

Penndel Borough Council Work Session Minutes

September 20, 2021

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

Present at the meeting

Mayor Robert Winkler
Council President Beverly Wolfe
Council Vice President Mark Moffa
Councilwoman Barbara Heffelfinger
Councilman Joe Dudash
Councilwoman Laura Germain
Councilman John Stratz
Councilman Gary Nickerson

Also present at the meeting

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

Announcements

Gary Nickerson reported that there is an e-waste recycling event on October 2nd at Our Lady of Grace School parking lot.

Consent Item

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE SEPTEMBER 7, 2021 COUNCIL MEETING. SECONDED BY JOHN STRATZ.

Joe Dudash said they were incorrect. It was not noted that the police chief left the meeting and didn't return and he had more questions. Barbara Heffelfinger said he was told he could leave the meeting by the mayor. Joe said he didn't tell the rest of council. Beverly said that was when she recessed the meeting. Joe said he had more questions. Beverly said she didn't recall Joe saying that. She said they could defer to the audio recording of the meeting to see what was said before she had to gavel and recess the meeting. Mark said the minutes are very detailed so let them speak for themselves. Joe said he left abruptly. Barbara said with the mayor's permission. Beverly said it didn't happen on the meeting floor so it can't be in the minutes. Barbara said she wanted to make it clear that she saw him go over to the mayor and ask. Beverly said she has knowledge about that as well, but it cannot appear in the minutes. They can have this section of the minutes reviewed up until they reconvened.

MOTION BY JOHN STRATZ TO TABLE THE MOTION TO APPROVE THE MINUTES.

SECONDED BY MARK MOFFA. Beverly said apparently, there's some dispute as to questions that were supposed to be asked after they reconvened. Bev said that Joe said at the meeting that he verbally said to the chief that he had more questions. Joe said it's fine, just put in what Gary said that he left the meeting and did not return. All nays, motion failed.

MOTION BY MARK MOFFA TO APPROVE THE MINUTES WITH THE ADDITION THAT THE POLICE CHIEF SEAN PERRY LEFT AND DID NOT RETURN IN THE SECTION AFTER THE MEETING WAS RECESSED. SECONDED BY GARY NICKERSON. Barbara said she will not

vote for it that way. She wants it noted that the police chief did not leave until he had permission to go. Beverly said it did not happen on the council floor so she doesn't see how it can go into the minutes. 6 ayes, 1 nay (Barbara Heffelfinger). Motion passed.

Reports:

President's Report

Beverly Wolfe reported to Mr. Donahue that the solicitor's office is looking into the ordinance on the weeds, but she understands the property is receiving violation notices. The borough can send the contractor in to do the work when they don't respond and bill her for it. Pat asked when they will do that. When it's three, two or one foot high? Beverly said it's not by feet. It's when somebody reports it or it is noticed. The owner has so many days to respond and if not, they can send the contractor. Pat said he called it in and nothing was done and that was in May and June 16th it was cut. Beverly asked what has happened since June 16th. Pat said it was cut but he has to complain about it before it gets done. Beverly said he shouldn't have to. But they have to give the property owner a chance to do the right thing and cut the grass. She asked if he wants them to keep patrolling that property to see if the grass is high. Pat said she gets a letter and throws it away. Beverly said if they send the letter and as she doesn't respond, the next step is they send the contractor in to do the work and make her pay for it. Pat said this last time she didn't cut it for another month. Beverly said they sent the contractor three times. The solicitor's office is still looking into it. When she has an answer from them, she will give it to him. She knew her answer wasn't going to be satisfactory, but she said she would report back and she did.

Mayor's Report

Mayor Winkler read a memo from Borough Manager Geoff Thompson which is attached.

Engineer's Report

Carol Schuehler read her report which is attached.

Joe Dudash asked about the inlet at Spring Street because he's seen the photographs where the house gets flooded. Carol said they surveyed the inlets in the borough and most of the ones that had the crumbling brick on the state highways. She will be able to generate a map exactly where they are. Joe said on Bellevue Ave. by Route 1, they repair these things and then the trucks run them over. He asked if they could put bollards up so that it rips the trucks when they hit it. They just run them over, especially across the street at the trucking company. If they fix them, they're going to be torn up again. Carol said Lincoln Highway was built in the 1960s. Sixty years later and some of these bricks are starting to go. Her thinking is to do the repairs now and try to get another fifty years out of them. Joe asked how to prevent the truck abuse by the carpet mill. They're constantly replacing that cover. Carol said it should be fixed by the Lincoln Hwy. Project. You can't stop traffic from running over the ones on Lincoln Hwy. Joe said by Paul's Pizza they just run right over the sidewalk. Carol said that's a different issue entirely. They need to keep working with PennDOT on that. It's finally getting done at Hulmeville Ave. and she looks forward to working with PennDOT on the other intersections as well. Joe said the swales are a good idea. He asked why they are paving Washington Ave. if it's not the borough's street. Half is Middletown's. Ben Hauser said the portion of Washington that is in PennDel is what's known as a paper street. It has never been formally dedicated to the borough. The property owners own out to the middle of the road. Since the borough owns Taddei Woods, it literally owns the other half of the roadway. There was some discussion maybe a year or two back about potentially reaching out to the property owners across the street and consulting with them to redo their half of the roadway. In the past, the borough may

have done sporadic shoveling and pothole filling on the property. The other side which may or may not put the burden of this situation on the borough because they may be responsible for their portion. Joe said Middletown was doing work down there and the mayor had Middletown come up with the extra asphalt to fix these holes. Ben said the borough could have done things in the past that may put this in a different posture in the sense that the board may still be responsible for the other side of that roadway because it's been worked on in the past. Joe said it's the same with the gully and now we own it. Ben said that is different. They are talking about a paper street which is a little bit of a thoroughfare versus a kind of storm water pipe. Gary asked if there had been a motion to discuss any of this because if there is nothing, he doesn't want to waste time talking about it. Joe said it's the taxpayer's money. Gary asked if there was a motion on the floor to spend this money right now. Beverly said there is no motion yet. Joe said Carol said they could ask the solicitor about the street. Gary said the whole point of a debate is for a motion otherwise, what is the point about having this conversation. He supports having this debate if somebody wants to make a motion on this. Joe said Carol is the professional and she's guiding the council with her professional opinion on what they should do. She suggested that the solicitor give them interpretation legally of the paper street. Beverly said for Washington Ave., back in 2016 she believes, the street was serviced by the Pothole Killers to have potholes filled on it. When that happened, the borough did assume responsibility by filling the potholes. Ben said it is a very fast specific sort of analysis with respect to that portion. It is not entirely clear whether the borough has full control over what happened with the roadway. The recommendation is that the property owner be reached out to and have an agreement with respect to their arguable putative portion of the roadway. Beverly said the beginning of the street is in Middletown Township and from the lights back, half is Pennel and half by the property owner across the street. Ben said the street has been in existence for some time and the 21 years to open it is expired. The borough can't take control of the street. But there is some kind of odd caveat that is open to the public as the borough's kind of gone in there and done some work. The question then becomes how much works it needs before it becomes the borough street. Joe asked if they are responsible for the pipes that are under the street. Beverly said that Carol had said they are coming up on the point of no return for paving. There's no way all of these questions are going to be resolved by the time they're going to be closed for paving. She still has some work to do with the pipe running underneath and they're not going to have time to find out even if they have to reach out to the property owners. Beverly asked Carol if Washington Ave. was not paid by liquid fuels funds, it would not be subject to the applicable deadline. Carol said that is correct. It would be subject to temperatures, and they've had some unseasonably warm temperatures which has been happening lately and then theoretically, they could see that street afterwards assuming the contractors are willing to remobilize for just that. Carol said they could wait for two weeks to give time to with the property owners. It wouldn't be the end of the world, but she would suggest if they want to do something with the others, not to hold them up. Gary asked if there is a list that prioritizes or at least rates all the streets in the borough as far as this order because he was surprised to be considering any paving on streets that are not Oak or Holly which haven't been for around 60 years. Any spending that could potentially take away from a future paving contract for those, he would be very concerned about. He's seen the sections they're talking about and that's pretty much the whole length of Oak and about 2/3 of Holly. He was surprised to see they were considering doing small things on streets rather than consider paving an entire street or section of street. He asked if that had been considered. John Stratz said it has been considered. With the emergencies that they've had that have siphoned away available funds and his reluctance to go Pothole Killers for the fourth time for these in areas of Fairview and the one next to the church's parking lot at Crescent and Bellevue, much more than just a little coating of a band aid is definitely necessary for those two sections. Gary said his concern is that they're spending money and it's nice to do little things, but his concern is they won't be able to pave an actual

street for years to come. He asked what funds are available. John said the problem is the liquid fuel. The state is lowering the liquid fuels' allotment every year, especially after no taxes came in last year due to Covid. Nobody drove and nobody bought gas. Therefore, taxes for liquid fuels are just not available. Therefore, to start a project of paving entire streets, that's all well and good, but that's a lot of money that has to be put into the budget. They have to make these repairs. Carol said last year she produced a memorandum to the Streets Committee talking about what they could do instead of repaving where they start getting into curbs and inlets and a lot of complications. There are different methods of sealing the streets with multiple layers, but it wouldn't necessarily trigger all those because it's not a full depth paving but would give a much nicer surface for years to come and get a little longer lifespan out of those streets. Oak Ave. was \$45,000, Holly Ave. was \$64,000, Highland was \$21,000 and Rumpf was \$33,000. Beverly said it was something they talked about for next year's budget. They would try to get at least one of those streets done. Gary said his concern is basically they're going to be spending 20% of Oak and Holly instead of saving up for that. They would be spending 20% of that project now. Beverly said that's correct. The one by OLG they keep filling those potholes and the whole thing is just collapsing. That's why they wanted to do that. Gary asked if there was a ranking system. There's a lot of ways they could spend liquid fuels' money. They could do a street. They could seal some of the existing roads that they paved so they could maintain them and ensure that they last longer. They can do major paving repair, or they could save up for streets that haven't been paved. He thinks Oak was paved in the 40's and Holly, maybe in the 60's. He was surprised to hear that those aren't at the top of the list. Beverly said as far as full streets they are but for a repair to fix potholes that keep getting fixed over and over again, obviously these were the ones. It's up to council to decide how they want to spend the money from the liquid fuels' funds. Do they want to do these repairs, or do they want to save up the money, about \$120,000.00 or whatever it is to do Oak and Holly? Mark said the current balance in liquid fuels is \$136,646.00. Gary asked if they had an idea what they would be getting this year. Mark said it was \$62,000 in 2018, \$63,000 in 2019 and \$62,000 in 2020. Beverly said this is the year they would take a hit. Joe asked if they were cutting out the whole intersection. Carol said it is the approach to the intersection. The pavement is shot right there. They marked out the smallest area possible which was 700 square feet. What this is proposing is a full depth prepare so that it's solid. For the other area, they're talking about a patch so it's not a true full depth repair and truth be told, they could probably go back and do that at Fairview and Dehaven. Just don't come yelling at her if it doesn't hold up for six years. When pavement fails, it usually fails from the bottom. It disintegrates and that's the most common way you get potholes and holes. When you properly repair the pavement, you've got a nice even square and you'd remove all the pavement layers and bring new pavement up. That's what's estimated for Fairview and Dehaven and that's the right way to do it and then it lasts for a long time. They would be going down 6 1/2 inches. If there's something underneath that's not perfect and not stable that will reflect back up through but it would buy you some time on that really rough area. It's about doing it right not just doing something. If they want to just do something and do something in a lot of places, that two inches is going to buy a little time, but they might be revisiting those places in years to come. Gary said on the estimate from Haines regarding Washington Ave., he doesn't know if that number is accurate because on the estimate is \$20.00 a square foot but when you do the math it's \$10.00 a square foot so he's not sure if it's \$4,600.00. Carol said that's because the width is only about 12 feet wide and it's not a full width road. It's like 40 feet long. Gary said his estimate said \$19.99 a square foot. Carol said she will check with them on that for the next meeting. Beverly said it seems to her that it is the desire of council to table the motions from the engineer's report. Mark said he would make a motion on the sidewalk. Beverly said she was talking about the paving ones. John said he was under the impression they were only tabling Washington Ave. Beverly said there seems to be some errors on the estimates on the other projects as well. Carol said just the one that Gary

pointed out for Washington Ave. Mark said he shares Gary's concern about spending that money right now, just looking at what they have in liquid fuels and they're going to be expecting less and they will be wanting to do some actual major road projects in the next year or so. He'd like to see a plan that involves these as a part of it. The last plan he saw was the one Carol had about a year ago but \$11,000.00, \$12,000.00 wasn't part of that plan and he hasn't seen a plan that incorporates this and it is a significant amount of liquid fuels money so he wouldn't be comfortable supporting it tonight. Mark said it's not to say that he would never support the projects, but he wouldn't vote for them tonight. John said the problem is if they don't do it now, they will have to wait until next year. Mark said he understands. It just came to their attention tonight. Gary said there's lots of places around town where there's terrible potholes. There's no list or long-term planning for road paving and that's his concern. John said they put it in the budget last year for this year and this year they're still under the constraints of COVID. He can't get people out. Mr. Haines was the only person who has come out and actually given him an estimate. Three other people just blew him and Carol off. The project scope of the streets' projects will be in the budget again this year for starting for next year. It's nice to put away for a rainy day but this is a repair that needs to be done. He has tried to get companies to do the potholes in this borough and he's been unsuccessful. Bucks County Water and Sewer had the relining project. They sent a memo saying due to lack of employees, they're putting that project off until next year. That was his problem with potholes this entire year. He could not get a company out to do them, but the residents are screaming bloody murder. They spend \$1,800.00 to get rid of a tree in Taddei Woods. The potholes affect way more citizens than Taddei trees. Mark told him to make a motion, that he might have the votes. Joe said they're in tough times right now and next year he doesn't think it's going to be better, so they have to stretch the money. Barbara said on Washington Ave. it's not a pothole; it's a crater. If Mr. Haines can correct that estimate she thinks that would be something that we should really look at. Mark said that one would not come out of liquid fuels so that's a separate thing. Beverly said she wouldn't support filling that until the legal questions of ownership are completely resolved. If they don't have ownership of it, which she's a little confused because a few years ago when they addressed this subject, they were talking about that they had sent Pothole Killers over there to fill in potholes. Therefore, they took ownership. But until those issues are resolved, she doesn't even want to touch Washington Ave. They would have to contact the property owners to see what portion is theirs and that's going to take time. She's willing to do that if they find out that they are responsible. If they're not responsible, they go the other direction but either way they have to establish it.

MOTION BY JOHN STRATZ TO APPROVE HAINES PAVING TO REPAIR PAVEMENT ON THE 700 SQUARE FOOT AREA AT THE INTERSECTION OF FAIRVIEW AND DEHAVEN IN THE AMOUNT OF \$8,885.00. SECONDED BY LAURA GERMAIN. Laura asked Carol about the two repairs because it's always a balance between safety and money. As the expert, she asked how urgent she would characterize these two repairs. Carol said she thinks they're going to have to fill them and some other holes that she's seen throughout the borough to get through the winter. They are going to have to do something. It doesn't necessarily have to be Cadillac to really make it nice. They can do something temporary, but they will be revisiting it. Laura asked if it makes sense for them to do the less expensive plan for both areas or not. Carol said that's an option council has to make. They can have Mr. Haines do what he can under the bid threshold to do some patches in other places. Just don't yell if it doesn't last for a lifetime but it would certainly buy a good bit of time to have new fresh two inches of surface. Carol said each patch is 4 foot by 4 foot and it sounds large, but you have to get outside the area that's broken and he has to match the width of the milling machine. Laura said to get through the winter, they should do something. Not necessarily the more expensive plan. Maybe they could explore other options and talk about it at the next meeting. She's not inclined to do nothing based on

Carol's information. Mark said he's not doubting the validity of the need for these he just feels that he'd want to see an assessment of what other situations like these there are all around the borough and how can they prioritize them and have a plan for the major street repaving. Carol said she did one back in 2015. Mark said they are doling out the money in these increments, maybe it would make more sense. Carol said she can provide that information. If council decides to utilize this contractor on a piece meal basis, then they could use that plan to determine where to send him. Gary said he has no problem paying for any sort of road maintenance and potholes. He thinks that's vital, but John was saying potholes for \$50.00 and this is \$142.00. He wouldn't support these three things not knowing where they stack up with everything else that they have to do with the streets.

Tom Sodano, 126 W. Woodland Ave., said he looked at Fairview and Dehaven and noticed the next intersection of Fairview and Woodland is nearly as bad. He walked the street and thinks that Mr. Moffa and Mr. Nickerson are correct that most of that street needs work and they could get a lot more paving done for \$9,000.00 than one quarter of one intersection. Talking about Crescent St., if they didn't let the Milnik brothers pile snow on Crescent St for the last three or four years, it would not be nearly as bad as it is. Maybe they should be kicking into the damage in that street. As far as Washington is concerned, if Mr. Hauser is correct, and they have an ownership stake in that, perhaps they should be suing the homeowner who put his sump pump illegally under the street. A roll call vote was taken. Joe Dudash, no, Gary Nickerson, no, Mark Moffa, no, Barbara Heffelfinger, no, Laura Germain, no, John Stratz, no, Beverly Wolfe, no. All nays, motion fails.

MOTION BY JOHN STRATZ TO SURFACE PATCH A 20 BY 20 FOOT AREA ON CRESCENT STREET NEAR BELLEVUE AVENUE BY HAINES PAVING FOR \$3,540.00. SECONDED BY LAURA GERMAIN. MOTION AMENDED TO NOT TO EXCEED \$3,600.00. Gary said there is still something not right with the figures. A roll call vote was taken. Joe Dudash, no, Gary Nickerson, no, Mark Moffa, no, Barbara Heffelfinger, no, Laura Germain, yes, John Stratz, yes, Beverly Wolfe, no. 5 nays, 2 yes, motion fails.

MOTION BY MARK MOFFA TO APPROVE THE SIDEWALK MAINTENANCE AGREEMENT REVISION AS RECOMMENDED BY THE BOROUGH ENGINEER. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Solicitor's Report

Ben Hauser reported that council met in executive session at 7:00 PM before tonight's meeting. All present were the members of council before you along with Mayor Winkler and himself. The subjects involved litigation regarding 411 Hulmeville Ave., 338 Dehaven Ave. and 40 Bellevue Ave. The executive session concluded at 7:35pm.

Joe asked if there was any movement on the Schoolhouse Ct. HOA. Ben said his colleagues are looking into that. Joe said especially with the fire department and the whole fire truck thing. Beverly said in 2016 when this was approved, the fire department took a truck in to make sure that they could get in and back out again with no problem and that was when they agreed that it would be OK, for as far as they were concerned, with no parking on both sides. Tom Sodano said they are in a position where they need to act because they are already parking in front of the fire hydrant. People are moving in and cars are parked there. Beverly said she's been driving by regularly and she's reporting everything. Tom said they are out there tonight grilling their burgers.

Joe said it just came to his attention, the Airbnb, besides the calendar stuff, the swimming pool issue is not being addressed. The health department was out there a week ago. Ben Hauser said it's the County Health Department and it is out of his jurisdiction. He said he believes that counsel for the property owner is aware of a great many things.

Committee Reports:

Open Space

Joe Dudash reported he went down to the basketball court and said that Lou, the borough maintenance person is doing a fantastic job but it's going to take a while to get it all. The borough manager got him the proper equipment to work with. The bench is shot down there, and they have some tree issues that are growing in the fence. Lou can't get them because they are too high. Beverly asked if it is a safety issue. Joe said no, but they want it cleaned up. He knows money is tight. Lou wanted to clean up in the fence line. Joe gave Beverly pictures. She will give them to Geoff to look at. Joe said maybe she could talk to the Wildcats about the trash. Lou is picking up a lot. There are two trash cans there and he doesn't know why it's so hard for people to put the trash in them. Beverly said she was just having some conversations with Dominic about another topic and she will absolutely have a conversation with him about the trash. Joe asked about the restrooms. He asked if the borough paid for the plumbing the lady's room. Beverly said they own that building. Joe asked why there is a sign that says Wildcats donated the labor. Barbara said that was a while ago. Beverly said they should keep their fingers crossed because they haven't announced that grant yet. Joe said Lou is doing a good job down there, but he has to pull the vines and it not going to be overnight. Around the is the old suicide hill on right side, vegetation that he's going to have to get a brush hog for. Gary said hopefully once they get on top of this it can just be maintained. Beverly said she wonders if it is Pennel's. She looked at the pictures and said it is Pennel's. Joe thinks it's too much for Lou to do. Beverly said she tried to contract it out, but nobody wants to do it. Joe said for the storm water inlets, he talked to Geoff and he said about hiring a company to clean them out because he feels that Lou can't be out on the road by himself. Bob and Mr. Diaz used to do it. Beverly said they could hire a company to jet them out. She asked if he meant cleaning the leaves off the top. Joe said yes. Beverly said there was talk of subcontracting it out and getting real public works to do this, but it was just an idea. Somebody with a public works background would know exactly how to install street signs, where they go and how tall. Things like that. Joe said what about no littering signs. Beverly said if they put signs out that impose a fine, she thinks they have to have that in an ordinance. Ben said any kind of fine would have to be in an ordinance.

Ordinance

Gary Nickerson reported that the fence committee is close to being done with the fence ordinance. They are going to give the rough draft to Geoff to review and get his comment and from there hopefully it can be presented to the Planning Commission.

Revitalization Task Force

Mark Moffa reported after the revitalization task force meeting, Geoff would put a letter together to be sent to all the businesses explaining some of the advantages of the things they've done with the TOD, the enterprise zone and with all the opportunities that are available to the current business owners. It's a nice letter and it's supported with documentation and maps to show people what the zones are and what they can do. He's not aware of a communication like this that's happened in his time here. They will be letting all of the business owners and property owners know that Geoff is a resource for them and that he is available to help them because there are loan programs available because they are in the zones. Things are available that

people don't know about. So, the letter is to inform them and make sure everyone knows that they now have Geoff and he is available to help. Beverly said they had talked about something they could use to put up on the website with highlights in layman's terms with resources.

Finance

Barbara Heffelfinger reported that there is a finance committee meeting Wednesday night.

Community Relations

Laura Germain reported that the stormwater poster contest came to an end, and they got a few entries. She will post them on Facebook and people have until the end of the month to vote. You would go on Facebook and click like on the ones that you like and the ones with the most likes at the end be the winner. Carol has generously purchased gift certificates from Penndel Pizza. Laura said Beverly had asked her to look into making a chalk drawing event, so she did and the information is posted on the website and Facebook page. The week of September 27th, people will be able to pick up their free chalk here and then that weekend which is October 2nd and 3rd, people will hopefully draw on their sidewalks. For the newsletter, she has changes and corrections that she's doing so hopefully that'll be out soon. She doesn't have anything definitive yet regarding Beverly's other idea about telling people they did a good job. Hopefully she and Barbara can discuss that at their next meeting and come back to council with it. Last year they received two awards, one for second place for the website and one honorable mention for the newsletter. This year they received first place for the website from PSAB. Beverly said the award will be presented at the conference in Erie on October 9th.

Public Works

John Stratz reported that they shut down the motion on paving earlier due to math. In Carol's report on Crescent St., Mr. Haines offered additional potholes by cutting them out in patches of four by four the areas for \$8.85 a square foot. If you multiply 20 by 20-foot rectangle, 400 square feet by \$8.85 it does come out to exactly \$3,450.00 so the math is correct. Beverly said she doesn't think it's correct on the Fairview and Dehaven one. John said that's because they're totally different. They are only removing 2 inches off of Crescent and a 20 foot by 20-foot rectangle as opposed to going down a depth of 6 1/2 inches for Fairview and Dehaven. Beverly said Carol is going to get a little more definitive information on this and bring it back to the next meeting. John asked if there would be enough time to do it. Carol said she will talk to Mr. Haines and tell him the borough is interested in doing something to stay on the schedule for October.

Gary Nickerson asked if they had looked at a snow removal contract yet. Beverly said she would follow up with the borough manager to see if he's done that yet. It's part of the budgeting process too so they have to get a number for it.

New Business

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-11 AUTHORIZING APPLICATION TO THE PECO GREEN REGION OPEN SPACE PROGRAM FOR THE SWALE IMPROVEMENTS FOR OPEN SPACE DRAINAGE PROJECT IN THE AMOUNT OF \$9,900.00. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT THE FOLLOWING RESOLUTIONS AUTHORIZING AND APPROVING A MUNICIPAL GRANT PROGRAM APPLICATION TO THE BUCKS COUNTY REDEVELOPMENT AUTHORITY FOR THE FOLLOWING PROJECTS:
2021-12 FIRE COMPANTY NO. 1 ELECTRICAL IMPROVEMENTS \$75,000.00

2021-13 POLICE STATION IMPROVEMENTS

2021-14 STORM SEWER REPAIRS \$258,000.00

2021-15 RESCUE SQUAD ZOLL HEART MONITOR/DEFIBRILLATOR \$35,410.80

2021-16 POLICE DEPARTMENT EQUIPMENT \$48,979.00

SECONDED BY JOHN STRATZ. Joe Dudash asked for the list of what the Police Department is asking for, for \$48,000.00. Beverly said she gave him a list of what was in that grant. She replied to his email. They are asking for Axon Fleet 3 Advanced Dash Cameras in the amount of \$37,440.00, HPE ProLiant ML30 Server in the amount of \$3,395.00, Taser Axon 3 Electronic Control Weapons in the amount of \$6,164.00, Uline High Visibility Traffic Barricades in the amount of \$1,123.00 and the Evidence Management Hardware Bundle which includes a scanner and printers in the amount of \$675.00 for a total of 48,797.00. She thinks there might be a math problem because it says 797 but she thinks that 979 is the actual number. Joe asked why they are spending \$1,000.00 on barricades. Beverly said this is an RDA grant. Joe said he could use that \$1,000.00 to get Nick some equipment. He thought they had Dash Cams. Beverly said these are upgrades. Joe said Nick has nothing and he's spending all this money for barricades and an evidence system. The dash cams are several years old and work in a separate capacity from the body cameras that they wear so the coordination between the body cams and the dash cams can't happen. These new ones will allow that to happen. The barricades are high visibility and these are for public traffic safety, traffic control for events and at any road closures or public safety situations and accident scenes. Joe said Nick needs everything. He has nothing. He needs cameras in case they have a disaster for FEMA to take photographs. He's a Fire Marshal/Emergency Management. Beverly asked where the list is from him. Joe said he gets the stuff from the fire department that he wants to borrow and that's a whole separate issue between the fire department and them. They're not happy with him using their equipment without some kind of an agreement. Beverly said it was at their request. They're the ones that put a hold on that not her. Joe said so Nick has to suffer because there is a rift between the borough and the fire department. Beverly said there's no rift between them. Joe said he's spending \$1,000.00 on barricades when he can give \$1,000.00 to Nick. Beverly said this an RDA grant that they have to apply for in a week and a half. Nick has not given her any list. Joe said he had a list from day one when he worked with him when he was the safety coordinator. Beverly said she will call Nick tomorrow. Joe said he can send her the list. Beverly said she wants to talk to him now about what he feels he needs now given the fact that he knows the fire department asked them to hold off the cooperation agreement and to find out what is it he needs that they're not giving him. Joe said it seems that their fire marshal/emergency management coordinator who has shown his value is like a stepchild. Mark asked if the grant applications could be circulated amongst council because all they have is the resolution. If they had some of that information in front of them, it might answer some of their questions. Beverly said they haven't done that typically in the past but if they want to see them, they can do that. Barbara said they are in the office. Mark said if council doesn't want to read them, they don't read them, but he doesn't see why they can't be included in the meeting packet with all the other stuff that they get electronically. Mark told Joe that there was communication with Geoff in early August when they were talking about Nick's contract and it was made clear if he had equipment needs, they will be presented to the borough manager and if necessary, presented to borough council. Nick indicated that he only has minor equipment needs. Joe said they had the information they wouldn't be in this position as far as him discussing this now. This is why these minutes go on and on because they just keep regurgitating the same stuff because they don't get information. Just like what he's been asking for six months, the inventory for the police department. He didn't know about the email and he's thinking the guy is getting screwed. There's no communications. That's the problem here. Nobody knows what's going on. Beverly said this is not a big job because he asked only for minor equipment. What they are addressing is the bigger issue, his contract, which is on Geoff's desk waiting for his

review and to do a final draft. Once the final draft is done it will be presented to them and Nick. Geoff is the borough manager and he took care of it. That's why you hire somebody. Joe said he doesn't know that as council representing Nick, the fire department and his constituents. Mark said maybe if there was more communication, it would help, particularly if a council member has been asking about an issue. Mark said Geoff can't stop and send emails out to every single member of council for every single meeting he has. If he meets with Nick and he said he needs minor equipment, then he can fire off an email to council saying he met with Nick and he needs minor equipment. Joe said he's talked to Geoff over this repeatedly and he didn't get anything. Like tonight, they didn't even get the inventory for the wish list. He asked how he can represent his constituents or the people of Penndel if he doesn't even know what's going on. Beverly said typically with the RDA grants in the past, and because it's the way they've always done it, doesn't make it right. In the past, they have trusted that the people doing the grants know that what's needed and are writing the grants in the proper way. They didn't need to give it to council to see the detail on every single grant but that apparently that has changed but nobody told her. Mark said it doesn't imply lack of trust. It's just that they're voting on this big package of resolutions asking the RDA for money for things. Barbara said she is going to explode in a minute. She said way back in the spring you should've started thinking about what they would like to apply for so they could get everything together and show council and have everybody's approval. It has to be in by September 30th at 4:30 in the afternoon and they have a new way of presenting it. Maybe next year somebody will wake up and say they're going to do this or that. Maybe in April but not in September. They should get their ideas together and let them work on it. Not September 20th when they've got to have it all done. To say that she's burned up is putting it mildly. Beverly said they just want to see what the details are. Barbara said she has said it a number of times in the spring and that's a bunch of baloney that now they want to sit down and go over everything. Beverly said they just want to see them to approve the resolutions. Barbara said they should get their act together and see it before it all comes to the table. Not two weeks before it has to be in. She's furious. She told Joe to get his act together. Joe said he has had his act together for six months. He's been asking her or the safety committee for the inventory list. Barbara said she's not going to give him what Sean will not give him. Joe said the problem here is communication. Just as these residents are saying, even down to their inspectors. It's like he's got to ride around and Gary has to go down to the rec field. They should be doing the job that they're paying them to do. People are throwing stuff in the storm water inlets, and nobody enforces these ordinances. Beverly said they are just trying to pass the resolutions to apply for these grants. Mark asked if they knew the amount for the police building yet. Beverly said not yet. Mark asked what they're asking for. Beverly said they have discussed it before, but she'll do it again. They are asking for an addition to the police station that will include the possibility of a second floor over the garage which will also replace the flat roof that has leaks in it. They're going to accomplish two things with one stone. They will get the roof repaired and they will get some more space to put files and evidence in instead of in the garage area. It will be a little more secure. A roll call vote was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes, Beverly Wolfe, yes. All ayes, motion carried. Mike Smith asked if there was a problem here with Roberts Rules for public comment after the motion. Ben Hauser said no, under the Sunshine Act there was public comment earlier in the agenda-on-agenda items. Mike said not on this. Ben said it was an agenda item. Dave Cahill said they didn't know anything about the second floor on the police station. Ben said that's not relevant to the agenda. Dave said that's a big-ticket item. Ben said it's part of the grant is not a purchase. Dave asked if the list of needs came from Geoff. Beverly said this isn't public comment. She will answer his questions then.

Public Comment

Dave Cahill, 462 Cynthia Ave., said he was here last month and made a complaint about 472 Cynthia Ave. He handed in some pictures. He asked if she got a chance to see all the pictures of the storm water and the construction business. The evidence of that is in the pictures. He asked if Laura saw them as well since both she and Beverly were not here last meeting. Beverly said Mark didn't present the pictures to her when she came back. She said if Mark didn't have any information right now, they can send code enforcement out, but she will get a report for him by the next meeting. Mark said he did present the pictures. Karen had code enforcement go out, but he doesn't have the full extent of what happened. Dave asked if she would send something to his home address. Beverly said she typically reports back at meetings. Dave said he wants to know what the borough plans on doing about the business being operated and the stormwater problem. Beverly asked if he presented evidence of a business of some kind. Dave said he has more pictures but he's not giving them to them. He also has witnesses. Now the contractor has his employees showing up at 6:15 in the morning and he's waking him up. He gave a 30-day time limit that he wanted a response by, but he hasn't gotten anything yet. Beverly said she would have something for him next meeting.

Mike Smith, 127 Dehaven Ave., said about two months ago Joe asked the question to Chief Perry in reference to Tasers. The statement made that there were three Tasers that were going to be donated. He asked if they are now going to have six or eight or ten. He knows Joe has been asking for that list forever. Mark said he addressed that at the last council meeting just before Joe and Chief Perry started going at it. Mark said the chief said he is putting in for them in his RDA grant application in case the free ones don't come through. Mike said he must have missed that in all the fracas.

Michelle Nigra, 367 Dehaven Ave., said in reference to 358 Dehaven Ave., she took some fresh pictures tonight of the backyard itself where the pool is. It has a cover on it and there's a pump in the water, but it's not plugged in. There's a ton of water on the cover. They came out a couple of weeks ago and they cleaned up the jungle and she got a phone call from here and was asked if they had cleaned up. She said they cleaned up. Obviously nobody from BIU came out to look at what they did because all the junk is still in there. And he is advertising again to open back up November 1st for his Airbnb for nothing less than 28 nights. In his eyes he's renting it out once a month possibly. When she was here back in August, she asked a question that she really never got a straight answer to. She asked how you put a cease and desist on somebody's house and then let them go ahead and do business still. She was told the council made a deal with him and he was going to stop September 19th, but she still does not have an answer. Ben Hauser said respectfully he is not going to answer that question as he is in discussions with counsel for the property owner. Mark said that was discussed in their executive session as far as litigation. Michelle said she told Mr. Truelove at the August meeting that there was a cease and desist put on the home and now there's negotiations with him. His answer to her was he was not aware of that. He said he would check into that and let her know. She never got the answer. This was before the attorneys got involved. Beverly said so she was told there was a cease and desist on his home. Michelle said yes, in April because of the Airbnb he was running out of his house. Beverly asked if that had been cited by the borough. Michelle said she would imagine so. Michelle said she's gotten no answers and now he's going to start back up in November again. It doesn't make any sense to her that he gets a cease and desist and there were negotiations and it allowed him to do this and make money all summer. There's been different types of people hanging out in the backyard and they almost set the grill on fire one night which was really close to the house. He backs up to her yard. Ben said he received a zoning violation for violation of the zoning code with respect to operating a boarding

house/Airbnb. The notice was appealed and then as part of that appeal, to resolve that appeal, there is an agreement reached between the borough and the applicant so that the applicant would not then seek a variance to operate an Airbnb because the law was unsettled with the terms of Airbnb or other kinds of short-term rentals. As part of that agreement, the occupancy was supposed to end yesterday. As for the listing of the property on Airbnb, he did confirm that property was listed today and he did refer to the council that their counsel in this matter indicated he would get back to him on that in short order. He was not in the state. He is several time zones away. He is going to discuss things with this client. Michelle asked aren't they supposed to stop immediately. Ben said there's a zoning violation that was cited but they appealed, arguably untimely, they put the matter before the zoning hearing board back in August that was continued so the party could reach a resolution. Mr. Truelove did into a large discussion about this, about the merits of having a settlement that if certain things go along, we could reach a settlement per the settlement agreement this could end. They have certain obligations under that agreement. He's waiting for those to be fulfilled.

Dave Cahill, 462 Cynthia Ave., said this might clear up about the Airbnb at 358 Dehaven Ave. He believes they found out there's another Airbnb that's operating in the borough so he can understand why they might be doing some of the things that they're doing. And if he remembers right, he believes that by Mr. Truelove already apologized for the zoning hearing meeting actually happening without the homeowner from 358 Dehaven Ave. being there. There were people going to the microphone asking questions and the homeowner wasn't there and found out about it. So, he thinks that might be the problem. Ben said he believes that meeting was convened so that the zoning hearing board could reschedule the case to September 15th. That hearing was not needed because the parties reached a settlement agreement but the big thing in question is the other Airbnb. Beverly said she did a lot of Internet searching on every site she could think of, even unconventional and she can't find another property in Penn del Borough. He had a conversation with some people about it this past weekend. Beverly said they need to report it if they want something done about it. It's not evident. Dave said if the homeowner at 358 finds out about it, he believes that's discrimination and they might have some legal problems.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 10:03 P.M.
SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer