

Penndel Borough Council Meeting Minutes

September 7, 2021

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

Dave Truelove reported that there was an executive session which started at 6:45 pm. All council members present were present at the executive session. Items related to litigation were discussed at the executive session which concluded just before the council meeting started at 7:27 pm.

Present at the meeting

Mayor Robert Winkler
Borough Manager Geoff Thompson
Council President Beverly Wolfe
Council Vice President Mark Moffa
Councilwoman Barbara Heffelfinger
Councilman Joe Dudash
Councilwoman Laura Germain – arrived at 8:13 pm
Councilman John Stratz
Councilman Gary Nickerson

Also present at the meeting

Dave Truelove, Solicitor, Hill Wallack
Police Chief Sean Perry
Marie Serota, Secretary/Treasurer

Penndel-Middletown Emergency Squad RDA Request

Scott Henley from the emergency squad made his presentation for their request for \$25,000.00 from the RDA for a heart monitor. Beverly Wolfe took a poll of council on whether they wanted to do this for the squad and all of council agreed.

Annual Pension Meeting

Marie Serota reported that the 2022 minimum municipal obligation for the Penndel Borough Employees' Pension Plan is \$10,883.00 and the 2022 minimum municipal obligation for the Police Pension Plan is \$13,151.00.

Council or Borough Announcements

Gary Nickerson reminded everyone about the E-Waste Recycling Event on Saturday October 2nd from 9 a.m. to 12 p.m. at the Our Lady of Grace School parking lot. More information is on the borough website.

Consent Items

MOTION BY MARK MOFFA TO APPROVE THE MINUTES OF THE AUGUST 16, 2021 WORK SESSION AND APPROVE THE BILLS FOR THE MONTH OF AUGUST 2021. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Reports:

Borough Manager's Report

Geoff Thompson reported that the maintenance employee started mid-month and they got him straight to work on the weeds out front and he's now working on the park playground and the basketball court trying to get a handle on the weeds down there. He's doing a very good job and is a good guy. They have a big list for him, and he'll be working hard. He thinks he will work out well. Geoff started working on the 2022 budget and he had a revitalization meeting on August 30th which he's sure Mark will report on.

Joe Dudash asked if Geoff had been working on the slide and what the estimate for it was. Geoff said it's an agenda item tonight. They gave him four options between \$4,500.00 and \$6,500.00. The one he is recommending is around \$5,000.00 and installation is around \$1,600.00. If council approves it tonight, he can get that started but they're still probably looking at 6-8 weeks out before they can get it replaced. Joe asked about the mulch. Geoff said he recommends they defer it until next spring because they have to dig footers for the slide and by that time, they're probably looking at late October early November. Joe said they're going to have to shut the playground down because he's got photographs of the swing where somebody jury rigged the two clips and if a kid swings, he's going to get cut. Geoff said they're ordering the new piece. Joe said there are deep holes in the mulch and now with the slide, it's not safe. Mr. Truelove educated them on once you know about an incident such as this, they will be held liable plus someone (unknown members of the public) has been taking the caution signs down constantly. Geoff said it will be tough to shut it down. You can put as much tape up but they're still going to climb all over it. Dave said the only thing to completely disable it would be to dismantle it, but he doesn't think that's necessarily what they want to do at this point. The borough is now on notice, however, to Mr. Thompson's point, if they're taking reasonable efforts to warn people of the condition, especially for young kids and they have their parents there and the parents presumably can understand what the warnings are, their parents themselves could be held more liable than the borough. At this point, everything has been reasonably done and that's always the standard in situations like this. It's called a reasonable person standard when you've done everything you can, and the borough would be immune from litigation in a situation like this. One of the exceptions is called the real estate exception condition and this would be one of the situations that could apply for potential liability. He thinks any steps they take to maintain it in a way that shows the concern should be taken seriously. If, however, the borough thinks that they should dismantle it and not allow future use that's something that could be explored. Joe asked if a sign posted would cover them. Dave said it would be adequate if it's something that's visible and understandable to the average adult. John Stratz asked if maybe a piece of plywood completely covering the opening up at the top to get onto the slide would be good. Dave said he would rather rely on the engineer's expertise but she's not here tonight. Beverly said they just need to keep putting the tape and signs back up. The handicap swing needs to come down.

Joe asked Geoff if he was working on any grants right now for the September deadline. Beverly asked if he meant the RDA. Joe said yes and Beverly said Barb is working on one and she is working on one also. Joe asked Geoff if he had discussed the fire marshal job description. Geoff said he received it and had a meeting with Nick about his contract. Geoff said he made his recommendations to Beverly and Mark on how to proceed. He thinks Nick should just have a contract similar to his, paid hourly and with his own line item for equipment. Beverly said Ben is working on it and they should have it with Geoff's revisions soon. Geoff said he received the original contract and job description. Joe said he doesn't want to lose Nick, especially with the current conditions. He's very important to the borough.

Mayor's Report

Mayor Winkler read his report which is attached.

Police Chief's Report

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

Joe asked Chief Perry if he was working on some RDA grants and what he's asking for. Chief Perry said there's a bunch of things they're asking for. They are looking for new dash cameras for all three police cars, additional tasers in case the ones that are supposed to be donated to the department before then don't go through, barricades, signage for shutting down roads, a new server for the police station because the server they have is starting to reach its life expectancy. Joe asked how long it usually takes to get a yay or nay from the RDA. Beverly said they go and have 15 minutes to pitch all of their projects in front of the entire RDA board to see if they can get them to sponsor them. They usually let them know late November or early December if they got them or not and the money actually comes in when they have the project shovel ready for lack of a better term. Beverly said they are also asking for a second story on the police department. It is being worked on. Chief Perry had the architect and the engineer go over there and have a look and see what they think they could do. Joe asked if that would interfere with the other grants they're applying for. Beverly said no, they give the money out however they divided it up. They're asking for a big one for the police station. That would be the one that would probably be cut if anything but we're going to ask for it because the other municipalities get it so why not them.

Joe asked Chief Perry if he received a report from the NAACP. Chief Perry said he had a meeting with the NAACP as well as a follow up meeting with the NAACP and all the other chiefs throughout the county. They have not released a report. They were given data from mostly all the police departments of Bucks County, and they are still compiling data. They didn't give them a time frame of when they were going to be finished compiling the data and it was relayed to them that the data was not going to be public. It was going to be presented to the chiefs to discuss amongst the group as well as to try to come to a middle ground to try to accomplish shared goals between the police departments in Bucks County and the NAACP. It wasn't fact finding or a witch hunt. It wasn't mean or accusatory in any way. It was both organizations coming together to try to reach their common goals which is something that they all are interested in finding out what they can do better. Joe said he finds it odd that they're the only ones that don't have the report. Chief Perry said if he calls every chief in Bucks County, they don't have a report because they never released anything. Joe asked if that was true because Bensalem got it and he just talked to Hulmeville, and they got it. Chief Perry said if he can get a report from them, great, but he doesn't have a report from them and he's quite confident that all the rest of the chiefs in the county don't have reports from them. Joe said he could give him three reports and one was in the newspaper. Chief asked what report he was referring to. Joe said the survey that he just took. Chief said it wasn't a survey, it was a request for data. He said if Joe was referring to this news article, it doesn't have data in it. Joe said Bensalem had a survey. Hulmeville had a survey. Langhorne Manor had a survey. Whatever you want to call it. Chief said 39 departments in Bucks County met with the NAACP. Joe said he has a call in anyway.

Joe said to Chief Perry that he just found out from the Revitalization Task Force meeting that he has radar in his office. Sean said it's not in his office, but they do have two devices at the police station and they're working on getting them put up. Joe said so they're working on them.

Before when he asked about it, nobody knew anything. Sean said he didn't ask him. Joe asked him to bring them over because he's going to have the electricians come in. Sean said he's not carrying them over here. He can give him the specs on what they are. Joe said he wants Mr. Moser and Mr. Keller to look at them. He wants to know why Hulmeville and Langhorne Manor have them up. Sean said he can't speak for any other police department. They are in talks with Verizon to see what it's going to cost to use to utilize them on their poles and they have talked to PECO who told them that they needed a \$4 million insurance policy to put them up on their poles and they are exploring the option with having poles erected and using the borough's own poles. They're still trying to get numbers to do that. Joe said he could give him the numbers because he did it himself. He said they can put them on a trailer hitch on the vehicle and park a dummy car. Sean said none of their vehicles have trailer hitches. Sean said if he wants to buy them to go ahead. Joe said he would like them over here, so he doesn't have to go into the police station. Sean said he can email the specs. Joe asked why he was fighting him on this. He's having two electricians come over and to look at them. Sean said if they would like to set up a meeting to come over and look at them, he's more than open to them doing that. Joe asked what the problem was to bring them over here. Sean said because they're expensive and he's not going to be able to sit here with them. Joe asked if he thought they were going to steal them, him, and the resident taxpayers. Sean said this is a public building and people have access to this building. Joe said then put them in Karen's office. Sean said with all of the other filing cabinets and paperwork that she has in there. He has them in a safe spot where they can come and see them. He doesn't know why this is an argument. Joe said because he's making it an argument. Sean said he's not, he's telling him to set up an appointment so he can come over with the electricians. Joe said he's saying they're not safe here next to the police station. Beverly said wait a minute. These are the same people who want her to lock up a laptop in Bob's cubicle for fear that somebody's going to steal it. Joe said Bob shouldn't be in here, he should be at the police station because he's the head of the police department. Beverly said this argument is unproductive. Joe said Langhorne Manor had two of them up. Penndel always has difficulty in doing the right stuff but then when it comes to the wrong stuff like the Berlin Wall and the Airbnb and everything else, they can't do it right. Beverly asked where he was going to hang them. Joe said there are several options, or they could put them up like Hulmeville and Langhorne Manor. Beverly said they probably either own those poles or have permission. Joe said nobody asked permission. Joe said they don't own them, and nobody asked PECO. He asked if they really thought a man from PECO was going to go up those poles. Beverly said this was the same problem with putting Heritage Society banners out on Route 1. Joe said if she wants to go that route, they can use these other options which are even cheaper. He doesn't want to wheel out this stuff so he probably wouldn't want to do a dolly type system. Beverly said he's making an assumption. Joe said he just said he won't bring them over. Beverly said she wouldn't want to lug something that expensive from building to building either. She asked why he can't just go over and look at them. Joe said the taxpayers are seeing these signs sitting there doing nothing. Joe said they're making excuses. Beverly said they're making mountains out of mole hills. Joe said no, the taxpayers are seeing the signs sitting there doing nothing. Beverly said there are certain people in this audience who had a conniption over the Heritage Society banners being put on PECO poles and they didn't have their permission. She asked how he thinks they're going to feel. Beverly asked Sean how long they've had them. Sean said he didn't remember the exact date, but they were purchased with an RDA grant sometime in 2020. They are still trying to figure out from day one when they purchased them, the right way that is the most cost effective to the borough. Beverly said she and the mayor just spoke about this. Mayor Winkler said PECO wants between a 3-million and 4-million dollar insurance policy. It would increase their insurance by \$1,661.00 and it's not in the budget. He was talking with Geoff, and they were trying to talk with Verizon to see if they could do better. There's a chance they could take them down and throw them out. Beverly asked Geoff if he has been involved

with this at all. He said they met a couple of weeks ago and it was his recommendation that they contact Armour, the traffic signal and lighting guys and have them get a pole and put them up. They're in the process of getting prices. If you put stuff on PECO and Verizon poles, they have no regard for them. Several years ago, a former solicitor mentioned that we must have a lease or rental or cooperation agreement with PECO to do that. Geoff said in his experience you just don't tell them but then they can come back, and they can take them down because they have to get up there. They have a recommended minimum pole of 5 inches and he's not sure how high they have to have them. He will see what they can do with Armour. Chief Perry said they are battery powered with a solar device that will keep them somewhat charged but it won't fully charge them so they would still have to replace batteries every so often and then they could charge them and go out and replace the batteries relatively easily. They don't need any power and they wouldn't need an electrician to install them, just somebody with the expertise to install them. They are trying to figure out what was the most cost-effective way. Joe said he was in contact with Tina Davis and there's something called PennDOT Green Light Go program where they can get money and she said that they can put in for it. Beverly said they have applied for those before.

Joe said to Sean that he asked him for the inventory for the police. His constituent here had him read off this inventory at the last meeting. From his email of December 11th, he told him he needs to know what's in the equipment, and he still hasn't gotten it. Are there two rifles, two tasers, and he still hasn't gotten it. Sean said he has answered this question for him. He will not release the number of weapons because it is an officer safety concern and he's not going to release it. Joe said Sean was like a child right now. Sean said he was. Joe said he's asked him privately. Sean said he's asked him at a public meeting like right now. Joe said he's a police officer and he just lost his temper. Joe said he yells at residents. Sean said Joe yells at residents. Joe said no he doesn't, and Sean doesn't listen to the residents. Joe asked then why the residents are coming to him about six drug houses that he's not doing anything about. And he asked why the residents on the Planning Board telling him about the traffic accidents on Bellevue Avenue and about speed. (There was a lot of unintelligible yelling.)

MOTION BY BARBARA HEFFELFINGER TO RECESS FOR FIVE MINUTES AT 8:17 P.M.
SECONDED BY LAURA GERMAIN. All ayes, motion carried.

The meeting reconvened at 8:25 p.m.

Solicitor's Report

Dave Truelove thanked council, the borough manager, the mayor, and staff for working with them on the new rules on the Sunshine Act for the agenda, within the confines of the new requirements for notice. As was discussed in the executive session, for the Airbnb at 358 Dehaven Ave., they have entered into a proposed agreement subject to council approval. The agreement states that the applicants shall not operate an Airbnb rental home on the property unless variance relief from the PennDel Borough Zoning Hearing Board shall first be obtained beyond appeal in accordance with the borough's April 7, 2021 violation notice. To do so they did agree to a temporary stay notwithstanding the above, the borough understands that the applicant has certain existing Airbnb bookings and agrees to allow applicants to continue with any such contractual rental bookings that exist as of the execution of this agreement through September 19, 2021. That is the last date that they could have anything there. The borough agrees to temporarily stay any enforcement efforts including but not limited to request for payment of fines and penalties during this as specifically related to applicants' existing Airbnb bookings provided but after some written confirmation of no further bookings of the property after September 19, 2021. What they accomplished is that there will be no more short-term

rentals of this location after September 19th. Their ordinance is not ironclad in terms of some of these things so they've discussed separately the possibility of going forward with some ordinance amendments that may hopefully strengthen that Supreme Court of Pennsylvania's guidance. Other municipalities that have entered into a short-term rental ordinance would help them as far as not having to reinvent the wheel.

MOTION BY MARK MOFFA TO APPROVE THE SETTLEMENT AGREEMENT STIPULATION AS INDICATED SUBJECT TO AGREEMENT OF THE PROPERTY OWNERS. SECONDED BY JOHN STRATZ. Joe Dudash asked Dave to explain to the audience what happens if they break the contract. Dave said if there's a violation of this, they go in immediately for enforcement and they are not limited to what they could do. They could go the injunction road. There are several options that are at their disposal that they could pursue so they're not limited in any way by doing that. His understanding is that there were some concerns about some property maintenance issues like grass cutting and things like that. He understands that they have complied at least until now. Everyone will be vigilant. They've asked code enforcement to keep an eye on it. They do not lose the opportunity to pursue any enforcement if indeed the terms of this are broken. They provide written confirmation of no further bookings so it's not just they tell them. They have ways to monitor this. They can go online and look up Airbnb and look up the address or if there's VRBO something like that and find out if they're actually violating it. This has been done with their counsel, so they have an attorney so it's not as if they're doing this without competent counsel to advise them. If they violate this, there's not too many judges that he's aware of in Bucks County that would be very happy with somebody violating an agreement that's been entered into with the advice of counsel and under these circumstances.

Helene Kelly, 357 Dehaven Ave., said in that proposal that he gave it said and or rooming house. She asked if that was also off. Dave said as the ordinance stands that's something that if they go that route, they have to comply with whatever is in the ordinance and that's something else they have to address. Helene said he had a rooming house when he first moved out. Dave said that's not allowed in that zoning district and that's something else they'd have to enforce as well. Helene said they don't want to see that again. The Airbnb hasn't affected us across the street. Everybody's been pretty nice. She just came back from Florida where they rented an Airbnb, but a rooming house is different. His colleague Ben's first time in court for Pennel was on one of those very issues in 2018. He can't say that they're going to comply, but this gives them a lot more teeth. If there's a violation, they want to know about it. Helene said there were some people looking at his house a few weeks ago for his pool and grass. Dave said that's code enforcement. Helene said they have a guy that comes. Dave said Ms. Nigra was here talking about that she's backs up to the property, so they raised that issue with his attorney.

Joe Adams, 327 Neshaminy St., said Dave mentioned that there was a Supreme Court ruling. Dave said it was a decision. Joe asked if he knew the decision reference. Dave said he can text his colleague Mr. Hauser. It's out of the Poconos or either Monroe, Pike or Wayne County. He thinks it came down this year. Joe said similar case, short term rental ordinance. Dave said it discussed whether or not the ordinances that were on the books were if the township or the municipality had power to enforce it. Joe asked if Dave knew what the Supreme Court ruled. Dave said with the municipality. He discussed this with council for when a draft ordinance is presented, the public will be able to consider a couple of options. Dave said it was the Slice of Life versus Hamilton Township Zoning Hearing Board, April 26, 2019. They could go either zoning or general ordinance. Those are two of the different choices they may have.

All ayes, motion carried.

Zoning/Code Enforcement Report

Beverly Wolfe read the report which is on file in the secretary's office.

Public Comment on Agenda Items

Tom Sodano, 126 W. Woodland Ave., asked Geoff how long they have been aware that the slide has been broken. Beverly said probably a little more than a month. Tom asked Geoff if options other than replacing it were explored. Geoff said they asked if they could repair it and they said they can but it's probably going to be close to the same cost. Some company out of Alabama has to come up to repair it and they said it doesn't really last that long. The slide is from 2006. Beverly said the plastic part of it is not replaceable anymore. Tom said the information he got was completely different and he was told that it would cost approximately \$1,500.00 to \$1,600.00 to cut that piece out and weld in a new piece with plastic welding. The company has an extensive resume of municipal slides that they've repaired and a four-year guarantee. Maybe they should reconsider being as it's the end of the season whether they want to spend \$7,000.00 on that slide right now.

Karen Kondrk, 426 Fairview Ave., asked to go out of order because her father is in the hospital, and she needed to make phone calls. She said she didn't normally do this but felt like she had to say something. She said this is for Jay Moser. When listening to the recording of the August 16th work session, Jay was complaining about the fence at 541 Hulmeville Ave. He mentioned lip service from here which she guessed that he meant her, saying she told them to follow the new rules that are coming up. Karen said first, she felt like Jay was insinuating she didn't do her job. Second, she doesn't have the authority to tell someone it's ok to do something like putting the fence on the property line because it is going to be in the new ordinance that wasn't passed yet. She explained all the steps she took to try to get the permit application from the builder. She felt it wasn't right to welcome the new owners to Penndel by sending them a violation notice when it was the builder who did the fence. The permit is done and waiting for Tom Snyder to come in and pay for it. She said her issue was that she felt like Jay thought she wasn't doing her job. She explained that she has been with the borough for 19 years and feels she does a good job. She has gotten many compliments from contractors and realtors for her help. She said she is nice to everyone and is the type of person who always wants to help. She handled the complaint the best way she thought to handle it and was sorry if it wasn't good or fast enough for Jay. She also said that she thought that some of the people in the borough take the two weeks between meetings to try to conjure up what they can to complain about next. Many things brought up could be answered with a phone call to the borough hall.

Pat Donahue, 520 Bellevue Ave., complained that the grass at 21 Joyce Ave. has only been cut three times this year. It's long again and it's blowing over now because all the rain. It's been going on for years. She needs to be notified when it goes over the code of 8 inches. She keeps getting away with it. Beverly said she would research what mechanisms they have in place. Pat said she violated it multiple times this year and it's been going on for 10-15 years. Beverly said the last time he complained about the grass it was cut the next day. Pat complained about it in May and told the mayor on Election Day. They didn't cut it until June 16th. Beverly said she will get back to him at the next meeting. Dave Truelove said he didn't look at that specific part because he thought they had complied. Pat said now they have to wait until they get a letter out to her, and she waits for 30 days before she gets it done. Geoff said the last time he complained, the very next day Karen contacted the property owner and the landscaper to go out and cut the grass which he eventually did so they have been keeping an eye on it and when he drove by the day after his complaint, at that point it was not yet an ordinance violation according to the ordinance. Beverly said according to the code, 130-4, they

can go cut it and charge them for it and the next one, 130-5 she wants Dave to look at and see what kind of action we can take. Mark Moffa said the violation would be of 130-1. Beverly said yes but it's described in 130-5, penalties. Dave said if they don't pay the penalties and he's sure a lien could eventually be imposed on the property. It sounds like the borough is being vigilant, but they need to be more proactive.

Joe Adams, 327 Neshaminy St., said that based on the comments from the police chief that were discussed today, he knows there was talk of a server being pushed for grants. He is one of the instructors for the IT Academy at Bucks County Community College and they just held one of their larger events on ransomware. One of the things that they've been pushing to every organization in Bucks County including their municipal partners is to consider options that push away from physical servers in the building where they don't necessarily have the staff, the expertise, and the knowledge onboard to maintain those things and look at something up in the cloud. He does understand the technology resources and having the staff in the building can be challenging. Maybe having a committee on technology renovation or some form of an ad hoc group of citizens that could explore some of these opportunities without incurring costs to the borough would be good. He's sure they need another server. He would love to see a committee that is focused on little things like getting them on Zoom here and getting some of the technology up to date without incurring costs and thinking of ways that we can do it safely and responsibly and maybe running a risk assessment to make sure that they are covered for ransomware footprint and making sure that their digital assets are just as safe as the police are keeping us in the building. He's not looking to ruffle feathers, but he's seen in New Jersey, the entire Sheriff's Department has been taken offline because of ransomware. He's seen police not be able to do their job and as of September 11th of 2020, they had the first ransomware casualty. A lady was driven to a hospital, and they had to turn her away because all their computers were infected, and she died in transit. He thinks that's the first official recorded casualty due to that type of event. He would really like to request that there be exploration into looking into technologies that will be safer and more sustainable and can be run without having to incur full time staff.

COUNCIL COMMITTEE REPORTS:

Buildings & Maintenance

Gary Nickerson said as has been discussed numerous different times tonight regarding the slide. Geoff took some time and he researched the slide and he put together a bunch of proposals and made a recommendation that's for consideration tonight.

Community Development

Barbara Heffelfinger reported that they're working on a few grants. The RDA is coming up and Beverly is doing one for the police building. She has another one for the Green Region Grant which is just for \$10,000 but every little penny helps and that's for cleaning out the swale at Taddei Woods along Spring Street. They also have another RDA grant that they're putting in to clean out the storm drains and that would be in conjunction with what PennDOT is going to be doing on Lincoln Ave. They're working on another one and they still don't have it completely nailed down yet for the coastal zone management and that would also probably involve Taddei Woods. She and Carol are working on that right now.

Community Relations

Laura Germain reported that first draft of the newsletter should be out to Karen and the other proofreaders this week. She's waiting on a few things. A lot of people sent her stuff but if anyone has anything else they want to send to her they can. She was hoping that she would be

able to have some more live events but because of the Delta variant, she decided it was probably more prudent to continue having the events that they had last year during the pandemic. We can do Penndel pumpkins again which were very popular. People could come in get a pumpkin and decorating kit and then they displayed them at the Activities Committee's Halloween party and the mayor picked a few winners and they got some gift certificates. They're going to do that again. She'll probably have those available starting the beginning of October. They're going to do Halloween like they did last year and set up the three different sites with the Halloween decorations. She's hoping that she can put out candy for people to take like last year. She said that Beverly sent her this really cool idea for a chalk drawing day which she's hoping they can do in September. People can come here and get chalk and then draw either outside borough hall or outside at their own house. Beverly said that she had given her some suggestions and she'd like to find a way to implement the one that she suggested - you've been caught being good or you've been caught doing good. Figure out a mechanism for those criteria. Give credit where credit's due to outstanding folks that are doing things around the borough that are the unsung heroes that nobody knows about.

Finance

Barbara Heffelfinger reported that they did not have a Finance Meeting because somebody gave her and her husband a surprise party. Some people have submitted their budgets with some very good suggestions. She's spoken to Geoff about it and he's telling her not to worry but she's worried. He's got it covered.

Insurance/Pensions

Gary Nickerson said Marie Serota read the report earlier about the contributions. If there's any insurance issues or anything like that necessitates change to the insurance policy, that's something that should talk to Marie, him, or Mark about.

Open Space

John Stratz reported that the Bucks County Health Department will be spraying Taddei Woods on Thursday to help with mosquito control once again. All the residents should be vigilant for any standing water. Make sure there is no standing water outside your house and empty flowerpots that have flooded from rain.

John Stratz said he would publicly like to thank Kevin Burcz for his patience and his offer of help. It was misconstrued by someone after the last meeting that he was to blame for the weed problem they have down at the rec field which is completely untrue. Kevin has told him that he is fully willing to help in any way with the rec field grass cutting. His only assignment is to cut the grass outside of the fence for the memorial section and it's the Wildcats that need to take care of the grass on the inside of the fence which to him goes over to the pavilion. He was unable to ask him to help because he didn't have council approval before tonight and the Wildcats are already back playing and they are now taking care of it, but he would like to thank Kevin once again.

Ordinance

Mark Moffa reported that there has not been an Ordinance Committee meeting since the last borough council meeting. They are meeting later this week, so he'll have an update at the next meeting.

Public Safety

Beverly Wolfe reported that there is a meeting scheduled for tomorrow night.

Public Works

John Stratz reported that they have started the project of sewer inlet inspections. Jamie from Value Engineering is numbering all inlets with blue chalk. She has this device that they're creating their own GPS coordinates as they go along. Some of the boxes are old and might need repairs such as mortar. A lot of the really old ones are brick boxes in those inlets and some need cleaning out. They will be hitting every single inlet. They got to 142 today so that's a lot of walking and measuring but they will get it finished.

Refuse

Gary Nickerson reported that trash will be picked up tomorrow. It's not being moved to Thursday. Mark said Karen let them know about it last week. Gary said he doesn't know why but Waste Management is pretty much running the show now. He's not sure if this is going to be a thing moving forward but he can double check with Karen on what's going to be the policy. Mark said Laura posted it on August 24th. Tom Sodano said that Waste Management typically does not delay trash since they bought it from Advanced Disposal. Laura said she posted it on August 24th, and she reposted it today. She said Karen suggested she post it early.

Long Range Finance

Gary Nickerson reported that Mike Smith put in his resignation which is up later for a motion to be considered under new business.

Revitalization Task Force

Mark Moffa reported that they had a meeting last week. For the first time, task force members were able to meet with Geoff. Also, a representative from the Bucks County Planning Commission was there as well as Mr. Singh who's the new co-owner at 24-50 Hulmeville Ave. Mr. Singh reported that right now they're doing feasibility studies to determine the best possible uses for their site including whether they would be reusing the existing Furniture Mart building. Their initial concepts called for a mixed-use development with senior citizen assisted living being one component of that but obviously they're in their very early phases. It will take years for a project of this scale to come to fruition. He's excited about this and is looking forward to keeping the lines of communication open going forward with all parties involved.

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

Comcast invoice dated 8/1/21 in the amount of \$231.53 for PD internet and voice services

Deer Park invoice dated 8/3/21 in the amount of \$106.89 for spring water

Gettysburg Benefits Administrators, Inc. invoice dated 7/30/21 in the amount of \$169.59 for dental insurance installment

State Workers Insurance Fund invoice dated 7/30/21 in the amount of \$1,631.00 for fire department workers' compensation insurance installment

PECO invoice dated 8/2/21 in the amount of \$1,600.89 for two months' street light electric

Comcast invoice dated 8/2/21 in the amount of \$205.50 for internet at 790 Neshaminy Street

Comcast invoice dated 8/1/21 in the amount of \$519.51 for business voice edge service

Independence Blue Cross invoice dated 8/6/21 in the amount of \$5,484.44 for medical insurance installment

Selective Insurance invoice dated 8/12/21 in the amount of \$3,457.00 for workers' compensation and commercial package installment

Comcast invoice dated 8/15/21 in the amount of \$201.40 for internet and voice services

SECONDED BY JOHN STRATZ. All ayes, motion carried.

Beverly said this is escrow and the request was made by the engineer for AutoZone. The summary sheets were attached for council to review. The borough manager has included all the summary sheets of everything that was already completed and completed to her satisfaction which is why she is requesting the release of the escrow funds.

MOTION BY MARK MOFFA TO AUTHORIZE REDUCTION OF THE AMOUNT OF FINANCIAL SECURITY POSTED FOR COMPLETION OF IMPROVEMENTS AT 200 W. LINCOLN HIGHWAY BY \$197,054.73. SECONDED BY JOHN STRATZ. John asked if Carol approved this. Beverly said she did. She has the breakdown of all the financial consideration, and it does leave behind a balance of almost \$41,000.00 that will remain in the letter of credit or bond to support the completion of remaining improvements and also fund the maintenance guarantee for 18 months following completion and acceptance of all improvements. Dave asked Geoff if there is a 45-day window to approve something like this under the MPC. He thinks that's for escrow reductions. Geoff said he wasn't sure and would look it up. If the conditions are recommended by the engineer, it's challenging to really object to them. Carol did the inspections. Beverly said she has the breakdown detailed and she also outlined on the summary sheet for payment number one if you look to the far right it shows what is remaining to be done and how much it costs which is more than covered by the balance still left in the escrow account. Dave said the maintenance bond is something that is paid for, for 18 months after completion. If there's anything else that has to be done that still seems to linger or occurs over that period of time, it will be covered. There's actually protection too if there's any inspections or anything like that, for the borough in that respect as well. All ayes, motion carried.

Mark Moffa said he very quickly looked up plastic welding for the playground slide. He does see an example of one used on the plastic slide just to fill a small hole about the size of a half dollar. Their slide has a large crack almost all the way across the bottom of it so he can't see how that method would fix this problem. Perhaps there are other options out there but that's what he was able to quickly pull up and that would not seem to be a suitable solution. Geoff said when he called the company he asked about the repair, and he emailed them a photo and their concern was just how big of a crack they had and whether the repair would last very long. Mark said he wonders if there's any kind of warranty implication. Mr. Sodano provided a flyer, so he'll pass this along to Geoff. Beverly said they should look at it before they do anything.

Dave Truelove said they can defer the paving motion to the next meeting. There is one thing that has to be clarified. There are three options here. They can pick one, two or three and there's different approaches depending on which one they decide to go with. Beverly said they will defer this to the next meeting when the borough engineer is here. Mark said just note in the communications, if you select one of the two options that require bids, paving season ends at the end of October.

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE RESIGNATION FROM PART-TIME PATROLMAN DEREK WEISS. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY MARK MOFFA TO ACCEPT THE RESIGNATION FROM MIKE SMITH FROM THE LONG-RANGE FINANCE COMMITTEE. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Beverly Wolfe announced that Bucks County Water and Sewer is going to be relining some of their water mains. They are planning on starting the lining project the week of September 7th which is now starting in the vicinity of Lincoln Highway on Centre St. to W. Woodland. Some delays should be expected and a portion of the roads at times may be closed to traffic. Residents will have access to and from their homes. You will be on temporary water lines and not billed for the usage during that period. It is signed by John Butler, Chief Operating Officer, Bucks County Water & Sewer Authority.

Public Comment

Tom Sodano, 126 W. Woodland Ave., said he had a couple of questions about paving and Washington Ave. He was a longtime resident of the Langhorne Gables area so he's familiar with the fact that Middletown's area of Washington is in fact a dedicated street. He asked if anybody knows whether or not Pennel's portion of Washington is a dedicated street. Beverly said it was until several years ago and when their potholes were filled on that street. Once they fill those potholes, they assume responsibility for the next 23 years or some obnoxious number like that. Tom asked if that means that it's effectively a dedicated street for that period of time or are they just responsible for it. Beverly said she didn't know what the difference between being responsible and a dedicated street is. Tom said it makes quite a difference because a borough engineer stated that much of the damage on that street is caused by one of the residents pumping their sump pump water under the street. So, if it's the borough street, that's highly illegal and he should be sued for destroying the street. Tom asked, if it's not the borough's street, then why are they responsible for the damage he created by pumping water under it. John Stratz said he isn't pumping water under the street. The pipe from his sump pump goes under the street and pumps into Taddei Woods like everybody else. Tom said it pumps into wetlands. John said it sure does. Just like every other house there and he would like to stop it. Middletown does it as well. Tom said not across a property line. He lived in Middletown and he's really familiar with that. He was at Adams and Harrison for 20 years. You can run a pipe to the edge of your property, but you cannot cross a property line. You cannot cross the street. And you can't do either of those things to intentionally put the water into FEMA protected wetlands. John said he would very much like to stop every single house there from doing it. Tom said if they only run it to the edge of their property, you can't stop them. They can't cross their property line. Beverly said there are a couple of them that have the flexible hose going into Taddei and they are in Middletown. Tom said they should be reported. When he lived over there, there were three homeowners who were sued by Middletown for that. Beverly said she believes the borough engineers said there's a sump pump discharge under the pavement that must be managed. Tom said that's obviously what's destroying the street. He doesn't understand why they would, regardless of potholes knowingly damage that street. Why do they repair them? Beverly said they will find out if that is all that's destroying the street when Carol is at the next meeting.

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

Submitted by: _____
Marie Serota, Secretary/Treasurer