he can show them at least three other air conditioners that have been installed in the last couple of weeks and nobody else has to pay permits but him. There are reasons for these things. And another thing that isn't fair about them not showing up is that Karen Kondrk is fielding questions she shouldn't have to on a regular basis. She's constantly put in the middle because this guy isn't here to ask questions so people that have questions about what's going on they end up pestering her and she's got a job to do and not necessarily is it 100% being a secretary to Charlie. Tom said they keep going back to whether or not Darnley has rights because he got a permit. It says in the borough code if the zoning officer makes an error, said permit is null and void. The reason that the decision was made in the zoning hearing was specifically because he admitted under oath the error and that's why it was found in favor of Mr. Smith which automatically means the permit is null and void and so are his rights. Dave said municipal planning code actually may supersede the local borough code and that's where they have to be concerned. They dodged a bunch of bullets recently. They were supposed to have a parade and Ed Preston and a lot of other people worked their butts off and we had grandiose ideas at one point that they were going to show off the borough to a lot of people and all or many of them were going to be at the parade and they couldn't even get the streets swept correctly. Bob goes out of his way to make sure it happens and the cars were still parked on the streets. He said the chief and another officer were on and he didn't see anybody out telling people to move. He didn't see any no parking signs to get off the street. He knows it was on the website and all that other stuff, but the people don't read all that stuff and that's been proven because they don't show up in the Zoom meetings. They went months with Zoom meetings with almost nobody showing up. They're not looking at that stuff. They need them to go out there. On parade day itself, Hulmeville had no parking signs everywhere and along the parade route and they stopped at the borough line. Pennel didn't have one sign out to tell people not to park. Somebody is falling down on the job. They don't have Mr. Diaz anymore but the borough manager could have gotten manpower to do it if there was nobody else to do it. Those signs needed to be there. They are important and maybe revitalization is a key for some of the council members but all the people here, through their borough manager, want to know what's going on in places like 40 Bellevue Ave. They want to know what's going on. They want answers. Why haven't they hired a maintenance person. You're not going to get one for 12 bucks an hour so do something about it. They mentioned the pamphlet for revitalization. That's all well and good but if all they needed was somebody to market revitalization, they didn't need a borough manager. Tom said to Geoff he has to keep that in mind. He's got a job to do to the people who are paying his salary, not just a couple of council members who are focused on revitalization now when it's actually a long-term goal. They talked about sidewalk problems and everybody knows who fell and got hurt and everybody also knows that property is owned by an attorney who either does or has previously represented people on council. He asked if that was a reason why it hasn't been addressed. They are still a danger. He isn't here to ask why he hasn't sited them. It's bad optics if somebody on this dais has used that attorney and he's got

broken sidewalks and they don't address it. And Bob, again, goes out and busts his butt to make sure we have a great car show. And they dodged a bullet. He's lucky and they're lucky that nobody fell on those sidewalks. There were a lot of people walking over there. How do you think Bob would have felt if at his car show, somebody got hurt because they didn't address a known problem six months after the poor lady fell and almost lost her orbital socket. They needed to address that and did not. Tom said to Beverly that on a number of occasions she's pointed out when somebody wanted to bring up an issue that may not be current and it was the previous administrations, she shouldn't forget that she was part of that administration and was included in the decision to what Mr. Smith was discussing on whether or not that specific property was going to be further dealt with on his curbs. They vilified previous administrations, but a number of people up there were part of that administration. Even if she disagreed with it, she was part of what happened. Just like if he disagreed with who was elected president. He still is president of our country and he has to live with it, even if he doesn't agree.

**Pat Donahue, 520 Bellevue Ave.,** complained about the six-foot weeds at the house behind him at 21 Joyce Ave. No one has lived there for 25 years. The grass is now four and a half feet high. He said it's the same thing every year. When they finally do get someone, they don't cut the grass. All of it gets blown into his yard. It happens every year. The borough was notified in May. It's now June 6<sup>th</sup>. Karen said a registered letter went out. Pat said it doesn't cure it. Every year he has to notify the borough. He asked why they can't cut the grass. It happens every year. Dave Truelove said that there is a process but with that kind of record, they might be able to take more action. Pat stated that the kids with the bicycles, somebody is going to get killed. The other night a lady almost hit one and she yelled at him and got cursed off. Chief Perry said he understands what he's saying. They have cited some of them, but he thinks a lot of it comes down to parenting. They call the parents, but they get the opposite response. You would think they would get, ok, I will take care of it. But instead, they get why are you harassing their kids. They are just being kids. He cited someone at Bellevue Ave. and Lincoln Hwy. So, they do cite them but again, it's parenting issues. Dave said it's not only here that the kids are doing this it's all over.

**Terry McIntyre, 335 Hulmeville Ave.,** asked if they knew when Bellevue and Hulmeville and all of the state roads were going to be swept. He knows the rest of the streets were done. PennDOT started to do some patchwork and got some of it done but there's a lot of debris. He swept up in front of his house and he must have filled three trash cans, but a lot of people probably can't pick that stuff up because it's heavy. And for motorcycles, they're going to slide so they have to be careful. He asked if they had an update about the Hulmeville Ave. bridge. He said he's never seen a project take so long. If it were a private project, it would be bankrupt. Beverly said because of COVID, they lost some funding and they are a year behind on a lot of their projects and they are trying to catch up. They are looking into what they intend to do with the plaques that were found by the bridge.

#### Council Members to be Heard

John Stratz said they were still doing pothole repair on Hulmeville Ave. and would hopefully then clean up.

Joe Dudash asked John if he had Washington Ave. on the schedule to fill potholes. John said he is looking into finding someone who will do it for less than \$45.00 a pothole. He got them to give him a 1-year warranty instead of 90 days. It's like clockwork. One year and one day and boom. He thought they would do a better job for at the very least at \$45.00 a pothole. His preference is less than \$45.00 a pothole. Beverly thanked John for looking into it.

MOTION BY GARY NICKERSON TO ADJOURN. SECONDED BY BARBARA HEFFELFINGER. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Beverly Wolfe, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. All ayes, motion carried.

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