

Penndel Borough
Council Meeting Minutes

July 6, 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
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
Marie Serota, Secretary/Treasurer

Resolution #2021-8, Honoring Samuel J. Simon, Sr.

Beverly Wolfe read the resolution which is attached. She explained that it was overdue because he passed away during Covid.

Council or Borough Announcements

Beverly Wolfe announced that borough meetings are recorded for the purpose of preparing the minutes.

Laura Germain said that Sunday, July 11th between 1:00 – 3:00 they're having the Penndel reopening party, with Rita's Water Ice, bottled water, games, crafts, an informational table manned by various council members with some informational stuff on it since people haven't been able to come here for a while. John Stratz is doing the music for them. It's just kind of a celebration of being able to slowly get back to normal. It will be outside to be as safe as possible. It is a free event.

Consent Items

MOTION BY MARK MOFFA TO APPROVE THE MINUTES OF THE JUNE 21, 2021 COUNCIL WORK SESSION AND TO PAY THE BILLS FOR THE MONTH OF JUNE, 2021. SECONDED BY BARBARA HEFFELFINGER. The vote was 6-0-1 (abstention by John Stratz) for the minutes. 7-0 for paying the bills. Motion carried.

Reports:

President's Report

Beverly announced they have a new format for the agenda to make it easier to read. At the next work session, pursuant to the Sunshine Act and everything else that they must follow, they are going to be advertising committee meetings so the committee chairs need to get with their

committee people and figure out what evenings they are going to be able to have their meetings and report back so they can advertise as soon as possible. They are public meetings and are open to the public which means that they should publish an agenda for the meeting and should also have minutes of the meeting. Dave Truelove said the minutes don't have to be a verbatim recitation about what happened. They can mimic the agenda and indicate if certain actions are recommended, what discussions occurred and the start and finish time of the committee meeting. They don't have to document everything. It would be just the salient points that are covered in the agenda.

Borough Manager's Report

Geoff Thompson reported that he worked on day-to-day items such as some zoning matters and some revitalization issues. For the ARA grant, he had some discussion with the engineer about what they could possibly spend the money on. He also attempted to chase down a water leak at the park. He spent a couple hours out there crawling around the basement at the snack stand to find out that the water leak was already repaired.

Mayor's Report

Mayor Winkler read his report which is attached.

Joe Dudash asked the mayor why the POW MIA flag is missing at the War Memorial. Bob said the flag was torn. Joe asked if they are getting a new one. Bob said that was up to council. Joe said being that Bob is the chief law enforcement officer and the chief is not here tonight, he asked if there was a break in at the sewer plant two weeks ago. Bob said the chief had a family emergency and couldn't be at the meeting. Bob said someone cut the chain on the fence. Joe asked why someone would do that. Bob said they're trying to figure that out. Joe asked if they still have a security system down there. Bob said yes. Joe asked if there was any reason why the Safety Board didn't know about it because this was two weeks ago. Bob said he reported it to the borough manager. He asked why nobody else on council was told of the incident, especially himself or Gary who are on the Buildings and Maintenance Committee. Bob said he passed it on to the borough manager. Joe said it was reported but it wasn't reported to them and the community. Bob said he hasn't seen the directions of who to report to. Joe said that's a good question because that's what he would like to do at the next work session which is to find out how the business manager is responding to the community and daily operations because he doesn't quite understand it either. Council wasn't notified of the break in down at the plant. Gary Nickerson said it doesn't sound like there was a break in. Joe said the lock was cut. Bob said the lock wasn't cut, it was the chain that was cut. He thinks it may have been the meter reader. Joe asked why they would do that. Bob said there's two locks on there, one for the meter reader and one for Bucks County Water and Sewer. The borough's lock is the same as the meter reader and he thinks the lock was locked through the chain instead of under the lock, but the police were down there. They checked the area out and there is no forcible entry into any of the buildings and the alarm system was not set off. He's not positive that's the case but that's the only thing he can think of because the gates were closed. Joe said it's just mind boggling how they continue to go through this with this leadership where not even half of the council knows what's going on and the taxpayers don't know what's going on. Beverly said a chain was cut and they didn't take anything because there is an alarm. Joe said it was vandalism. He said it should have been reported to the rest of council plus him and Gary as chairman and assistant of the Building Committee. This continues to go on around here. He doesn't know why they have these secretive things. Beverly said she doesn't understand why he thinks it's secretive. Joe said because he had to find out from a resident that it happened. Residents are calling him and asking what's going on down there. It's the same thing with the flag. This was vandalism. Beverly said it was reported and it's being investigated. The

borough manager knew about it and he's the one who manages the day-to-day stuff. Joe asked if Geoff notified anybody else on this council. Geoff said he did not. Joe said that's what the problem is. He doesn't know what his function is either. Geoff said that's not true. He knows his function. Joe asked why he didn't report it to the chairman, which is himself, Gary, or somebody else. Gary said they are finding out tonight. This is what meetings are for. Geoff said he didn't think anybody would really want to know. Joe said this place has been broken into several times. Geoff said next time he'll know. It was public safety. He's on Buildings and Maintenance. It was purely a police issue and they knew about it as well as the mayor and himself. If that's something that rises to the occasion and you guys all have to know about it, he'll know again in the future. Joe said to Geoff that the problem is that he doesn't actually know what he does. How do you report to the committees? Joe said he doesn't even know what he does in daily operations. It's not his fault. He blames it on them. There's no set pattern here of what his function is. He doesn't have a clue and he imagines that people out there don't have a clue. Geoff said he knows what he does around here. They gave him a job description which he's read over several times and they approved. Joe asked why he and Gary are doing the roof. He said that is a manager's job. He asked why he is doing the Taddei Woods complaints. And he just got another complaint on Walker Ave. with a fallen tree. He asked isn't that a manager's job. Geoff said in normal circumstances, yes. Joe said now he should understand why he's confused. They're paying him, and this is not against him, but they're paying him for a system here for manager. Gary said they just need some clarity. Geoff said he's doing what he thinks he was brought in here to do. If that's not what council wants, they should let him know. Joe said they just need to nail this down. He knows he's been working on revitalization, but he doesn't have any idea what he's even working on. Geoff said he's been talking to the committee. They know what he's working on. Amanda Mieluch said they have not had a meeting. Geoff said he's been talking to Mr. Moffa. Joe asked what they need to do so the mayor can get a new flag at the rec. field. Beverly said they have money in the budget to purchase flags and if it needs to be replaced, they will do that.

Police Chief's Report

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

Solicitor's Report

Dave Truelove reported that on June 30th, Act 65 of 2021 was signed into law by Governor Wolf and takes effect at the end of August. The Sunshine Act specifically requires agencies to make their meeting agendas available to the public prior to the public meetings. For any public entity, borough, township, school district, authority, it must be publicly posted on its internet website no later than 24 hours in advance at the time that the public meeting convenes. The agenda must contain a list of every matter that will or may be subject to deliberation or official action. The same agenda also must be posted in the place where the meetings are to take place and the agency's principal office. The agency must make available to every individual in attendance at the meeting, a copy of the same agenda. General requirements do not apply to agency conferences, work sessions or executive sessions as defined in the Sunshine Act. There are some exceptions but they're very narrow ones. The agency may not take official action at a public meeting on a matter that was not included on the publicly posted agenda unless one of these exceptions applies. He doesn't think it really happens a lot in Penndel, but there are times certainly in other agencies or entities. Exceptions are if something relates to real or potential emergencies involving clear and present danger to life or property and that's a pretty high standard, or when the matter arose and was brought to the attention of the agency within the 24-hour period before the meeting and the matter is what they called de minimis which means it has minimal impact and is not involved with expenditure of monies or entering into a contract or agreement. If a resident or taxpayer brings to the attention of the agency a matter

not on the agenda, the agency is only permitted to first refer the matter to staff to research and the matter is placed on the agenda for a future meeting or to take official action on the matter but only if the matter is di minimis, does not involve the expenditure of public funds. They are going to be looking at this very closely over the next month or so because they haven't heard from the boroughs, townships, or school board associations yet or any other public entities to help interpret all of these things. Their recommendation is to be very conservative about this and if they have something they want on the agenda, they need to make sure they put it on there. Pennadel's work sessions are advantageous compared to many other entities because there is a separate work session and that's the time if they want to place things on the agenda for the next regular meeting, that's a good time to do that. They can have discussions then and even if they take action at a work session on agenda items, if they then want to do something in a couple of weeks, they have an opportunity to do that.

Dave said that 358 Dehaven Ave. has applied for Airbnb status. The zoning officer issued a violation notice back in April indicating that there was a violation of the borough ordinances with respect to them trying to run an Airbnb. The appeal was filed sometime in June so it's well more than 30 days past the time that the appeal should have been filed and as a result he is requesting that the borough council authorize his office that when this is scheduled before the Zoning Hearing Board, file what's called a motion to quash. It's something that should be granted without much fanfare. The borough does not have an Airbnb ordinance and neither do many municipalities. They do have in the zoning ordinance, a prohibition against short term rentals and the definition of a single-family dwelling and family are similar to what was used in a Supreme Court case that denied a variance for this. If you allow Airbnbs, they probably want to have very circumscribed and defined terms and conditions for allowing those and this in this particular situation, they believe that the variance would not be granted even if the Zoning Hearing Board were to hear it. The procedural defense they have right now, which even goes before any type of request for a variance, the case should be thrown out. They have done some research on this, and he is very confident that the motion to quash, once it's argued, will be granted by the Zoning Hearing Board.

MOTION BY MARK MOFFA TO AUTHORIZE THE SOLICITOR TO PREPARE AND FILE A MOTION TO QUASH ZONING APPEAL NUMBER 2021-2, 358 DEHAVEN AVENUE WITH THE ZONING HEARING BOARD AND TO APPEAR AT THE JULY 26, 2021 ZONING HEARING BOARD HEARING TO PRESENT AND ARGUE SAID MOTION. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried. Dave said he will notify his office and take the steps necessary once this is scheduled for the Zoning Hearing Board and it may have been already. Mark said it is July 26th. Dave said they will file so that they can make that argument at the meeting.

Joe Dudash asked why this case versus the one with the fence, they can quash this one right away and they're dragging the fence one out forever. Dave explained that the fence one, the appeal was filed by Mr. Smith not by Mr. Darnley. There was a permit issued for the fence so there's a complete difference in the procedural posture. The permit was issued by the then zoning officer and after several months Mr. Smith brought it to their attention, and he issued a letter that enabled him to file to the Zoning Hearing Board so that the procedural posture is different between the two cases. Joe said he was at the fence zoning hearing for the property at Schoolhouse Court and the solicitor for the Zoning Board spoke on the Mr. Smith matter of the fence and they agreed with him as the solicitor of Pennadel that it had been filed late and they should quash the whole thing.

Tom Sodano, 126 W. Woodland Ave., said what the solicitor said at the meeting was that she wanted the Zoning Hearing Board to join the borough council and council's solicitor in their motion to quash Mr. Darnley's appeal or his response. Dave said that's a different motion of quash which they did file at the court level. The Zoning Hearing Board voted to join them so there's a motion to quash but it's not the same procedural posture. Joe said that Ben told them that from Dave, if they hired the traffic engineer, this would assist in negotiations. Dave said that's correct. Joe said that Mr. Smith said that night there isn't going to be any negotiations. Dave said there's also a judge involved in this case who is going to make a decision. The ultimate responsibility for this borough in any of these cases is maintaining and protecting public safety and that's what is their goal. Dave said to Mike Smith that he spoke several times in the past and passionately about his concern about safety. The problem is that when Mr. Darnley received his permit, he received what's called a vested right. He told Mike that if he proceeds and persists in saying that there's no way that he should have gotten that, and Dave said he doesn't disagree, but once he got the vested right, he may actually have some weight with the court up in Doylestown. Dave said his advice to Mike is to be careful how hard he pushes back on that because if the court makes a decision adverse to him, he may be stuck with that and they're trying to do something to avoid that. Dave said the fence ordinance is not really clear and that's one of the reasons why it is going through the process of being revised and amended because it was not crystal clear at that time. They want to make sure, especially when they get an engineer involved and who may also assist them in the drafting and updating of the fence ordinance, that they get it right from a public safety perspective. The engineer has seen it, but he hasn't had a chance to really weigh in. Mike said they have been discussing safety since September 8th of last year. It was that the zoning officer made a mistake and he erred in his judgment of providing the permit and that's what this was all about for him to go through this route of doing this. They made a motion to quash but his problem with that is his appeal was after the 30 days. Dave said that's the only way you get it knocked out. Mike asked why it is taking so long. Dave said COVID and a number of things that take a long time. Again, if too much is pushed in one direction, the decision may not be the way he wants it to go. Mr. Darnley's attorneys are also very capable people and have already made some arguments. He's not going to say that he agrees with them, but they have merit. They're trying to come to a resolution that certainly satisfies Mike and in the bigger picture, satisfies the concerns of public safety. Mike said he's been complaining about public safety since day one. Mike said he is putting them on notice which he does every two weeks. If something happens, regardless of what anybody is telling them, they're all going to be found to be negligent because they have been warned. He hopes nobody's grandkids get run over. He doesn't think they are pushing hard enough. Joe asked, if they get the engineer and it is for negotiations, and neither party wants to negotiate, is this report worthless. Dave said the report would have a lot of merit with the court. They are going to look at this from a perspective of public safety and the best way to deal with the issue and having a certified not only traffic engineer, but actually a reconstruction expert. They can give a lot of insight to the court. They made sure they got someone who is qualified. It will also help with updating the fence ordinance.

MOTION BY JOHN STRATZ TO RATIFY RESOLUTION #2021-8 HONORING SAM SIMON SENIOR. SECONDED BY JOE DUDASH. All ayes, motion carried.

Public Comment on Agenda Items

Beverly read the following: It is requested that all persons wishing to speak before Council state their name, address, and the subject matter upon which they wish to speak for the record. In the interest of facilitating the business of the Council, all persons addressing Council shall be limited to (3) minutes unless such time is extended by the Council President for good cause.

COMMITTEE REPORTS:

Administration/Cable

Mark Moffa asked Mayor Winkler what his meeting with the Middletown Township assistant manager was about. The mayor said it was about a study being done on the fire department and they asked what he thought of them. Beverly said she knows about the study. She missed the memo from Geoff on it. It's an independent firm that's conducting feasibility studies of the lines of fire departments crossing and where they don't, and to see what the population density is in each area and they're going to issue a report about it.

Beverly Wolfe said by the work session she will have a flow chart done showing how the flow of information should go since the new structure and council being different now. She will meet with Geoff for his input.

Buildings & Maintenance

Joe Dudash reported that he has the information on the roof and will present it at the work session. He received a complaint about Taddei Woods from a resident in Langhorne Gables in the area where they cleaned out the trees and there is stuff growing back. His suggestion is that they clean that one particular area but there are going to be two phases. They have to take care of the invasives because they're growing on the peoples' properties and there's trash in there and the bees are bad. He would like to get a contractor in there to spray and then the second phase in October when they're out of there, to clean all the tires, bicycles and everything else in there. Beverly asked Mayor Winkler what they need to do to get no dumping signs up. She asked if there is any kind of a fine and if they have anything in their ordinance for illegal dumping. Mayor Winkler said there is a no dumping sign at Holly Ave. He would have to research the ordinances. Joe said they got that one area clean. He wants to maintain it and will get some numbers and present them at the work session. He also received a complaint about glass at the basketball courts at the rec. field. He looked and its little chips that you can see in the sun. The courts are cracking with weeds growing through. There's trash all over and the nets are shot. He doesn't think anyone uses them. Gary Nickerson said the kids do use the courts and they just got the grant to light them up with new lights. Beverly said they did the blacktop in there about 2-3 years ago. Joe said he was going to recommend resealing it. He asked if there are signs with a fine for trash. Gary said it won't do any good because they are kids. He said maybe have it included in the police patrol. Beverly said they talked about security cameras. Joe said they couldn't get a contractor to give them a bid to take down all the vines and the trees. Nobody would return their calls.

Joe said there was another complaint received from 510 Walker Ave. about a fallen tree in the right of way. They're claiming the tree is in the easement and after the storm, one of the very tall trees had fallen and is leaning on another tree. They are also concerned about vulnerability and remaining the tall tree would like someone to look at it. Beverly said they need to get code enforcement out to take a look.

Mark Moffa asked if there was any progress in the search for a part time maintenance person. Geoff said they received five letters of interest and of them, three were qualified and he interviewed one who thought the job was full time and the other two did not return his emails. They had advertised in the Bucks County Courier Times and this week for the second round, on the borough Facebook page which they got more interest in. Gary said they should hang something at the back of the hardware store. Contractors advertise there or even up at Cairn

University and maybe get a student who's interested in some part time stuff. Mark said maybe the Bucks County Consortium. He gets emails every day and anytime a town has some position posted all the towns share it with each other. Langhorne Borough was looking for a part time maintenance person about a month or so ago. He told Geoff he might want to reach out to the manager there and see if they had any good applicants and if they ended up hiring someone. They're paying \$16.00 - \$18.00. Geoff said the borough is offering \$15.00 an hour. The salary amount may be the problem. Beverly said maybe they can be a little more flexible and negotiate.

Gary said since budget season is coming, he took it upon himself to research the cost of having a sign in front of borough hall to help them get the word out to residents about meetings or community events or emergency messages. He looked at two different styles, the older style changeable letter sign like in front of Redeemer Lutheran Church and OLG school. It's a four by 8 sign with six-inch letters that you have to go out and manually arrange the letters to create a message over 4-5 lines with a permanent base and they could have it backlit or shine a light on it. Or they can get a more modern color LED backlit sign that would display a static message. Same size but you could put whatever you want on it, pictures, whatever font color and that message would be changed with different programs or apps. The fabrication and installation for the old school type sign starts at \$8,000.00 and for the LED sign, it starts at \$18,000.00. He's not suggesting they do anything about this now, but thought council might be interested, especially with Laura having this big event this weekend. It would be a fantastic way to get the word out. Beverly and Laura were interested in getting a sign. Laura said she would check with her husband's company to get some vendors that they use and maybe get a discount now that she has some starting numbers.

Community Development

Barbara Heffelfinger reported that she and Carol met and talked about what we were going to go for and what projects they should look into. Carol had already spoken to Geoff about what they can use the Cares money for, so they have that list and then they had another list that Carol gave her in which most of them are very competitive. They did agree on Taddei Woods. They have to have some kind of a system that drains in there. She is in favor of highlighting who has encroached on the property who is emptying their sump pumps and everything else into Taddei Woods. She would like to see them get a letter from the attorney. It's going to cost a lot more in the long run if they don't do something about that. They also talked about the Spring Valley plan which would connect Spring Valley Farm and Penndel rec. field. People have requested many times that they would like to have a trail that they could walk on around the perimeter and in the future, connect with that project. They're still waiting on information from DCNR about the restrooms at the rec. field. Those bathrooms need to be done. And for the RDA grant, they talked about repairing inlets in the streets which could very easily be tied into Parx Casino because people travel through here all the time to get there.

Beverly Wolfe reported that the RDA grant for the front is in process. The architect was here the other day, so it is being worked on. The goal is that it will be completed by Election Day so that people can use the front door. Barbara said it has to be completed by the 31st of December. Beverly said it will be.

Community Relations

Laura Germain reported she purchased two little temporary signs from OfficeMax for \$20.00 for Sunday's event. The font was a little small and she will make it bigger next time. She thanked council for being willing to come and talk to people. She is still looking into trying to do a movie night in August. The equipment that they had borrowed from her husband's company isn't there

so they're trying to figure out if they can find new equipment to borrow. She sent an email to Barbara and Mark about maybe purchasing a canopy tent out of her budget because she didn't spend a lot this year on events. They have a lot of outdoor events and it would come in handy. There's one on sale right now at Harbor Freight for about \$100.00 that she will look into. She thanked everyone who helped get the newsletters out because it was done in record time because they needed them out for the residents to get this week before the event. Her daughters do community service every summer and helping to fold the newsletters was one of their community service projects this year. If she didn't get something in the newsletter that someone wanted because they got it out so fast, let her know. They are going to try to get the next one out by September. For the website, she has been adding meetings by working from a list. She has been trying to be more aware of the Zoning Hearing meetings. The one for the 26th is on there. If anyone has a meeting they think should be on the calendar, let her know.

Finance

Barbara Heffelfinger reported that they've got 90% of the real estate taxes in and are doing very well on prior year taxes. Mercantile is about the same as it was the last time. And for the EIT, they've gotten about \$127,000.00 in and are doing better than she thought. She and Mark have a meeting on Thursday night at 7:30 which is open to the public. Anyone can come. There will be no public comment. They can sit and listen to what they are talking about. For next year's budget requests, she went in and talked to Geoff and asked what he wants them to do since he's got the unfortunate job of doing the budget. He said he would like to have requests from everyone and she would like to have them all in no later than September 1st. She will turn them over to him and go from there.

Open Space

John Stratz reported that the bushes around the pavilion have really enjoyed all the rain they've been having and have grown astronomically. He took care of clipping them again for safety and aesthetics. At the work session next week, he would like to kick around a date to put out for volunteers to clean Taddei Woods. It doesn't take much to walk through with a plastic bag filling it with the cans and bottles and maybe two people can drag out the old tires. It would save them a lot of money and bring the community together. Beverly told him to check with Tina Davis's office about getting some supplies.

Ordinance

Mark Moffa reported that the draft of the fence ordinance should be ready to bring to the next work session and council can review the draft at this time and see where they want to go from there. Geoff was talking about incorporating maybe some of the traffic engineering angles into that so they can discuss that as well and if that's something that needs to be incorporated in. John Stratz said it was very tame this year and he very much appreciates the borough residents taking an interest in safety and he noticed it was not borough residents who bring their fireworks to the rec. field and shoot them off. They're outsiders. He knows we have an ordinance in the books about shooting off fireworks at the rec. field so it would be nice to have a sign there saying no fireworks allowed on the field. Mark said since the ordinances are already in the book, it's probably more of a question for whether the chief and the mayor thinks that that would help with enforcement. If they believe the enforcement of the fireworks ordinance is a lack of signage, they can address it. Joe asked since it's been continuous with people dumping stuff in the storm sewer system and they now changed to BIU, he thinks they need to go enforce it more. Bob did have Mr. Diaz cleaning it up and the same guy went out and is still dumping. He thinks a citation needs to be issued. Mark asked if when he becomes aware of these because he sees it personally, does he let Karen know. Joe said all his neighbors can say the same

thing and they've written so many messages. Mark said if there's an issue, let the office know and they can talk to the BIU folks. If something is reported then they can respond.

Joe said in the last meeting it was brought up about the trucking company and if they're doing repairs there and what's going on with McHugh's property. Geoff said for 40 Bellevue Ave., he had a conversation with Mr. Truelove and with the Zoning Officer Sally about it and basically, he told her what the concerns were, and she was going to keep an eye on it and look at the property to see if there's any zoning violations there. He dug out the approved zoning permit which was done in 2019 to see what they're approved for and basically it's on the list and she's keeping an eye on it. The other property he's not aware of. Joe said they're actually doing truck work in there. It used to be a heavy construction equipment company. He thinks they are renting that out. Tom Sodano said he would assume since the property changed hands that they had to apply for an occupancy permit the same as a resident would and then would be inspected. He has never seen that they applied for and were granted permission for an auto repair in there because it was specifically not allowed there. The property changed hands so it should be out in the open what is and is not allowed there. He would assume they would have to have a C of O just like anybody else would which would mean our code enforcement would have to inspect. Joe asked if that includes the old McHugh's corner lot where Grimmer is parking boats and everything. Tom said that's a separate parcel. Milnik bought that previously. Karen Kondrk, Assistant Borough Secretary, said she did not get an application from them. She found out it sold after it sold from the newspaper. She spoke to Jerry McHugh and he was supposed to talk to Milnik but nothing yet. When she sent out the sewer bills, she put Milnik's name on it and put the U&O application in it and told him to make copies, one for each address. Beverly asked if it would include that horrible corner point. Mark said the entity that bought it, they were leasing it, so they were occupying it this whole time. Beverly said that might make it more difficult. Mark said they might just say they're continuing the same use they've been doing.

Beverly reported to Geoff that she went over to Park Ave. with the 40 Bellevue Avenue situation, and she can confirm that there's discarded truck parts all behind in the dumpsters and everything. Joe said they're parking trailers on the street because the ordinance says they can. Barbara said they are not supposed to park there. That was part of the TCDI grant that they did. One of the things that it said in the grant was parking on one side only. No parking on Pennndel's side. Beverly said there are no signs up. Barbara said nobody put the sign up, but they have to go up. Joe said so the trailers can't park there. Barbara said nobody can park there on Pennndel's side. Joe said they are parked on Pennndel's side. Barbara said you can hear them working on the trailers at night. If she's upstairs she can hear them and it's not just putting tires on. Beverly read Ordinance §390-54 parking permitted in certain areas only. No tractor trailer parking shall be permitted in the borough except on Park Ave., west of Lincoln Ave. to Noland Ave. Barbara said from the grant there is no parking. Beverly said they will have to repeal it. They are in violation of parking on Park Ave. behind their own property. They'll end up just moving down a block. Joe asked Geoff about them working on the building. They started working on that one side and now it's at a standstill. At the front of the building you can see in there that they've been tearing stuff out and they put new windows in. He asked if they have a permit to do some interior renovations. Geoff said they do. Joe asked what the old Irish Rover is turning into. Beverly said she believes it's going to be an Indian restaurant. Karen said it is going to be a hair salon and an apartment. Tom Sodano said they weren't going to get a restaurant license because of parking.

Joe asked if they pay Carol each time she each time she goes out to inspect Schoolhouse Court. Beverly said it comes out of their escrow. He asked if it is dwindling down. Dave

Truelove said Marie and his office have been very vigilant and stay on top of that and they make sure they replace it. If they don't replenish it, they would have to stop them from working until they do. They have a financial security agreement which was done years ago and there's an amount that's required to be posted and if it gets to below he thinks 50%, they have to replace it.

Public Safety

Joe asked Beverly about the rotating towing and about the inventory of the police as far as their equipment. Beverly said she would talk to Sean about that and have something ready for him.

Public Works

John Stratz reported that for the streetlights, they received the PECO rebate check for \$10,025.00 which will be deposited in the Liquid Fuels account. Last winter practically depleted the Liquid Fuels account so he is extremely happy about this, and this brings the street lighting project to a close.

Revitalization Task Force

Mark Moffa reported that Geoff had been talking to him and Gary about revitalization. He asked Geoff to get a comprehensive list together of all the commercial properties in the borough with the square footage of each property, where the vacancies are, to try to touch base with the owners of each to assess who's looking to sell, what they're doing to market their vacancies, just so they can really have not just an inventory but active working knowledge of where all the opportunities are or might be. Geoff said he has the master list but not the square footage of the buildings. Mark said the rest is a lot of legwork. It's a lot of phone calls to all the individual owners and things like that. Hopefully once they get a better idea for where the opportunities are, they can get the task force together and start talking about targeted marketing once they have some kind of knowledge as to who wants to do what where. There was a significant property sale in the Business Route 1 corridor and a couple of them have been talking to the new owner about what he might want to do. They don't have anything to report on this but hopefully they'll have some information in the coming months about an exciting new development in the heart of the town. He and Gary will have another meeting with Geoff soon to try to figure out what exactly they want to bring to the Revitalization Task Force. They have some specific tasks, probably marketing but in a very specific way. They need a little more information for themselves so that they can bring it to the group.

Joe asked what they are doing with the blighted warehouse which the fire department won't even go in. Mark said that's another thing for Geoff to look at. Everyone calls it the Marut building. They want to talk about possible condemnation procedures or whatever they need to do. They've talked with the RDA before about that building but it didn't go well. They just can't keep doing nothing about it.

New Business

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

Glock Professional invoice dated 5/17/21 in the amount of \$250.00 for Armorer's Course training for Officer Callan
Independence Blue Cross invoice dated 6/7/21 in the amount of \$5,484.44 for medical insurance installment
SWIF invoice dated 6/1/21 in the amount of \$1,631.00 for fire department's workers compensation insurance

PECO invoice dated 6/11/21 in the amount of \$1,309.91 for street-light electric

Selective Insurance dated 6/11/21 in the amount of \$3,457.00 worker's compensation and commercial package insurance installment

Comcast invoice dated 6/15/21 in the amount of \$201.31 for voice and internet services

Selective Insurance invoice dated 6/11/21 in the amount of \$250.00 for pension plans' insurance

SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOHN STRATZ TO AWARD THE 2021-2022 FUEL BIDS FOR #2 HEATING OIL AT \$0.2523 PER GALLON OVER COST TO PAPCO, INC. AND OFF-ROAD DIESEL FUEL AT \$0.2774 PER GALLON OVER COST TO COLONIAL OIL INDUSTRIES, INC. THE RESULT OF THE BUCKS COUNTY CONSORTIUM 2021 FUEL BID. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY MARK MOFFA TO RELEASE REMAINING ESCROW FUNDS FOLLOWING PAYMENT OF EXPENSES INCURRED FOR PROFESSIONAL SERVICES BY THE BOROUGH ENGINEER AND/OR SOLICITOR FOR THE MILL CREEK APARTMENTS PARKING EXPANSION PROJECT AS RECOMMENDED BY BOROUGH ENGINEER'S LETTER DATED 6/23/21. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Public Comment

Tom Sodano, 126 W. Woodland Ave., expressed his condolences to Councilman Stratz. Tom said the agenda was posted early and complete and it matched what was handed out this evening. That was an excellent job on the part of whoever has taken over the agenda work on the website. He told Laura it was there and complete and matched what they have here. For Taddei Woods, Joe mentioned trash and Barbara mentioned water and it sounded like there was a good idea where these problems may be coming from. At the next work session, they should discuss with the solicitor, whether or not they could install trail cams. They are inexpensive and they can be checked periodically and then they would have some evidence to go toward these people. Tom said regarding the borough manager, a reminder to council and the manager that as a paid employee, he actually serves at the pleasure of the people who pay him so if he's tasked with something by a council person it should be in the best interest of everyone that it should be put behind things that are of more importance. Tom said Amanda made an excellent point in discussing what Mark was defending. One of the issues with revitalization is that they're spending a lot of time and they have a Revitalization Task Force which is a committee, yet they get things in the newsletter regarding a nonprofit organization to oversee revitalization. As one of their goals and, in part of the description, says council and borough staff will look for all available public funds to improve the public amenities such as sidewalks, streetlights, convenient parking and benches. These two ideas are not congruent. If you have a nonprofit organization, that's a de facto pac and given that there isn't anybody on that dais who's not a Democrat, that makes it a political pac. Anytime you're using people's money and you're giving them the impression that in some way you're spending public funds but in fact you're putting together something that as was described earlier has to do with getting businesses together, what you're actually doing is running the risk that these businesses are going to contribute to such organizations and then what you have is political favoritism and they'll expect considerations. He doesn't think that a nonprofit organization to look into something that has to do with such an important function of the borough is the way to go. An effort put in by all of the committees over the years to have a vision for the borough, to have it

overtaken by monetary influences by businesses and if Mr. Moffa had ever run a brick and mortar business, he would be much more aware of what the agendas of those owners will be which also leads into whether or not they're going to give him any information on what they're planning to do marketing wise which is a pipe dream. Having been in that position, he can tell you that most business owners won't want to spend too much time giving out inside information on what their plans are. One more thing about revitalization, BIU isn't here again so they can't ask questions of things like what's going on with permits to put a barn on Business Route 1. They worked hard putting together things like the vision on Route 1 and an application comes in that somebody wants to put in a pole barn. They want to store something in it that can burn such as carpets with no electric and no water. It's a barn it's not a storage facility. It would need to have some sort of fire suppression but there isn't anybody here to ask about what's being done. Tom said to Beverly that he assumes she is still the liaison on the Planning Commission. He asked if they had been apprised of this and if so, has there been a meeting called. Beverly said this is the first she's hearing of it. Tom said he can't be the only person in town who knows about the application for a pole barn to sit on Route 1. Beverly asked what a pole barn was. Tom said they are put together, usually with corrugated sides and they use telephone poles or giant timbers or steel reinforcements and then they just slap the outside on it. It's not insulated and it has no interior amenities whatsoever. It's simply an external structure like you see all over Lancaster County on Amish farms, etc., because they don't need them to be electrified or heated. They have cows in them. They want to put it in a Big Marty's parking lot. Geoff said he was talking to the zoning officer because she contacted him about it and nothing's been approved or anything like that. He doesn't even know if they received an application yet. Tom said he believes there was an application. Beverly said that when she and Geoff talked about having BIU here, he gave her a very simplistic, very good explanation. Geoff said he's never been in meetings with the zoning officer being asked to show up. He talks to the zoning officer whenever she needs assistance and whenever he needs assistance and he can relay any questions that council or the public would have to her. He doesn't like giving verbal shoot from the hip type answers regarding zoning questions because it's something you have to research. If somebody calls him with a zoning issue, he replies with an email because he wants it in writing, so they all know what each other is thinking. Tom said as a Planning Commission liaison, if something like that were brought up and to Joe's point earlier of who gets notified, wouldn't they think that someone would be notified that it was even in discussion. If the zoning people know about it, somebody either formally requested it or had to ask for information somehow. They need to be ahead of things like this because that's how ugly things get planted on Route 1 when they are the last to know. For the EIT, Barbara mentioned \$127,000.00 EIT number to date which pretty much substantiates a lot of the pushback from the committee that originally worked on the EIT, for the number that they currently have being too high. It's illegal to tax people and then find a way to spend the money. They were a plus last year, not in the hole. All things considered, council has done a good job with the budget over the past couple of years. They haven't been negative. So here they are now with an EIT that's producing well more than enough to cover the borough manager which is one of the main things they were told it was for. Now they're going to risk being in a position where people are going to find ways to spend that money and that's illegal. That's how Middletown got in trouble and had to rebate hundreds of thousands of dollars back to people. They need to be careful of that.

Pat Donahue, 520 Bellevue Ave., complained about the grass situation at 21 Joyce Ave. He talked to the mayor and John and he came to a meeting and she didn't cut the grass until June 16th and it hasn't been cut since. He has been complaining for 20 years. Now the eaves of the house are falling down. Nobody has lived there for almost 30 years and the owner doesn't take care of it. Dave Truelove said this is a property maintenance issue and they can give the information to Karen and she can report it to the code enforcement people who can then start

looking at it. There is a process by which they can help him. Once that information is supplied to the code enforcement people, they can then start making a record and take his information and take updated photographs and with the information, they can go to court. Pat said with 90-degree weather, it is all dry. Over the 4th of July, bottle rockets were coming down in his yard and thank God none of them went in her overgrowth. Beverly said she would get with Karen because she knows they've been sending violation notices, but she is interested in sending somebody out for the parts of the house that are coming down. She will report back to him next meeting on what actions have been taken. Joe said it says in the BIU contract they were supposed to have a representative here. Beverly asked Marie to give her a copy of their contract.

Council Members to be Heard

Joe Dudash asked Beverly to add Rich Schramm's letter to the agenda for the work session. Beverly said she had it for this meeting and she skipped right over it along with all the two pieces of correspondence, one of them was the Shore Club letter for finance that they need to report back on that by the work session. And the ordinance for the fire department letter. She asked Mark if he could have something for next meeting with response to that or maybe a recommendation or a plan of action.

Mark Moffa said for clarification on the revitalization information that was in the newsletter, it did not come from him. He believes that was pulled directly from the blueprint recommendations that were in that document which is the document that was approved by the revitalization task force. It is not a direct result of any current conversations that have been underway between him and the manager. Beverly said she remembers that being brought up years ago when they first started it. She believes that was someone else's recommendation for reasons of a marketing campaign. Mark said a lot of towns do start nonprofits, but he hasn't had any discussions about that yet.

Amanda Mieluch, 16 Oak Ave., said that they mentioned a newsletter and she hasn't gotten it. She is a borough resident and taxpayer. She gets Friends of the Mayor but never got her newsletter. Beverly said they sent two out so far this year and she asked if she gets a sewer bill. Amanda said she did today. Beverly said that's where the addresses come from, the database. Amanda said she wants to get it in the mail just like everybody else. She said something was mentioned tonight and she's interested in knowing what was written in there from the Revitalization Committee. Karen asked what her address is. Amanda said 16 Oak Ave. Karen explained that it is not based off of the sewer bill list because the post office won't allow them to go that way. They need them sent out a certain way and that she typed out every address from the card catalog with resident on them. She will check her label list to see if her address was skipped.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN AT 9:45 P.M. SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer