

Penndel Borough Council Work Session Minutes

July 19, 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
Council President Beverly Wolfe
Council Vice President Mark Moffa
Councilwoman Barbara Heffelfinger
Councilman Joe Dudash
Councilman John Stratz
Councilman Gary Nickerson
Councilwoman Laura Germain - absent

Also present at the meeting

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

Council or Borough Announcements-none

Consent Item

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE JULY 6, 2021 COUNCIL MEETING. SECONDED BY JOE DUDASH. All ayes, motion carried.

Reports:

President's Report

Beverly Wolfe reported that they need to finish up with the committee meetings and when they get to committee reports, she will poll each Chair to see what day and time their committees will meet. She will get the list because they need to get it advertised. Karen received an email from a resident that she passed it along thanking the borough for sending out a newsletter. They thought it was very informative. Beverly thanked the Community Relations Committee for that. She also thanked them, all of council, the mayor and everybody who was involved with the COVID/Coming out of the cave party that they had. They even had some of the local officials come. Over the past weekend, some problems and issues were brought to their attention at Schoolhouse Court. She received some email correspondence from Mr. Sodano. She promptly got a hold of Carol and they jumped right on the situation and they got a resolution to it. There were potential public safety issues and they will keep a very close eye on it.

Mayor's Report

Mayor Winkler reported that he was contacted about a 5K run in October which will shut down a few streets for a couple of hours. He will let them know they have to have insurance. Beverly said it is for the Live Like Phillip Foundation which was started by little Phil's family for parents that have had children that passed away.

Our Lady of Grace is having their Octoberfest on October 1st from 5:00 pm – 10:00 p.m. They are requesting that Crescent St. between Monroe and Bellevue Aves. and Monroe Ave.

between Crescent St. and Woodland Ave. be closed off. They would like to have two officers walking around and they will pay their wages for the night. Beverly said that the mayor told her previously that the foundation wants to donate a bench to the borough and that it be installed down at the Memorial Park. They got the manufacturer information and Geoff took a look at it and at worst case scenario, it looks like they need to pour a foundation. It's made from recycled plastics and materials. It needs to have a concrete slab under it and be professionally installed and bolted down. Geoff is getting a little bit more information on that and they have to scope out if there's any available place down there to even put it. The possible cost for it to be installed along with the concrete is somewhere between \$800.00 to \$1,100.00.

Joe Dudash asked about the tree. Beverly said Tim is taking care of it. It is going to be planted in October when it's prime season to plant such a tree. John Stratz said that the ones planted in the front were on a schedule to be taken care of. He would like the new one to be on a schedule to take care of it maybe every third day. One of the council members can keep an eye on it. That's the reason the trees in the front of the building did so well. Joe said hopefully they will have a maintenance person by then.

Joe asked about the POW flag so that Bob can replace the one at the field. Beverly said a POW MIA flag was presented on behalf of Mr. Mike Smith to the mayor.

Joe asked if Bob could advise council about the NAACP doing surveys of the police departments. He asked if he had a report on it. Bob said he didn't have a report back yet and would check with the chief. Joe asked when that study was because he didn't know about it and either did the Safety Committee. Bob said they only wanted to meet with the chief. Joe said his understanding from communications with other boroughs that all of council was invited. Bob said it was without their knowledge and as he understands, they were a little unhappy about it. He doesn't know what transpired in other municipalities. They came here and met with the chief and left. Joe said he's gathering this was two months ago and he wanted to know if there was any reason why the Safety Committee and the rest of council didn't know anything about it. Bob said because they asked to meet with the chief. Joe said so it's the chief's responsibility. Beverly said so this was a survey done by the NAACP for the purposes of diversity she would assume. Joe said they were checking everything out with the PD. There's a couple of departments that have agreements signed and stuff like that. Again, trouble is made. Here we go again. He still hasn't seen the inventory list for the police officers. It seems this has been going on for five months. Beverly said at the next meeting, the chief will be addressing that with him personally. Joe said he does not do it personally. The problem he is seeing here that Mark and Gary went through was the same thing. They kept requesting for the use of force which they're not allowed to say in public to protect the officers but here as the council and the safety committee they should be aware of things and again they're in the dark. They had to fight to get it and here he is six months later. Beverly said she's not finding anything on this survey and asked if he had any information on it and to give it to her. She's only finding out about the Pennsylvania State Police. Joe said Bensalem and Langhorne signed agreements and Hulmeville got a great write up for it and so did Bensalem. Beverly said so it was a Bucks County thing. She asked Joe for any information he has on it. Joe said here we go again. It's not the officers, it's the leadership thing and if you don't have somebody experienced in it, they're in the dark continuously. This is serious because if they don't meet the requirements, stuff could roll downhill in the borough. Times have changed with police. Beverly asked if they asked to keep it low key. Bob said they requested to meet with the chief and they were not happy because so many other municipalities had the council and everybody else at the meeting. Gary asked if there was an email or phone call. Bob said it was all directed right to the chief. Joe said the problem here again is that it seems like council only gets told certain things and then they have to find out either from the neighborhood, their fellow councils from

other boroughs and townships or street cops from another town. Beverly said it was just some sort of survey. Joe said they come in and do this study on diversity and what they meet with the ways things are going today. They met with the chief two months ago. Beverly said that's who they are supposed to be meeting with as far as she's concerned. Joe said as the chief law enforcement officer, Bob is supposed to know. Bob said he only is on certain things. He's not trained and he does not have his Act 120 or MOPETC and neither does he. Joe said he should have known and reported it. Bob said he doesn't know what they asked for and he can't report on something he doesn't know about. Joe said they're always in the dark here with the police and nothing against Beverly, but he thinks they need a new chairman for the Safety Committee that can put the law down and keep track of this stuff because this is like the third incident. They found they didn't have police on duty one night and Sean didn't come in but yet he's paying him \$75,000.00 plus \$10,000.00 for the car. The state police had to take care of it. Beverly said she's assuming his recommendation would be to have anybody that's got experience in law enforcement. Joe said he only sees one person. Beverly said let's all raise their hands. Joe said it seems like when they were in that position, he could go right to Sean and say what's going on here. He's got another incident to ask about. It just keeps piling up here. Beverly said she doesn't see where this one is grievous. It's a survey. Joe said it's the principle. She as the chairman of the Safety Committee should have known what was going on. This is national. This is big league. Same way with all the other stuff. She didn't know that they didn't have police coverage. Same way they have a problem with the three drug houses. Now it's increased and he knows that by himself. He's been waiting for a list for three to four months and that's the safety of the police officers he's worried about. He was stonewalled with the whole use of force thing. It just continues to roll here and again it's not the officers in the street it's leadership that's the problem here. Barbara asked if he's on the Public Safety Committee. Joe said no. Barbara said so what is your problem. Joe said he represents the taxpayer. They're back to elitism again. It's my hill is alright but the peasants down here can't. Barbara said he said it. Joe said you know what they like about him. He doesn't say anything to falsify what's going on. Barbara said and neither does she. Joe said what she just said doesn't make sense. The second thing is the hypodermic needle found down at the rec. Gary's wife came up with a good suggestion plus he wanted to thank Karen. She reported it and got one of our officers down to get it out of there. The basketball courts are a mess. He's got photographs. It's like Beirut down there. It was like the 4th of July. There were rockets all over the place. They need lights to go on a timer down here on that basketball court and on the pavilion. Gary said he thought the only people that turn them on and off were the Wildcats. Bob said about 30-40 years ago they used to be on until about 10:30 or 11:00. Whatever was posted that was when the lights went off. Gary said it's so far from the road. Maybe a motion sensor so that if somebody is down there and it was patrolled and the lights were on, it would be pretty obvious. Bob said the officers are instructed to walk the field twice during their shift, daytime, nighttime, and evening. They also have to walk the sewer plant. Beverly asked Carol for the electrical contractor's information because she thought they had timers on them. Joe said they were talking about cameras. Either way something's got to be done. Beverly said they had cameras but someone decided they shouldn't have them because they thought it was weird that they had trail cameras and there were little kids playing there so they took them down. Beverly said they'll look into the pavilion and the timers that used to be on the field lights.

Engineer's Report

Carol Schuehler read her report which is attached.

John Stratz said he saw the flow meter somewhere in the building and he will look for it. Beverly said it doesn't need to wait until the next meeting. They need these flow meters. They've been invaluable and they also need them for the Act 537 plan.

MOTION BY MARK MOFFA TO AUTHORIZE CAROL TO SEND THE FLOW METERS OUT FOR SERVICING AS DESCRIBED FOR A COST NOT TO EXCEED \$800.00. SECONDED BY GARY NICKERSON.

Public Comment on Agenda Items

Terry McIntyre, 335 Hulmeville Ave., asked if they still sell reconditioned meters. Carol said she didn't investigate that. Terry said at one point they had reconditioned meters in case they couldn't fix a meter. All ayes, motion carried.

Karen Gabriele, 15, Oak Ave., stated that she saw something in Penndel and she came over here to get a cop there was not one cop here. She rang both bells and no cop. She said it was about a month ago during the week. She was coming home from work and saw something and she stopped here to get a cop and there was not one here and she was upset about that. She was told she should have called 911 but the serious part of it was, she didn't want to bother 911 about it. It was an abandoned car with a dog left in so I thought maybe a cop could check it out. Beverly said the one bell is supposed to connect to the officer on duty. Barbara said it's possible since they only have one on at a time which is outrageous, he could have been on a call. They have an excellent department. Karen said she knows. She never had a problem before with them. Bob said she could call the non-emergency number at 215-757-5151 for dispatch and they would contact him by radio and if he was busy they would tell her. She could give whatever information she could and they would send him out when he was done. He could have been taking a person to jail or he could be on accident. They only have one officer on duty every eight hours. Beverly asked if it would have been helpful for her if she had some of those instructions that she was just given on a sign. Karen said yes, she would have called right away. She didn't know what else to do. Beverly thanked her for bringing that to them. She said in that situation, she wouldn't know what to do either. But calling 911 for a dog in a car, absolutely. But if the instructions were clear, press the doorbell and if you don't get an answer, and what Barbara said is very valid, he could have been on a traffic stop, there's only one officer on at a time. Karen said maybe put other cops on. She asked that if he went out on something else, shouldn't there have been a cop here for other things. Beverly said unfortunately, they run a part time police force and each shift has only one officer on duty due to budgetary reasons. Barbara said they need another full time officer. Karen said, yes they do. Beverly said they will get something done right away. Bob said they need to get two signs, one for the PD and one for the borough hall.

Tom Sodano, 126 W. Woodland Ave., said if the lady could narrow down the day of the week and approximate time, it would be helpful. Tom said the agenda was posted as a draft online. He's a little bit unclear on what the new agenda posting rules are. He asked if they have to have the actual agenda or is a draft OK, does it have to be within a certain period of time and could they possibly have gotten themselves in trouble here tonight by adding in Carol's request which was a reasonable request or did they do something illegal by okaying it since it's not on the agenda to OK an expenditure. Ben Hauser said Act 65 does not take effect for another 45 days, at the end of August. Whether the agenda is in draft form or final form, whatever the last agenda was more than 24 hours before the meeting would control. There is a certain provision of the law that allows council to add in items if they take public comment and vote to add stuff to the agenda. Their office construes that as you probably don't want to touch that unless it's an emergency and there are certain extenuating type circumstances for that. If this meeting was conducted say two months from now, giving a hypothetical advisory type of opinion, that probably would not have been in order, and they would not have done it.

Committee Reports

Beverly asked for the committee chairs to give their days and times for their meetings.

Administration/Cable

Beverly said she was questioned by Mr. Dudash at the last meeting along with several other people regarding an organizational chart of exactly who does what and how the borough manager and everybody fits into that chart. They have a preliminary on that done just so everybody can see where everybody fits in it. They will probably have that for the next meeting. Mark said he revised the one she had and he thinks it's ready to go. Beverly said she will need to show it to Geoff and they can have it for the next meeting.

Buildings & Maintenance

Joe Dudash said for the schedule, he and Gary were talking and since we have a manager now, most of those duties would fall under him, it wouldn't be them running out there getting all these estimates. Beverly said but they would still be overseeing him. Joe said they feel they really don't need the committee as far as he would report if there was an issue like the roof. He would say OK, he got the bids, here it is and he would communicate with them and boom, you don't really need a committee. You can wipe it out. Gary said he thought the same thing. Even when Joe was asking about this last week with the roof. Now that they have somebody who's responsible for this, he could be the one, especially since he's here during the week, these things are much easier for him to coordinate and then he could present it to the council president or he could present it to somebody who's a representative. Otherwise, he doesn't really see the need for it. They could pick a date and time and then it will be cancelled every month if need be.

Community Development

Barbara and Carol had been talking about the grant they submitted for the restrooms at the rec field. There were many questions they had about the restrooms which Carol has answered very promptly. Barbara said there were probably many parameters that had to be met which they are working on. Barbara also discussed Taddei Woods and the ongoing problems, but she stated there must be a giant leap as far as money goes and that it should be discussed but that it will cost a lot of money. Barbara also talked about another grant that could come through for businesses to renovate their business fronts. In order to get the grant, businesses would have to commit and provide 50% of the costs upfront. Carol had agreed to type up a brief memo that would include information about the grant.

Community Relations

Barbara praised how successful the Borough reopening event was and how much fun the children had.

Finance

Barbara and Mark discussed salary structure and how to designate the remainder of the EIT funds, the salary of the maintenance employee, and project requests from committees that would be submitted to the Finance Committee first and then the Borough manager by the finance chair by September 1st. Mark then stated the new EIT budget was balanced. Beverly stated that the Mercantile was a little behind but that the Real Estate Taxes the prior year was up 244% than budgeted. Real Estate Transfer Taxes are at 152% of budget. Mercantile is at 39%. The Local Services Taxes (LST) is right on the money and half the year is gone. Licenses and permits for plumbers and electricians are shining. Public safety sale of police reports is a

booming business and doing well. In all we are 67% of revenue through July even with being conservative in our numbers.

Insurance/Pensions

Mark had the update on pensions and insurance but was experiencing trouble with gaining access to the software and said he could read the report in depth next meeting.

Open Space

John Stratz discussed how there will be a public cleanup of Taddei Woods and that the exact date will be announced next meeting. John would like to find a volunteer who has a gas powered leaf blower to aid in the cleanup. Joe then responded that Burcz could go down to the court, clean and seal it for a price of \$3500. Gary Nickerson then stated that having the maintenance guy start to do cleanup in the fall and then having Burcz do the cleanup could be possible if it was submitted to the budget request. Joe Dudash then said that if the Japanese knot weeds were to be cut down and sprayed that would be priced at \$330 unless the maintenance man takes care of that. John then said it could be put out to the Borough residents that could help take part in the cleanup of the weeds that they would be compensated through whatever costs of the equipment needed to take care of the poison ivy, weeds, etc. Questions were raised by multiple individuals in the room about liability and whether insurance would cover the volunteers if something were to happen. Tom Sodano also stated that if something wasn't professionally done then the poison ivy for example could possibly go airborne causing more issues. Beverly then stated that she has been in contact with a local company that subcontracts out for public works projects/maintenance. She stated she will be meeting with them and the Borough manager soon. Beverly said they could possibly be a solution for future projects and maintenance such as the ongoing issue with maintenance at the rec field. She said she is unsure about whether they would be able to deal with the poison ivy but that she could ask them and find out. There was discussion about whether the Wildcats were responsible for such issues at the rec field but Beverly said that under the contract the Wildcats were not responsible for issues such as poison ivy or dealing with the basketball courts. John then said that if others in the room were against using volunteers in cleaning up the basketball courts then we shouldn't be using volunteers to clean up Taddei Woods because it was more dangerous given the biting turtles and wild squirrels. Carol then said that it was her understanding that in order to spray pesticides onto public properties that the person needed to be licensed and permitted to do so. She said that getting volunteers to pick weeds and cleaning up was one thing but having them spray unlicensed gets into PA law. John then said it was one thing to eradicate poison ivy at the basketball courts but that we could still organize an event for volunteers to help pick the weeds. Beverly then said that when they inquire about volunteers for Taddei Woods that they could also ask for help in cleanup at the courts.

Ordinance

Gary said the fence ordinance was looked over and he brought up 11 different issues but that he would bring them up in the ordinance meeting that would be occurring on the upcoming Thursday at 7:30 since that was a public meeting. Gary also said that any new ordinances that should be prioritized could be discussed. He said that on the agenda was handicap parking and dealing with the request made by the fire department.

Revitalization Task Force

Mark said a meeting will be scheduled in August whether Geoff has a report ready or not.

Old Business

Joe Dudash asked if there was anything in towing companies about the rotation of the police department. Joe Dudash also brought up the trucking company about doing mechanical work down there. He also said there was the issue at McHugh's with a Winnebago.

New Business

MOTION BY STRATZ TO APPROVE CONTRACT INVOICE #19998 FOR THE POLICE DEPARTMENT GENERATOR BASIC MAINTENANCE PROGRAM FOR \$181.00. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE CONTRACT INVOICE #6168 FOR THE BOROUGH HALL GENERATOR BASIC MAINTENANCE PROGRAM FOR \$181.00. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPROVE POLICE DEPARTMENT ROOF REPLACEMENT
Tabled.

The motion to purchase three tables from officefurniture.com at \$395.00 each will be discussed at the next meeting.

MOTION BY MARK MOFFA TO TABLE THE MOTION TO APPROVE AND SIGN THE VETERANS' MEMORIAL AGREEMENT WITH THE AMERICAN LEGION. SECONDED BY JOE DUDASH. All ayes, motion carried.

Public Comment

Karen Gabriele, 15, Oak Ave., said that her children cannot play in her back yard due to the water that collects there. Karen stated that the water collects there due to three garages that were built around her and that all the water flows onto her property and goes into her crawl space. Karen stated that she is concerned that the water is going to cause problems with the foundation for her home. Karen asked council why they approved the garages. Beverly requested that Karen leave her phone number so that someone from the Borough could contact her about a resolution.

Tom Sodano, 126 W. Woodland Ave., brought up a point of procedure in which earlier Councilman Moffa corrected a number for EIT in his conversation but it was after his minutes in the last meeting that contain that number were voted on and approved. Tom asked whether the minutes in the last meeting should be changed to reflect this correction. Beverly then stated that the correction will be noted in this meeting and that the number given last meeting, although incorrect, will remain in the record as to properly reflect and accurately present what was actually said during that meeting. Tom also said he was unclear about the conversation that took place last meeting relating to the code enforcement people. He briefly raised the same question that Pat did at the last meeting. If the Borough would bear a liability if a code enforcement violation, which posed a danger before say a catastrophe, went unnoticed. Tom posed a hypothetical scenario in which a code enforcement officer drove past a swimming pool daily and either did not notice or did notice and failed to address electrical wires hanging above the swimming pool in which later caused injury to someone in the pool. Tom asked whether the borough would still be liable if the code enforcement officer failed to notice the violation even if it was blatantly obvious. Ben Hauser then responded that scenarios such as this are generally fact specific but that generally speaking there is a statute in PA legislation known as the Political Subdivision and Tort Claims Act which applies to negligence. Ben noted that Tom's scenario would fall under this act assuming the code enforcement officer was negligent, meaning the

officer had a duty to recognize and enforce code violations but failed to do so, and that the case would be a tort because it is a personal injury type matter. Ben then stated that assuming the case involved negligence from a code enforcement officer that generally the borough and the officer both would be immune from suit, but that there was a certain list of enumerated exceptions to that statute in which the borough and/or the officer could possibly be liable and therefore subjected to a suit. Ben states that in the commonwealth, generally speaking municipalities are immune from suit, but that cases are fact specific, and it will depend on the circumstances in each case.

Amanda Mieluch, 16 Oak Ave., asked who had paid for Hulmeville being repaved to which Karen answered. Amanda then asked where the money was coming from that was reported for EIT. She wanted to know whether it was coming from Penndel businesses or somewhere else. Mark Moffa then stated that the reports they had received from Keystone did not specify to that level as to where the funds were directly coming from but rather the funds were only broken down by weeks and quarters. Mark said the reports do not specify how much or what percentage of those funds are coming from businesses, residents, etc. and that they could possibly request the information, but that Keystone would probably not want to share that information because that would then allow access to personal taxpaying information into residents and business. Amanda then said she did not want a specific breakdown that listed individual names and payments but that rather she was just looking to find out where the money was coming from. She stated she presumed the money was mostly from businesses but that she was curious as to whether that was true or not. Amanda also stated that she knows the full potential of EIT is not for another two years and that she understands it will not reach its full potential until then but that she just wanted to make others aware of that fact and was curious about where the money was coming from. Mark stated he agreed with her assumption that the money was most likely coming from business for the most part but that there is no way of knowing those specifics yet, if ever.

Terry McIntyre, 335 Hulmeville Ave., then briefly responded to Amanda's comments and said there would probably be an influx the first quarter of next year when people do their income taxes and realize they have to pay it. Terry then asked about committee meetings and whether they would be able to combine a few committee meetings since a lot of the people are on the same committees. He said that it could just be a thought in trying to cut down some of the committee meetings for the month. Terry also commented on the topic of hiring another full-time officer. He said that even in hiring another officer full time doesn't necessarily mean they would be working the same shift. Terry notes that although it may be helpful, and the officer's shifts may overlap that most likely the shift would still only be covered by one officer at a time so immediate response may not be plausible. He said it is unlikely that both full-time officers would work the same shift so that hiring another full-time officer is not going to solve the issue of an officer being at the station to immediately connect with those who come to the station as in the case of the women who came to the station about the dog alone in a car. The conversation then steered toward implementing how to contact police in the newsletter.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 10:05 P.M.
SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: _____
Marie Serota, Borough Secretary/Treasurer