

Penndel Borough Council Work Session Minutes

August 16, 2021

Council Vice President Mark Moffa 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 - absent
Council Vice President Mark Moffa
Councilwoman Barbara Heffelfinger
Councilman Joe Dudash
Councilwoman Laura Germain - absent
Councilman John Stratz
Councilman Gary Nickerson

Also present at the meeting

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

Consent Items

MOTION BY JOE DUDASH TO APPROVE THE MINUTES OF THE AUGUST 2, 2021 COUNCIL MEETING. SECONDED BY JOHN STRATZ. 4 ayes, 1 abstention (Barbara Heffelfinger). Motion carried, 4-0-1.

Mark Moffa asked if he could move the appointments for zoning hearing board alternate and planning commission up on the agenda. Ben Hauser said he needed to ask for consent. John Stratz said he wanted to table the motion until they have a full council. Ben said they now have to make a motion to move them on the agenda.

MOTION BY MARK MOFFA TO MOVE BOTH APPOINTMENTS ON THE AGENDA TO NOW. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa yes, Barbara Heffelfinger, yes, John Stratz, yes. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPOINT MICHAEL SMITH TO THE ZONING HEARING BOARD AS AN ALTERNATE MEMBER. SECONDED BY MARK MOFFA. All ayes, motion carried.

John Stratz and Barbara Heffelfinger both said they thought it was a conflict of interest. Gary Nickerson asked how long the term is for. Ben said it is a three-member board so typically three years and they are staggered so there is only one up each year. Mark said it looks like it is a three-year term. Gary said even though they haven't met in a long time, Mike is still a member of the long-range finance committee. Ben said he cannot be on any other boards or commissions if he's on the zoning hearing board. He asked Mike if he is appointed tonight would he resign from the other committee. Mike said he would. Joe said he didn't quite understand completely. Ben said obviously there's an elephant in the room and he has instructed council not to talk about pending litigation. He asked Mike if he was appointed to the board tonight would he follow the direction of the zoning board hearing board solicitor and

recuse himself in any case where he may have bias or conflict of interest. Mike said absolutely. Mark said he feels comfortable with the appointment particularly because he doesn't see it as a conflict. Ben said if there's a matter at the zoning hearing board that would be a conflict. Mr. Smith would recuse himself. Mike Smith said to answer his question the courts will decide whatever is going to happen with that issue. It's not up to him anymore. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, no, John Stratz, no, Mark Moffa, yes. 3 ayes, 2 nays, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPOINT CAROLINE LEVANDUSKI TO THE PLANNING COMMISSION. SECONDED BY JOE DUDASH. Joe said with her credentials she would be a good candidate. She is well rounded in the field of real estate. Gary said he was on the planning commission and you learn a lot. It's a great way to get involved. Mark said they don't typically have people banging down their doors to volunteer on these boards and commissions and they are crucial. So, when they have people who are willing, able, and interested to do the job which is a serious job, he's grateful. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Mark Moffa, yes. All ayes, motion carried.

Engineer's Report

Carol Schuehler read her report which is attached. Carol thanked Councilman John Stratz for being out there Thursday and Friday in the heat watching what was going on and monitoring what was occurring on Lincoln Highway. Gary said it seems like the boring might be the way to go. That would save them fees for opening the street and getting a permit from PennDOT to open up Route 1. Carol said they understand that it is an emergency situation and they're working with them. She called Thursday morning and said they were closing lanes on this road and they said OK. They had good traffic control out there and everything was very well managed. If they had to trench the road, they would work with them but what she knows from being out on that road is that they've got pavement and then concrete and that would get expensive, not only to cut but to restore and have the concrete cure overnight then finish building the road and controlling traffic during all of that. It would be an expensive challenge and a real inconvenience to motorists. Gary asked what the diameter of the pipe was. Carol said it's four and a half feet deep and another place they dug is eight and a half feet. The force main is under pressure so it can go up and down. That is good news because it means that with the drill rig, they could go down under this. There are two gas lines, a Verizon phone bank with cables, water lines, the borough sewer line and storm sewer. There are a lot of utilities out there so the driller could just go down to a depth of about eight feet and get under those utilities and come up the other side. Gary asked the age of the pipe. Carol said from borough records, it looks like it went in around 1961 so it's a 60-year-old pipe. Joe asked Carol if she's saying the pipe goes from the pump station to the bowling alley. Carol said it's from the pump station to the bowling alley, closer to Glen Ave. where it crosses today. For the bypass, they would be starting at Glen and going across to the pump station. Joe asked for a rough estimate and if they are talking \$100,000.00. Carol said not that far but she doesn't have a number yet from Seifert, but she is assuming every day out there is about a \$10,000.00 bill and then add the drilling rig on top of that. She asked them for some numbers, but they weren't able to get them together for her in time for this meeting, but this is probably going to be the second most expensive project in 2021. It's not something they can pretend isn't there. John Stratz said the PennDOT guy was in the area just to see how things were going and said hopefully they won't be messing with the streets too much. Carol said they got a lot of cooperation from them. John and Jamie were there when he arrived, and they were able to talk to him about all the things and investments the borough has been making and maintaining the collection system and he calmed him down a little bit. They ended up with a violation and not a fine. Mark Moffa thanked

Carol because he knows she's been here on the scene at 6:00 AM and a lot more hours. Councilman Stratz has been out there for many, many hours too. He said they mentioned Karen in the office who he knows immediately responded when she was notified and the officer who reported it, Officer Ryan Gaffney, who is the officer in charge this week because the chief is on vacation. Thank goodness he had the wherewithal to say he's been sitting out there on Route 1 for a couple of days and there's puddles in the middle of the road and it hasn't rained so there's probably something wrong. He gives all the credit in the world to Officer Gaffney for reporting that. If it was much longer, that could have been disastrous.

Reports:

Solicitor's Report

Ben Hauser reported that his office has filed responses and litigation but will not speak any further on. He met with the committee last week to discuss the fence ordinance and he knows that the committee has some questions for the audience.

Public Comment on Agenda Items

Mike Smith, 127 Dehaven Ave., asked Carol if they considered ballooning. Carol said they've got a four-inch diameter pipe and they don't know exactly where the break is and at this point there's two angle points between there and the station. She thinks that would be a real challenge but if he wants to send her information. Mike said they've done it all over town and they made them do it at the apartments. Carol said this a pressure line. Mike said instead of going back with a four inch, you can go to a six inch because that's 1961 and everything up Glen and Walker is from 1961. They always talked about increasing that line from years back why not start it now. Carol said it's not a bad concept, but it presents two challenges. First of all is that before they can do any kind of an increase in capacity of any of the facilities. They have to get approval by the DEP, and they would probably balk at them increasing capacity of something while still trying to get their I and I under control. The second concern she would have, is it within that force main when you expand out the diameter of this, things are going to drop out and then when you contract you've got a pinch point under the road, so I rather not go out and back because they're going to change the flow of velocity of the cylinders. Mike said maybe a new 6-inch line all the way. Carol said that's ideal, but they can't do that without dealing with the DEP.

COMMITTEE REPORTS:

Administration/Cable

Mark Moffa said that Joe was asking about the status of certain things involving the manager and where he fits in the workflow and the employee handbook. The manager did send out a workflow chart to council and he received a couple of comments and feedback so that's under revision. Also, he and Beverly got feedback on the employee handbook that's been in the works and the manager has some good suggestions and comments for them so they're going to take those under advisement and hopefully get something in front of council in the month of September.

Buildings & Maintenance

Joe Dudash said that they are waiting for the manager's report for replacing the broken slide. He requested a price from the manufacturer for the slide at the rec field which is broken. Mark said Jeff contacted the manufacturer and was trying to get a part for that. He spoke with him today about that and the price is not going to be pretty. They are talking at least \$5,000.00 and it doesn't even include installation. Mark asked about the background check on the

maintenance employee. Joe said he talked to Geoff and Joe said he didn't quite understand it the guy has to do his own background check or is Sean doing the background check. He doesn't understand why he has to do it himself. Marie said they don't do it that way anymore. He has to get it himself and they reimburse him. She said the report did come back and he is starting Wednesday.

Mark said he had an issue with the grass at the rec field. They're sort of in between Wildcat seasons. John Stratz hosted a cleanup at the rec field on Saturday. He thanked those who attended. He was there, Mr. Sodano and his wife Barbara, and Frank Flowers. They tried to clean up the entrance, a lot of the grass in the entryway and the curbs and sidewalks but they did notice that the field was high. He spoke to Geoff about that. They're hopeful that with the passage of the Wildcats' agreement tonight, which actually is retroactive to August 1st, they immediately become responsible for cutting that since this is the football season. They're hopeful they'll be able to get someone out there quickly so he asked Jeff to touch base with them to see if that indeed can be the case. Gary said the borough contractor cuts the memorial side but they're not cutting the field. There are two entities and the baseball teams ended at the end of July and then football picks up. Football hasn't really started but they're not sure if they're waiting for them to ratify the contract. Joe asked who takes care of the pump station trimming. He wanted to know how often they go out. John said it was pretty bad around pump station two which he had to clear a lot of. John said it was next to the generator and if someone has to go out in the middle of the night to turn it on, there were tree branches hanging down on it. He was there for about 3 hours so he cut all the branches around the generator. Gary said their contractor is responsible for trimming the pump stations, borough hall, the memorial, the sewer plant and the entrances to Taddei Woods. It's not in the contract for them to do trees. John said their contractor is supposed to do trimming and the fence line constitutes trimming. He spent a few hours last week cleaning the area right when it would take them two minutes. Joe said he was talking to Geoff and there's talk that the maintenance guy can't do street stuff by himself. He wanted to know why they are paying 15 bucks an hour when he's got to get a contractor to do the signs and painting. Mark said their list of things for the part time maintenance guy is already long enough without having him out in the streets. John said that's one of most important things for a maintenance worker. Their last one did a magnificent job on potholes and saved them \$1,800.00. If he has to go out with him, that's fine because it's part of being a councilor, to serve the borough.

Community Development

Barbara Heffelfinger reported that she spent a good part of the day with Carol discussing the grants. The RDA grant is due September 30th and another one for PECO Green Region is due September 30th as well.

Finance

Barbara Heffelfinger reported that she and Mark are going to meet on August 25th. Council should all remember to get any special requests in by the 1st of September. They're going to go over them and work on them and then turn all those requests over to Geoff. Mark said Mr. Thompson did send a memo out to all council outlining the budget development process for this year.

Open Space

John Stratz reported that five people volunteered for rec field cleanup and did about two hours in the hot sun. It will take more people to put a much bigger dent into that. It looks magnificent because we cleared out the weeds right in front from the curb line and sidewalks, so it looks like people love and care about it but once you walk through the gates and take a better look, it is

going to take a lot more people to help because the weeds are ridiculously overgrown. The previous week he cut into those weeds behind the pavilion reclaimed about four feet into the fence and by about 75 feet up. Now it's all kind of come back to the height of the grass. If they did that every week, they could get to the fence line. His plan is to just start cutting the vines and crap down at the base of the fence which will kill the stuff on the fence and then they can pull it off. He started over here at borough hall in the corner and removed the tropical look that was starting and made it more livable. They need to wait until cooler weather to tackle Taddei Woods. Barbara said she asked Geoff to put landscaping in the budget because it's got to be maintained. Mark said he agrees it should be in the budget and that it should not be volunteer work.

Ordinance

Gary Nickerson reported that the committee met twice. They are making serious progress and they're optimistic they should have something soon. One of the issues that they wanted to bring to council now to discuss is in order to save a little bit of time and money is the issue of surveys. Rather than draft something he thought they could go down the line and take the temperature of everybody on council. Before they start to talk about this, they're operating on the assumption that they're going to permit fences to be installed on the property line. Currently, they have a set back and they're going to go with installation on the property line. The manager made a recommendation who was a borough manager for 20 something years and has done zoning. He made a recommendation that surveys should not be required and he also said that in the towns that he worked in, they didn't burn to the ground and people didn't riot in the streets. It was not an actual issue. He is not in favor of surveys. He thinks they're expensive and unnecessary. Probably 80% of the residents already have a fence. The other thing to note is that they would not be requiring surveys to replace an existing fence unless the majority of council would want to weigh in on that and say they're in favor of surveys and they think that they should require surveys if you replace any existing ones. They want to do this in a way to give some guidance to the solicitor as to how to draft it. It can be amended at any time. Joe Dudash said he likes surveys because of the mess they have at the Berlin Wall over there on Dehaven Ave. It could have been prevented. The manager might have been in other towns, but Penndel is unique. He thinks they could have saved a lot of money with surveys. Barbara said she is against surveys. They have to think about what improvements to their houses cost the residents and none of them are millionaires. Surveys to be required may prevent problems but they have to think about if the people in this town are going to be able to afford it. It costs a lot of money to put the fence up and to have to go through surveys, it's too much. John said he would like to see an agreement between neighbors. It doesn't cost anything. They get a piece of paper, hand write it and both parties agree to a fence down their property line. Mark asked Bob Winkler what his thoughts were since he was zoning officer at one time. Bob said that past practice was that if the property owners got together and were ok with it, he would have no problem. If there was going to be a possibility of a problem, he would explain to them that they should then stay within 6 inches of property on their side. Mark said their ordinance says one foot. Bob said if they get along with their neighbor, ok but if they think it's going to be a problem, he would recommend one. Gary said that's where he is as well. Gary said he doesn't have a fence but if he were to install one, he would probably get a survey because between both people next to him there is no fence. But if they are comfortable, they can do without a survey and they're confident they're not installing it on the neighbor's property and they were able to figure that out, then that's on them. There's nothing wrong with advising people that while a survey would not be required, it might be in their best interest.

Jay Moser, 525 Hulmeville Ave., said that most homes here in town have landmarks. On the application for the permit, markings should be on there and if they're not then it should be

required. There are different types of surveys. Some are extremely expensive and there is also what they call a four-point survey and they are less expensive. They could pinpoint your four points at less expense to the homeowner. But if they're legitimately marked, he doesn't think there's a need for a survey and he doesn't think they should put it on the property line which he will bring up at the public comment at the end.

Mike Smith, 127 Dehaven Ave., said the problem in Penndel is that existing fences could be anywhere. They could be a foot from the property line or a foot over the neighbor's property line. They're going to have to require a survey. Almost \$12,000.00 has been spent of our tax money. It's an expense but it needs to be done. What John said about having the neighbors know about it, it's a good idea either way because then they will be signing off on it and they would eliminate this problem 30 days down the road. Don't wait until it causes a problem and they're in litigation and everybody's putting out money. As far as the fee schedule goes, he remembers Barbara being involved in it. Barbara said she voted against it. Mark reminded them they were talking about surveys. Mike said they have to eliminate any of these problems. They don't want people like him or other residents coming up here every meeting complaining. This would take it out of the zoning officer's hands. Barbara said she was involved with the first fee schedule which was a joint effort if that's the one he's referring to. The other one was not done by a committee. It was done by Mike Italia. She did not vote for it. They took it and they compared it to what they thought were towns like ours and they were totally irrelevant.

Caroline Lavenduski, 148 W. Woodland Ave., said going back to the hiring of a landscaping crew for cleanup, taxpayers pay a lot in taxes, and she thinks they would appreciate seeing their tax money going into services like landscaping and keeping everything up kept I think that would be a good spending of money. Surveys are very expensive. They can get into the multiple thousands of dollars. She likes Tom's idea where you must notify your neighbors and if there's an issue with somebody, then maybe there's a process to go through for that but if none of the neighbors have an issue and you both know where your property lines are, she thinks requiring everybody to get surveys would be a waste of money. Also, she thinks that the zoning officer probably needs to be enforcing the rules correctly to begin with and then she thinks they wouldn't have a lot of the issues they have. She thinks it starts with the zoning officer. Tom's idea is great to notify everybody around and if someone has an issue and there's some kind of dispute, that can be nipped in the bud ahead of time without requiring everybody get a survey every single time. She thinks what they would find is people would not be putting money into fixing up their properties because they would be like forget it, they don't have \$2,000.00 to spend on the survey.

Gary said they will take the information to the next ordinance meeting. The committee talked about how they think it's in their best interest to get the ball rolling on an Airbnb type ordinance. Their hands are a little full right now with fences and with the handicap parking ordinance, but he feels like he should make a motion for that.

MOTION BY GARY NICKERSON TO AUTHORIZE THE SOLICITOR TO WORK WITH THE ORDINANCE COMMITTEE TO DRAFT AN AIRBNB TYPE ORDINANCE THAT WOULD REGULATE THOSE SORTS OF ENTITIES IN THE BOROUGH. SECONDED BY MARK MOFFA. Joe Dudash said that maybe they should wait until their litigation is done. Ben Hauser said they can entertain this motion tonight and by the next meeting the day after Labor Day, they should have a resolution. Joe said he thought they might get educated on it. Mark said even before this particular case came up, last year there were discussions about the need to regulate Airbnbs. It's a thing that's not going to go away and municipalities across the nation are having to come up with rules and regulations because they tend to skirt the existing rental

property rules successfully. It was already on the radar and they should probably get moving on regulations. Joe asked if they would bring this in front of the zoning committee or planning committee. Mark said since it's under zoning, that might have to go before the planning commission. The vote tonight is just to authorize them to start working on this. It's going to take a while.

Tom Sodano, 126 W. Woodland Ave., said a suggestion in such ordinance, one of the things that is in our current zoning, is that a change of use requires a new U&O. He asked, when the homeowner relocated to Newtown, did he get a new U&O when where he lives changed to a rental. They need to include that in the ordinance. If it's changing use, enforce the ordinance. That could be a fast easy way to put the current problem to bed. If they added to the ordinance, then it's in two places in our ordinances and they can't question whether we can or cannot require a new U&O. When he moved, he should have done that. And when he changed it to a long-term rental and then when it changed from long term to short term, they could have insisted on another U&O.

Joe said the other thing is with the fire marshal. He did shut them down he thinks five or six years ago. They actually got a warrant to go in because he divided the whole place into rooms. It should be inspected. Mark said that's part of these rules and regulations, they require annual inspections. Joe said plus from what he's understanding, that's residential area and it shouldn't be over there. It's a hotel. Mark said the question is whether this is regulated under zoning or outside of zoning.

Dave Cahill, 462 Cynthia Ave., asked if they were saying it's illegal to rent your house out. Mark said he is not saying anything to that effect and that's not what they're talking about. Dave said he understands he was talking about an Airbnb. Mark said an Airbnb or renting out your house is different. Dave said there was a raid and Joe Sciscio was still chief. That's how far back that goes. Dave said so they are saying that they had the house divided up with all these different rooms in it. Dave said he was in the house before and that's not true. There are rooms in the house but there's nothing illegal about having rooms in the house. He asked what the raid was for and maybe they need to find out.

A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes, Mark Moffa, yes. All ayes, motion carried.

Public Safety

Barbara Heffelfinger reported that they have not met because Beverly's on vacation. She would like to compliment the police department on National Night Out. They did a fantastic job. They had a nice crowd of people and Laura did star badges for the kids and she thinks she went through about 75. It shows you what a wonderful police force they have and they deserve a lot of credit. They were all there and had popcorn and cotton candy which the kids just loved.

Public Works

John Stratz reported that he accompanied the engineer for multiple service inspections and for the Auto Zone closeout inspection site visit. He had hoped he would have two contractors come down to give estimates on the pothole problem. Carol drew white lines at Fairview and Dehaven. There are so many potholes in this one section and they're just patching the patches. His hope is to just have that entire rectangle cut and then just repaved so that potholes don't continually pop up. He had hoped for them to look at some other pothole sites like Rumpf Ave. for estimates but unfortunately that did not materialize. He is hoping with the new maintenance person they can take care of some potholes. Some people won't do weeds so he's not going

out himself to do potholes. With the sewage emergency, he spoke with the DEP when he arrived on site and kudos to Jamie from Value Engineering. She explained all of their efforts with rectification of all the problems throughout the borough and it seemed to satisfy his questions and they did get a very nice written report from him so he's pretty confident to say they won't be looking at any fines which could have been astronomical for the sewage leak on Lincoln Highway. Mark said he doesn't want the maintenance person doing that job. They really need to get a pothole contractor. John said that would be lovely if they would show up. He talked to five different contractors throughout this entire season. He got an outright no from three different companies saying they won't handle small town small potholes and the two that he had hoped would come, they showed a huge patch that they would have to excavate and lay down and it seemed like enough work to make them happy, yet they were both no shows. Mark said they might have to get Mr. Thompson's help in seeing if he knows of a firm that he's not in touch with. Carol said she has been reaching out to a couple, but she thinks everybody's very busy this time of year. They're predicting a lot of rain on Wednesday so she could probably start reaching out to people then she will keep trying to get somebody out there hopefully this week.

Joe asked what the outcome was of Oak Ave. Carol said she generated some memorandums on site visits out there on 15 Oak and 28 Oak which she didn't have a phone number for so she couldn't make an appointment with them and they looked at Spring Street which relates to 28 Oak. There was a memorandum generated to council on that also so it's all out there. Joe asked Carol what happened with what Steve Lowe reported on February 16th, 2021. He sent pictures of his curb that was destroyed by the snowplow. He said nothing has been done. Mark said he thought they rectified the snow damage. He will check with Beverly.

Refuse

Gary Nickerson said he just wanted to remind everybody that the e-waste recycling event is at the Our Lady of Grace School parking lot on October 2nd from 9:00am – 12:00pm.

Revitalization Task Force

Mark Moffa reported that they are having a meeting on August 30th at 7:30pm.

New Business

MOTION BY JOHN STRATZ TO APPROVE AND SIGN THE PENNDEL WILDCATS' FOOTBALL/CHEERLEADING AGREEMENT EFFECTIVE 8/1/21. SECONDED BY GARY NICKERSON. Gary said his hope is that without there being a rec board but with the addition of the borough manager, he can work on this contract to have it provide some specificity as to the specific items that need to be done closely defined with what the borough's responsibilities are for maintenance and the Wildcats' responsibility for maintenance. He thinks it's extremely vague and he's hopeful that the next time they have to sign something with the baseball Wildcats in the spring, that it will be better. He doesn't really know what they can do now with them at this point because they're already two weeks into August and this is going to be retroactively dated to August 1st. Things like specifying who's in charge of the basketball court and making sure that these guys are weed whacking around fences and taking trash cans to the dumpsters, things like that, really need to be specified in the contract. It's not fair to just keep blaming one side. Mark said he doesn't disagree with him but there is quite a bit of language to that effect in the contract. He thinks some of it becomes an enforcement issue as opposed to a contractual issue. In the landscaping the grounds maintenance portion of the contract it says the associations shall mow the grass of all facility subject to the agreement as often as necessary to prevent the grass from exceeding six inches in height. The association shall trim the grass around fences, gates, backstops, light poles, bushes, trees, signposts, curbs, the

playground, and they even have the memorial in here. That is something that's their responsibility, as often as necessary to prevent the grass from exceeding 6 inches in height. With regard to trees and foliage, the association shall be responsible for maintaining the trees and foliage surrounding the walkways. There's a failure to landscape provision in the event the association fails to landscape and maintain the facilities as provided for in this section, the borough may, after 24 hours prior notice, contract for the services and shall be reimbursed by the association for the cost of the services within 48 hours of delivery of a bill. There are sign maintenance issues with debris care. Mark said he knows Gary has been down there every week picking up trash and not really wanting credit for it. There is a debris section. Debris shall be collected as needed and placed in trash cans provided by the borough. The association shall provide for the removal of all trash cans as often as necessary. And he knows that it hasn't been happening and shall remove all trash from these cans to occur not less than once per week. Gary said he doesn't know if that's realistic to expect them to do all that. Mark said he's just saying it's in the contract and whether that's realistic or not, that's what they're signing up for by agreeing to this. Mark said they would like a better relationship and clear delineation of responsibilities. Mike Smith said all of what Mark read off has been part of the contract for years. Dave Cahill said he was on the record for a year and a half and the deal is they do the maintenance to use the field for free. If they don't, they pay for the field. Mark said they charged them \$500.00 this year. Dave said that's new. Mike said the president or vice president of the organization always took care of making sure the parents at the end cleaned it up and if they're derelict in duties, then that's a Wildcat issue, not a borough issue. He was part of the Wildcats for 10 years, so he remembers picking up all this stuff, cutting the grass and weed whacking. It just happens. As far as the basketball courts go, the Wildcats were never to take care of that. Mark said the basketball court wasn't mentioned. Everyone can agree there is room for improvement. They need to try to get a more realistic understanding. There is pretty strict language in the contract and clearly not all of that happens. So, what do they do, stop the kids from playing football on the field because the trash cans weren't emptied. It's all a gray area. Joe said maybe it should be a bigger deposit. Mark said they've been talking about this issue a lot more this year. There's definitely more council attention to it and now they have a manager and they're getting a maintenance employee again so hopefully they can all be on top of it a little more and some enforcement can occur. He has no problems if they don't cut the lawn. The borough will and give them the bill. It's too high right now. He talked to Geoff today and told him if they can't get their guys out there soon and they're going to pass the contract tonight, if they can't get out there soon, the borough will cut it. This contract is retroactive to August 1st. Mike Smith said they let it grow from August 1st until when they start the actual football games. That's why there's no practice right now. That's what it's always been because the grass gets chewed up and burned up during baseball season and they've let it grow for this period of time, but they don't let it get too far. Mark said if they want to cut it at the highest setting but right now it's a little silly. Mike said they used to bring the president and vice president in and explained that in front of everybody so that way there was no argument. John Stratz suggested that just for this one month between the baseball and football season, they have the maintenance guy cut the area between the entrance to the pavilion and back to the tot lot so the residents can use the field. Mark said that's not a bad idea to let him do that area so that there's access to the playground because of ticks and because the grass is getting high. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, Barbara Heffelfinger, yes, John Stratz, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO HIRE ANGEL MILLER AND TERRY SEIDENSTICKER AS SUBSTITUTE CROSSING GUARDS. SECONDED BY BARBARA HEFFELFINGER. Mayor Winkler said their background checks are good. Gary asked if they are local residents. Bob said yes, they can walk out their front door and be at the corner. A roll call vote was taken. Joe

Dudash, yes, Gary Nickerson, yes, Mark Moffa yes, Barbara Heffelfinger, yes, John Stratz, yes. All ayes, motion carried.

Public Comment

Tom Sodano, 126 W. Woodland Ave., passed out pictures, dialog and an email to council and made a presentation on water issues from Schoolhouse Court. This is on file in the secretary's office.

Dave Cahill, 462 Cynthia Ave., handed out pictures to council. He said he notified the borough some years ago about the water problem he was having at his property. He complained about the people that own Mark's home for filling in a pool and he was getting water in his backyard and in his garage. Now his problem is worse because his Ukrainian neighbor built a garage out back and he brought in 20 tons of dirt and 20 tons of stone and he raised his grade and he altered his swale. He bought his home in June of 2000 and he never had this water in his backyard before Mr. Anderson filled in his pool. He came to the borough asking for this problem to be addressed and he was ignored. He's not going to be ignored anymore. He also made a complaint about his neighbor about the 20 tons of stone and the 20 tons of dirt and again he was ignored. He not only raised the grade, he altered the swale. He put in some kind of trench or some kind of French drain in the swale in the rear on the fence line. He understands he's got pumps in it and he's pumping water. You can't alter the swale. It was designed when the development was put in it so the water moves. As you can see, the water is not moving. He's going to give them 30 days. He understands Carol's already been over to Oak Ave. Apparently, they only listen to certain residents. He believes Carol was still here when he had his issue, but they didn't send the engineer. They sent the building inspector. He wanted to know why you would send the building inspector for something that involves engineering. Dave said he also has another issue involving his Ukrainian neighbor from 472 Cynthia Ave. who is running a full-fledged construction business out of his home. He's got two Mercedes sprinters, two work trailers, he's utilizing his new garage for his warehouse and he has his workers coming to the house every day parking their cars and jumping in his trucks and going to work. He said he needs him to get a cease-and-desist order and he needs him to make an appointment with the zoning hearing board. He thinks the area is zoned R1 and that is residential, single-family dwellings only. Construction companies are not allowed in the residential area especially when it comes to having this kind of equipment. Mark Moffa is very well aware of this issue with this neighbor. The neighbor is sandwiched right in between Mark and him. He asked Mark to turn him in and he did not so he's here tonight to turn him in. Obviously, Mark doesn't care to enforce any of the zoning ordinances that they have. Dave said he has more pictures and has video of his workers or his contractors whatever he wants to call them, coming in and exchanging equipment that he's getting from his garage. He's also utilizing the residential trash for his commercial trash that he takes out of his van and then he puts at the curb. There's not a whole lot there, but a majority of those green trash bags are construction debris that he took out of his van to put at the curb. He does windows and doors for Lowe's. He's stores his windows out back in the rear of his house closer to Mark's side and then when he needs them for a job, he throws them in the truck the next morning and he takes them out to the job. Dave said he wants a response in 30 days and if he doesn't get a response, he's getting a lawyer to handle it.

Jay Moser, 525 Hulmeville Ave., asked what the procedure was on calls made to the borough for problems. He called about the house next to him at 541 Hulmeville Ave. because they were in the process of installing a fence and maybe 30% of the poles were up and he noticed they were right on the property line. He called the borough hall spoke to Karen and this was quite a few weeks ago. She mentioned that she thought something was going on because she got a

PA One Call notice. She said she was not aware of any permits and she would contact the zoning officer or the inspector the next day. He thought it would have been stopped. He doesn't want it down. It can stay where it is right on the property line. But they all pay for permits and they follow the rules. It should have been 12 inches from the property line and it wasn't done. He doesn't know if it was lip service again from here saying to follow the new rules that are coming up. He thinks there needs to be a procedure established that when someone calls, action has to be done so this stuff doesn't happen. He's not looking to do anything. His neighbor is nice and he wants it to stay that way. He's not worried about it being where it is but it's the procedure that takes place. They still should be contacted and either a fine levied or permits paid for. He asked if the phone calls into the borough hall are recorded. Maybe they should be for people calling and making complaints so there is a record of when that was done so there's no problems in the future, what was said what wasn't said. It may not be a bad idea to have that done so it can be backtracked. Those files can be kept for a long time. Jay said he's been told that the Police Department has two speed signs that were acquired through the RDA grant. He asked if there is any reason why they have not gone up. Barbara said they have two speed signs like Hulmeville has. They can't get permission to put them up. Jay said that's correct. He did them in Hulmeville. PECO threatened a fee, but they still haven't gotten anything yet. Joe asked why they can't put them on borough property. Barbara said when the Heritage Society wanted to put up the banners, they did call PECO and they told them they could only put them on certain ones and put them in a certain place. If not, they were going to come and rip them down and they went through all kinds of garbage with them. Jay said there should still be a method of putting them up instead of them sitting in a corner somewhere or down in the basement. Barbara said if he can find a way to do it other than violating the law, to please let them know. Joe asked how long they have had these signs and where they are. Barbara said they were part of the RDA grant and they are probably in the police station. Joe said every time he comes here it's something new, he finds out from the residents. Barbara said not to start on the police. Joe said he's not starting on the officers, it's the leadership that stinks here. Jay said they're solar. Tom Sodano said they are not and they need 110. They are not equipped to be solar, but they can be changed to solar. That's why they were trying to get PECO to do it. They can retrofit them to solar and put them on the borough's poles. Jay says that was not explained to him. Joe asked what about Hulmeville's signs. Jay said they are solar, so they just hung them on the poles. Jay said they talked about maintenance throughout the borough. As a taxpayer there are some items that can be volunteered to be done but now that they have this earned income tax that he's being hit for that on top of everything else and paying more than a lot of other people, he can't even get his street swept. Everything should be looked at for next year's budget since they have more revenue coming in. It needs to be used wisely instead of wastefully.

Council Members to be heard

Joe Dudash asked Carol about Schoolhouse Court with the continuous problems. He said she should be living over there 24 hours. And who knows what they're going to find because that guy was burying everything over there. Carol said she did not see all the exhibits that were brought forth by the resident. She is aware of some of the issues that he was discussing and a lot of those have been already addressed. Tom Sodano said they have not. All they are doing is running it on the ground and now it's on his property still on his property and Ryan Conover's property. Carol said when she was out there last week, she saw a clearly defined swale area along the sides of this house is going to the existing inlet in the back. The existing swale for the existing grate in the back right now is covered with the filter fabric because it's not stabilized back there. Tom said he's not stupid and he's not going to let her sit there and engineer him with her language. The picture shows where that air conditioner is sitting and it is at least eight inches below it where ground has washed away. The water would have to flow uphill to get to

Hulmeville Ave. from it and it's not going to. It's got to go backwards and it's already below grade of where the drainage he's talking about is. He knows where the drainage pit is. It's in the pictures. He understands that but in order to get it to full and half a percent it would have to be 6 inches higher than that drain pit to flow 100 feet, but it should be 1%. He said she knows that and he knows that. The bottom line is it's below grade and it's currently four to five inches below that drainage that she's talking about, the entrance to that seepage pit in the back, so just go 15 inches to make water move so this comes up 15 inches it's now higher than his property and Stellato's property, so it won't go back. It will fall on their time and again. Carol said there was a problem out there last week with somebody associated with the builder who dropped a sump pump in the basement and pointed at one of the neighbors and left. Karen took the call and the police took the call and they physically resolved the problem. Late last night there were calls from her office to both the developer and his representatives. The next morning when they got there, the sump pump was gone. That should not happen again and has been addressed. The trenches that he was talking about were addressed immediately the next working day. It was resolved and there was tape around it. Tom said when she was notified and when emailed back and forth to her and Beverly, the picture stated the 13th. It wasn't addressed. They told her it was addressed. Carol said the code official from BIU was out there as was Jamie. Tom said there was caution tape around the hole which the following morning, the guys who did the stonework took down and left down and then it was down over the weekend. It wasn't until Tuesday that they actually started filling the hole and they only partially filled it. It took him two weeks to get stone high enough that it didn't fill. What he told her and what actually happens are two completely different things. Carol said she was out there today and also last Saturday after a very heavy rain. So, she is stopping out there frequently in addition to Jamie being there regularly on site for construction inspections even though lately not much has been happening. She can see the defined swale coming around from that air conditioning unit. It hasn't been ponded like this on the days that she's been out there. Tom said then she wasn't out there after the last rain. She talked to them today and directly through the supervisor, he said Wednesday, and she finds this hard to believe because she doesn't think the weather's going to cooperate. They are scheduled for rock pounding and finish grading topsoil and seeding and mulching so they would be working in compliance with building permit plans. Tom said so they are going to have to dig it up to put in drainage. Carol said there's no drainage. Tom said that's not what she said. Carol said there aren't additional drainage pipes going in there at this point. It grades down around to the back and she can see the water line and she does not see evidence of water crossing the property line. She said she would be happy to meet Tom on the property and arrange a meeting with the builder as well.

Joe asked Carol if they are going to get a report on Oak Ave. Carol said she already issued memorandums on both of those and they were sent over to the borough secretary and manager.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:40 P.M.
SECONDED BY JOHN STRATZ. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer