

Penndel Borough Council Meeting Minutes

October 4, 2021

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

Present at the meeting

Mayor Robert Winkler
Borough Manager Geoff Thompson
Council President Beverly Wolfe
Council Vice President Mark Moffa
Councilwoman Barbara Heffelfinger
Councilman Joe Dudash
Councilwoman Laura Germain – arrived at 7:36pm
Councilman John Stratz
Councilman Gary Nickerson

Also present at the meeting

Dave Truelove, Solicitor, Hill Wallack
Police Chief Sean Perry
Carol Schuehler, Value Engineering
Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE SEPTEMBER 20, 2021 WORK SESSION AND APPROVAL OF THE BILLS FOR THE MONTH OF AUGUST 2021. SECONDED BY MARK MOFFA. All ayes, 6-0 motion carried.

Reports:

President's Report

Beverly Wolfe said she wanted to give a recap on Pat Donahue's complaint about his neighbor's weeds. According to Section 130 of the Penndel Borough code, over 6 inches warrants a citation after the warning is ignored. The borough would send a contractor in to cut it and bill the property owner then owner is given the opportunity to keep it that way and if they don't, the same process starts all over again. It's the way the code reads. The only step left that they have according to Section 130-5 is to file a suit against the property owner for failure to cut the grass which she thinks is a waste. It's not going to change and there will be the expense of hauling somebody off to court. Dave Truelove said the court option is something that can be pursued but the desired result is to get the grass cut. If the borough continues to do so then they want to make sure that they have a lien on the property so when it is either sold or refinanced, they'll have to satisfy the lien. They can help with the paperwork if that's what the borough wants to do and let Judge Baranoski decide the fate of the owner. As far as he understands, the code enforcement people have been out there checking it periodically. Karen Kondrk said they have, and she spoke to the homeowner and Kevin Burcz who said he has a contract with the owner to cut the grass every other week. Dave said they will be vigilant about it. Pat can keep his eye on it and if it gets out of hand, let Karen know and she will let code

enforcement know. Beverly said Dave Cahill complained about a property on Cynthia Ave. which is a neighbor of his, operating what he believed to be a business out of the home. A zoning violation notice was issued to the people to take care of that so they will follow through with that. Dave asked what about the stormwater issue. Beverly said it is hard for her to judge on those photos because she doesn't know which direction they are being taken. Beverly asked to meet with Dave with the photographs so he can tell her from his house what direction the photos were taken.

Borough Manager's Report

Geoff Thompson reported that council has a copy of his report. He has been working on the fee schedule and should have it ready to be presented at next month's meeting. For revitalization, all of the business introduction letters were sent out last week. For maintenance, Lou is making a lot of headway at the park and is doing a great job. The park slide information is on the agenda for tonight. He has been working on the budget and he's been working with Hill Wallack about the Emergency Management Coordinator's contract and also the draft fence ordinance.

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.

Engineer's Report

Carol Schuehler read her report which is attached.

Beverly asked Carol what the total cost is for the paving project. Carol said the total cost of approximately 1,250 square feet of paving would be \$11,063.00. Beverly said those are the areas in the photographs that she provided. Carol said yes. Beverly asked if it includes Pothole Killers' day rate. Carol said that is just for Haines Paving. John Stratz said the day rate for them is about \$1,800.00. He has approximately 23 potholes to fill which ups the price from \$43.00 to roughly \$85.00 a pothole. They're making headway on the road repairs. They are down from a high of 43 potholes at one point a couple years ago down to 24. His recommendation is to follow Carol's recommendation. At the area right next to the church on Crescent and Bellevue, they've had pothole killers out there five times. It needs to be cut out, especially with the coming winter. He hasn't been able to get anyone this summer due to lack of willing workers. Beverly said it looks like the total bill is going to be about \$12,800.00 for those problem areas that they all got photographs of.

For Schoolhouse Court, Beverly asked Marie if she knew what the professional services escrow amount is in that account because it needs to be replenished. Dave Truelove said that Carol has recommended it and he thinks it's wise to condition the approval of the escrow release for the professional security upon replacing the professional services that probably should be added to this motion. It is reflected in her report which was already discussed. They can say it's as recommended by the borough engineer and including replenishment of the professional fees escrow.

MOTION BY BARBARA HEFFELFINGER TO APPROVE AND SIGN THE CDBG SUB-RECIPIENT AGREEMENT WITH THE COUNTY OF BUCKS FOR THE MEMORIAL PARK RESTROOM ADA IMPROVEMENTS, PROJECT B-21-15. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE HAINES PAVING TO REPAIR PAVEMENT AS RECOMMENDED BY THE BOROUGH ENGINEER. SECONDED BY LAURA GERMAIN.

Gary Nickerson asked if other paving technologies were considered as opposed to just the resurfacing. He went back in the budget and he noticed that they did something called micro surfacing that appears to be significantly less and they were able to cover lengths of street. Carol said it's been done in the borough and it really held the streets for a long time. Micro surfacing is a surface coating. It's an emulsion aggregate coating that you put on top of the road that's about less than 1/2 inch thick and it seals the road and it also gives a new platform for the snowplow blades to ride on. It's a great preservation technique and can only be used when the roads are in pretty good condition because if you have base failure, it'll come right through. If you have surface cracking, that will even come back through your micro surfacing. It's something they need to do early in a road's life throughout the life of the road as a pavement preservation technique. It's not applicable here because they have damaged pavement down to the base in these areas. They're very distorted. If money were no object, she'd be saying let's go down five inches and bring it back up with material but because of the fiscal limitations, they're talking about two inches of patching. It's going to buy them a lot more time than Pothole Killers. Joe Dudash asked Carol about the cape seal on Holly and Oak. Carol said that's going to be part of her overall roads' report. He's looking at a memo that she attached from last year where they looked at Oak and Holly and came up with some recommendations. She attached that because she knew Gary was concerned about looking at these potholes without looking at that. She wanted to assure him that not only had they looked at that but that will be incorporated into the upcoming total road management report down the road. Joe said with the amount of money they have for the potholes they could just do the cape seals on Holly, Oak, Manor, Rumpf and Highland. Carol said that would be the entire road treatment and it's not \$11,000.00. It's a lot more money. For \$11,000.00 they're only talking about potholes on those streets that they were talking about. They would be cutting out those squares that are really degraded and resolving them. As far as Holly and Oak, they're looking really at next year. This year would be Pothole Killers. Next year they would try and manage the entire road. Joe said he thinks what Gary told him, he was trying to get more bang for their buck and spread it out more. Gary's trying to spread the money out so why just do three areas when they can spread it out. Gary said his concern was it seems to be kind of sprung upon them last minute. Gary said Carol alluded to the fact that they should have a streets' maintenance program. The streets that were recently paved in 2016 and 2017, what are they doing to maintain those. The streets that they cannot maintain that can't do this micro surfing that I mentioned earlier and what are the streets that they should be saving up for to pave. Holly and Oak are in very terrible shape. He thinks everybody agrees that these areas that are targeted are in pretty bad shape, but his concern was that by spending this money now, they're going to be delaying or might be prevented from doing a major street in the coming years so it's hard for him to vote to spend this money. He's not really sure if these are the worst potholes in the borough or if this money would be better served applying this micro surfacing. Joe said that someone mentioned that the Liquid Fuel money is going to be cut. Beverly said they got the number and it's actually more than they expected. Joe said if the economy goes south on them, they have to start looking at that because things aren't looking good. Barbara asked Gary if he's driven over the one at Crescent St. Gary said he drives it every day. He asked if Barbara has driven over where Monroe hits Durham. She said yes. He asked why that one isn't up for consideration. He said they are all terrible areas but he's not sure what the ranking is. Holly Ave. is one giant pothole. They are driving on subbase. The only nice part is where they ripped up and put in a water line. He is just making sure that they're spending money in the wisest way. Barbara asked if he is prepared for somebody coming and saying they lost a rim because the streets are so bad. Gary asked if she saw all the potholes that are identified in the report. He backs out of his driveway into a pothole every day and that's not being targeted right now. Barbara said her street is

gated so she's not completely happy with that either. They have to address the problem that they have before they end up with a major bill. Gary said that's exactly his point. This money could potentially be spent to actually repave Crescent from Monroe to Bellevue. They're spending this money to do this now and that might prevent them from actually repairing something in the future. John Stratz said he understands Gary's concerns. He said on Holly, each one of them is one pothole with road or surrounding it and they have never been touched by Pothole Killers before. He's going to take care of that tomorrow. He has a meeting with Pothole Killers tomorrow morning at 11:00 o'clock. At Crescent and Bellevue, Pothole Killers has been out there five times and they already told him they can't help us with that area. In the three places that are being cut out, Pothole Killers has been there more than three times. They need to make it a better repair because the underlayment beneath the street is just crumbling. Pothole Killers can't help those particular places anymore. The rest of the potholes are just single potholes. He will have that taken care of tomorrow because they finally made themselves available to him after all summer not being able to because of lack of employees as with every other one he contacted. Mark said to refresh everyone's memory, this discussion started at the last meeting. He noticed that the cost for repairing Fairview at Dehaven in this new proposal is about half of what it was last time. He realized it's because it's not going to be the full depth repair, but he appreciates her figuring out a way to do that for half the price. Some of them were uncomfortable with addressing Washington Ave. at this time and so she's left that out. He mentioned Rumpf and she added that in, so he appreciates that. They asked that there be a comprehensive report that they could look at as to all the problem areas and she delivered that. He appreciates that and this comes in at a lower figure than what it was last week and they've gotten a more comprehensive report and also what they now know that they did not know at the last meeting is what the Liquid Fuels number would be next year and it's about the same, just a slight decrease. With all of that information, he is definitely comfortable with this proposal.

Kimberly Pfeffer, 436 Rumpf Ave., said she brought them gifts today. She brought pieces of rocks from Rumpf Ave. Mark said they just added it to this proposal. Kimberly said she heard them saying they want to save money. Rumpf Ave. is falling apart and they need the streets fixed now. They can't wait. They can't worry about saving the money. They have to fix them now because it's going to be a sinkhole pretty soon and she needs them to approve it and get it fixed. Beverly asked Carol when Rumpf Ave. was paved because Ward McMasters was president and she saw the letters signed by him. Carol said maybe 2007 or 2008. She has to check her records.

Denise Weber, 436 Fairview Ave., said she likes Kimberly's idea. She could have brought some tonight, but she probably would have fallen in the hole trying to get them in the dark. Fairview and Dehaven does need to be repaired. The holes are getting larger and you really can't even maneuver down the street because some of them are now like less than a foot apart from each other. It's dangerous even for people coming off the sidewalk and going in the street, especially if they have a stroller. Somebody's going to get hurt.

A roll call vote was taken. Joe Dudash, no, Gary Nickerson, no, Mark Moffa, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes, Beverly Wolfe, yes. Motion passes 5-2.

Beverly said they don't need to make a motion for Pothole Killers because it is a budgeted item in Liquid Fuels.

MOTION BY JOHN STRATZ TO RELEASE SCHOOLHOUSE COURT PHASE II FINANCIAL SECURITY ESCROW IN THE AMOUNT OF \$115,259.00 AS RECOMMENDED BY BOROUGH

ENGINEER CONTINGENT ON REPLENISHMENT OF PROFESSIONAL SERVICES ESCROW TO AN AMOUNT OF NO LESS THAN \$10,000.00. SECONDED BY LAURA GERMAIN.

Joe Dudash said he disagrees with giving them any money because they have not given the borough and the residents anything they've been asking for. They're waiting for the HOA agreement. Dave Truelove said they had a meeting last Thursday with the attorney and Mr. Brzezinski who's taken over the principal responsibilities for the contractor. They had filed HOA documents and he had sent an email to their attorney today indicating that it's not completely in line with the approval letter in 2005 with then solicitor Don Williams. The HOA is not in effect until they sell and occupy 75% of the units and that would be nine of the 12 so they are aware that they cannot transfer the responsibility from the developer to the HOA until that happens to the satisfaction of the borough and those conditions are met. Joe asked if the fire department's request is in it. Dave said there are several different things that were noted when he sent the email to Mr. Koopman, the attorney today following up on their meeting last Thursday. They are put on notice and they're aware of that and they will certainly follow up. Dave said just to distinguish between the HOA issue and what the issue is before council with respect to the escrow, one is purely a building and construction issue the other one is a compliance issue with other conditions and one is not dependent on the other. The developer certainly has to understand that they're not going to get all their relief or certainly all their other escrows released at a later time if they do not comply with some of these other issues. For example, he knows their concerns about vehicles parked on the street. No vehicles can be parked on the street and that's a requirement for fire safety and also for snow removal, so those issues are all part of what's been communicated to council and is certainly part of what they're going to follow up on. That is not directly relevant to the escrow releases. That's purely a construction issue for lack of a better term not a compliance issue. Joe said looking at the schematics, he's only giving 16 trees and this one has a total of 24. Dave said that's a construction issue. Joe said on lot two he just put that basement in and it looks higher to him than lot one and three. That should be the same height as the others. Carol said from the grading plot plan that she approved it should be the same height as lot 3. The foundation is inspected by the code official. It is not inspected by the engineer. Joe said he can't ask him because the code official is never here which is in the contract that they should be here and give monthly reports like Carol does. He thinks at this time they shouldn't approve any money because this is not only a building problem it's engineering and everything else if this thing is wrong. He asked why they are doing the schematics and all if they aren't going to abide by them. Carol said the escrow is about the public improvements that are required to go in because of the subdivision process. It covers things like curbs, sidewalks and trees. It doesn't have an escrow on the house foundations because that's a building permit thing that's not a public improvement. Streetlights and the paving and connections of the storm sewer and connections of the water, that's the kind of thing that's in here and the municipalities planning code and the project development agreement are in unison. They define that as this happens, as these things get built, they're supposed to do some release based on these things being completed. That's in accordance with state law so they go down the line as they complete these they release percentages of it to correspond to the kind of work that they've done to date. It's very specifically for the public improvements and by state law, she has to give a recommendation within so many days of receiving the request and get it to borough council. Joe said they're missing trees. There are supposed to be 24 and they have 16. It says he's going to have 192 bushes. Carol said they're not going to release the landscaping until it's done. Joe said she said it's in this amount of money. Beverly said there is \$119,216 in the escrow funds. Dave said there are different phases according to MPC 509 J. 45 days is started by different phases. Carol said this phase does not include landscaping because that would be near the end of the project. The way to read this spreadsheet is under this payment there the items that are being released in this recommendation is listed. There are no trees being recommended right now for release. That

will come later. Joe said he's just furious with the way this thing's been handled. He's been scamming us since day one and it seems like they're giving him everything and the borough and the residents aren't getting anything. He said he's spending money on Carol going back to him every time. Dave said actually that comes from the professional fees, so the borough is not paying. Joe said he hopes she's zapping them good for it because it seems like they aren't getting anywhere. Dave said they had a meeting Thursday and they got an email from him today that outlined all those things they have to comply with before they will get their transfer to the HOA. Joe said he just got a brand-new truck and they couldn't even get in there. Dave said that was one of the things pointed out in his email to Mr. Koopman thanks to Mrs. Wolfe who sent him some photographs from yesterday outlining exactly what was going on. Joe said they can't talk to any of the BIU people. That one basement is higher than the rest. All ayes, motion carried.

Zoning/Code Enforcement Report

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

Beverly asked Joe what number lot it was. Joe said the one they just finished which is lot 2 right in front. Beverly said in their packets they have the construction inspections and she doesn't see that one on there. She wants to make a note of it because there were foundations inspected in other places in that development. Joe asked what the 15 warnings were that she just read on the report. Beverly said they are not listed. Joe asked what the reason was if their contract says that they're supposed to be here that they're not. Geoff Thompson said he checked their contract and there's nothing in the contract that requires them to be at a council meeting. Joe said it should have been in there. Geoff said it's not. Joe asked Geoff if they should change that. Geoff said he didn't think so. If there are zoning issues, he can relay them to them. As he said at a prior meeting, he doesn't like to shoot from the hip regarding zoning matters. If somebody talks to him about it, he has them send an email so it's in writing so that they're talking about apples to apples because zoning can get confusing for everybody as well as code enforcement. Joe said he was just thinking Geoff is part time and in her sending all the emails to him, he's not doing what they need him to do. Geoff said this is the way he used to handle zoning matters. Sally is very good. Joe said he doesn't disagree. It's just that tonight he probably could have gotten it resolved why this is higher or lower or whatever. Geoff said he can talk to Charlie tomorrow and probably clear it up real quick. It's probably just a grading issue.

Public Comment on Agenda Items

Dave Cahill, 462 Cynthia Ave., said that it was mentioned that a violation notice was sent for his complaint. He asked how it was sent. Beverly said by regular and certified mail. Dave asked if it said he was violating the R1 and was there a cease and desist for the business operation. Dave said yes, in the third paragraph it says by way of this correspondence, you are hereby notified to immediately cease and desist operating the windows/door business from the residential home or the borough will issue a civil complaint in District Court and that they have a right to appeal to the Zoning Hearing Board. There's the zoning issue and then there's also a separate issue that if they don't comply, they go to court. Dave asked when the letter was mailed. Beverly said September 29th. Dave said it would have only taken a couple days to get the hard copy in the envelope to his mailbox. More than likely he already saw the letter and he is still operating. His workers are still coming in their cars and parking at the curb and jumping in his truck that's parked in the street and they're going to work all day and then they're coming back, parking the truck and they're getting in their cars and are leaving. Dave asked if there was a reason why the Vice President of Council, Mr. Moffa made him do the dirty work when the window/door guy lives next door to him and he should know the codes and the zoning better than he does. Beverly said it's an unfair question. Dave said he told him what was going on.

He went to his house and knocked on his door and told him and he said he would let Mark turn him. Dave said Mark claimed he didn't know why the cars were there and who they belonged to that were parked in the street. Dave Truelove said that he has the opportunity go to code enforcement just like anybody else in the borough which is his right to do. And because of his efforts this letter was issued so nobody was impeding his opportunity to do that. Dave Cahill said he is curious on why Mr. Moffa isn't seeing things that are happening on his street. Dave Truelove said he is making a political statement. Dave Cahill asked what he means that he's making a political statement. He said he hasn't since he's been standing here. There's a drug problem on the street that they've had for quite some time now and Mr. Moffa doesn't see it. He hasn't heard him back him up on the drug problem on their street since he's brought that up. Dave Truelove said they've had numerous discussions at these council meetings involving the police chief saying how certain things can't be discussed publicly. It's not fair to load all this on one council member and to his knowledge, Mr. Moffa spends a lot of time away from his home working at a job that keeps him away from the borough. Dave Cahill asked if it is proper for the Vice President of Council Mr. Moffa to tip the homeowner that he came in front of council about the complaint. Beverly asked where his proof was. Dave said to ask Mark. Dave asked if they saw the pictures of the trash that he's using for his commercial trash. Beverly asked him for the proof that he was tipped off. Dave said after that, there was no trash. Beverly said it could be that they actually told him he's not allowed to do that.

COMMITTEE REPORTS:

Buildings & Maintenance

Joe Dudash reported that Lou is doing a terrific job on the basketball court. He cleaned it up and there had to be like four inches of dirt there from over the years. And he's pulling down the vines but it's going to take him awhile to get that done. There is trash from the Wildcats on the football field and bleachers. It's not Lou's responsibility to clean that up. They need to start clamping down on the Wildcats. Beverly said she had a stern conversation with the head of the Wildcats' football organization regarding the trash a few days ago. Joe said someone moved their trash can from the basketball court and took it over to the Wildcats' side and Lou had to go find it. He thought it was the Wildcats' responsibility to empty the trash cans on their side and the borough just do the basketball court. Geoff said he thinks it's in the agreement that they were supposed to take care of their own trash. The basketball courts are a little vague. Gary Nickerson told Beverly when she speaks to them, they need to empty them at least once a week. Sometimes the trash cans are full and that's why people aren't using them. Beverly said she let him know they were very unhappy about it and they need to do a better job or there's going to be a problem. Joe said Lou is really doing a great job. In fact, people are playing down there again. Geoff said Lou is a real good guy. Gary asked for Beverly to let them know the results of those discussions. Beverly said she will. They also discussed his organization wanting to see what they can do about finishing the rest of the LED lights down there that the borough didn't do. Give a little take a little.

Community Development

Barbara Heffelfinger reported that Carol has done a fantastic job with working with the people at the county on the ADA grant for the restrooms at the rec field. They've adjusted the schedule and they've been talking back and forth and they were really trying to get us through. They're going to begin working on that because the schedule is reduced so they've got about half the time that they usually do for that but they're way ahead of the game so everything will be good. On the RDA grants, they did not have a final quote on the police station addition. That final quote now is \$250,000.00 which was what was submitted. As Carol had said, the PECO Green Region grant doesn't have to be submitted until the middle of October so it will give them a

chance to add some more ammunition to it. Beverly said extra kudos are in order for Marie and Geoff in addition to Carol because this new process that they had them go through with the RDA grants this year was a little bit intimidating. The current RDA project, which is the front entryway, won't be done by election day because they had to get the bids and they weren't coming in, so they finally got them. They are not going to announce anything yet because there is one piece of this that they're still looking at and tweaking a little bit. They will probably have this ready for the next council meeting to award. Barbara said she is extremely upset that all this was piled on Marie at the last minute. It's not fair that people wait until the last minute and plop this stuff in front of her and then say here you have to put it in because she's the only one that can use the portal. It is not fair to her that she has to do all of that in addition to everything else she has to do and she did it with a smile on her face which she always does. It has to be worked out next year.

Community Relations

Laura Germain reported that they had the contest for stormwater and thanked everyone who voted. They had more interaction with it than she thought. They've never done that before so she wasn't sure how many people would vote. She thanked Carol for giving prizes to Penndel Pizza for the winners. Last weekend was the chalk event which was Beverly's idea and that actually went pretty well. She and her daughters biked all around the town and saw a lot of cool things and she took some pictures and put them on Facebook. People were waving and offering to give each other chalk so it was a really nice community spirit that they're always looking for here. She thanked Karen and Marie for being willing to hand out the chalk and stencils to the people who came. She has all these ideas and they end up having to give the people the supplies. The newsletter is on its final round of edits. She got a few edits back today so hopefully they can start working on getting out soon with the upcoming events they have in October. One is Penndel pumpkins which they will give the supplies of mini pumpkins and a paint kit. The kids can paint pumpkins and then if they return it by October 26th right before the Activities Committee's Halloween party, they can be judged for best pumpkin and get a few little prizes. They're going to set up the weekend of Halloween to have drive through Halloween again. There will be the three sites around borough hall and then she also put out the call because there's some really cool houses already, to be added to the drive by route.

Finance

Barbara Heffelfinger reported that they will have a Finance Meeting when Geoff gives them direction to do so. Beverly said she is meeting with Geoff on Thursday to go over the budget the way it was prepared before because there are a few little things that he may not realize where they go.

Open Space

Barbara Heffelfinger reported that she and John Stratz went over to Adams Ave. to a house where the couple is complaining about a tree overhanging their property. John looked at the tree and said it is a perfectly healthy tree. She told the people that they can cut anything that hangs over their property line and they said they don't have the money to do that and she said the borough doesn't either. She's going to have Billy Young go over and look at it and see what it would cost. Beverly said if it's a healthy tree, they're not doing anything. Barbara said the lady said they sleep right there and if it falls, it's going go right on top of them. She told them then they'll have to cut what's hanging over. John Stratz said it is an extremely healthy oak tree which is impervious to those stupid insects out there and will be there longer than he will.

Ordinance

Mark Moffa reported that the fence ordinance was in position for Geoff to review. Geoff had four or five comments and they've been kicking those around with Ben. He and Gary will review that again at their next meeting on the 19th. Then they hope to be in a position to kick it over to the Planning Commission.

MOTION BY MARK MOFFA TO AUTHORIZE ADVERTISEMENT OF THE ORDINANCE COMMITTEE MEETING TO BE HELD ON 10/19/21 INSTEAD OF 10/14/21 AS ORIGINALLY ADVERTISED. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Public Safety

Beverly Wolfe stated that over the past couple of meetings there have been issues that were brought up and due to the seriousness of that they implied, she felt that they warranted a little bit of investigating because of the statement of withholding information. That was a reasonable request and will not be tolerated unless it's in violation of any other laws or any policies or procedures. With the issue of the NAACP, the issue was raised by Mr. Dudash about a report being issued that no one in Pennel seemed to know anything about. The NAACP met with the chiefs in each municipality in Bucks County as a basic fact-finding mission and this was at their request. They only wanted to speak with the chiefs of each department. Sean met with them and had also had a follow up meeting with them and with all the other county chiefs and the NAACP to her knowledge, is still compiling the data. They have not returned her calls yet. At the September 7, 2021 council meeting, Mr. Dudash asked about the report and he did state that Pennel is the only one who doesn't have a report. Sean stated that the NAACP never released anything and Joe said he asked if that was true because, and this is a quotation, Bensalem got it and he just talked to Hulmeville and they got it. Then he went on to mention once again Bensalem. This is serious that there was obviously the allegation that truth was being withheld and giving false information to council at a public meeting and withholding it. The very next day she contacted Fred Harran of Bensalem Township. She got him on his cell phone and he didn't know anything about what she was talking about and he said he would get back to her. The next day he left her a very detailed voicemail which she didn't get a chance to call him back, but she has the transcript of the voicemail and it says he did hear back from the NAACP and he never got any such report because no such report exists. She did confirm with them that there are, and it's a little garbled, but they don't keep it anyway because some of the data. There is no report, there is no pass or fail or anything like that. She hopes that answers his question and she apologized again for not getting back to him. She also contacted Langhorne Manor Borough and she got the President of Council in Langhorne Manor Borough, Dawn Seader and they had a lengthy conversation. She reported back and she has that in writing as well that the chief met last month with the NAACP representatives. They are currently continuing to gather information for the report that will probably be issued closer to the holidays. Their chief spoke to an NAACP representative regarding additional information they wanted from Langhorne Manor Borough. At that time two informal recommendations were made that will probably be in their formal report if they receive it. Let me know if you require anything additional. She did reach out to Hulmeville because it was one of the ones mentioned and she's never received a response. In her estimation, and she doesn't know where the information came from, but apparently there was no withholding of information or falsifying of information with regard to this particular topic of the NAACP. Her next issue, due to the concerns and the potential seriousness of the situation, was the emails regarding an inventory of what the officers have available to them at any given time. This was a May 3, 2021 email to the Public Safety Committee from Mr. Dudash with concerns over the quantity of items available and what items were available. She asked Joe why that was questioned in the first place. She thought maybe one of the officers said something to him in confidence that they didn't have the supplies they

need or they're short on their standard duty supplies and equipment. There was an email sent next day to Chief Perry and from the Public Safety Committee in which it was returned immediately. Council has a copy of the response from the chief. He goes into great detail about all the various things that they have at their disposal and also on the vehicles which are on built-, in oil light gages and are inspected every year per PennDOT regulations. She said she wasn't going to read it because they all have it. Again, this was in question of a safety issue with the officers. If there was a problem and the officers didn't say anything, but they said something to Mr. Dudash, it warranted investigation so the response from the chief is satisfactory to the Public Safety Committee. They do not require to know that they have 10 boxes of Q-tips or anything like that. Joe Dudash said nobody asked for 10 boxes of Q-tips. She knows that. He said she knows what he asked for. It was the equipment and she's going on a stupid.... Beverly said she's not allowed to do it, but he is. Joe said she is gaslighting the situation. Beverly said she is finishing answering these allegations. Joe said number one allegation, she can go online. Gary can go online. Beverly said Bensalem did do NAACP and it's in the newspaper. Beverly asked if he was calling Fred Harran a liar. Joe said are you kidding me? So, you don't trust the newspaper now? Beverly said Fred Harran is the Director of Public Safety for Bensalem Township and he's running for sheriff. Joe said he stated that they even made an agreement with the NAACP. He asked if they were just gaslighting the situation here. Beverly asked him to let her finish because she's giving her report. Joe said no, he's not letting her finish because he wants to answer these cronyism things. Beverly said she's not done and to shut up. Joe said to Mark Moffa that he can roll his eyes all he wants but he's a political hack.

MOTION BY BEVERLY WOLFE TO RECESS THE MEETING AT 8:45 P.M. Joe said she don't want to know what's going on in the Police Department with apparent leadership. All ayes, motion carried. Beverly said the meeting is recessed for five minutes.

Council reconvened at 9:03 pm.

Beverly continued with her report. She said for the September 20, 2021 council meeting minutes, Joe had brought up that the chief walked out and there were other questions that allegedly were going to be asked. It wasn't clear from the minutes, so they had the recording pulled and Marie, being a disinterested third party, listened to it and the direct quote is that the minutes are not correct. Joe had more questions and the chief left abruptly. Marie reviewed the audio and this is her email direct quote. After the yelling when Sean got up, Joe said clearly, and this is in quotes, "I ain't done with you yet" as the meeting was being recessed. Beverly said she's sorry but she doesn't think that was that he had more questions for him. Another part of public safety is there is a 400 and something page report on hazard mitigation they are looking through. They have to have time to read this, but they do have to agree with the Waste Collection Program which is coming up later in the agenda.

Public Works

John Stratz said as was reported earlier, he and Carol walked the streets of Penndel last Monday and got a lot surveyed. They looked at every street and you made recommendations back and forth about the severity of degradation of the streets and they do have a program that they are going to give to council for approval but for right now the main problem is pothole repair. He will be meeting with Pothole Killers tomorrow at 11:00 AM to go through the map that they made last Monday.

Refuse

Gary Nickerson reported that they had the e-waste recycling event on Saturday and it was very successful. He thinks over 25 TVs were collected there were nine pallets full of e-waste which filled the entire box truck. They want to partner again with Penndel in the spring. Considering there wasn't much advertising, he thinks they could do a really good job in the springtime. He is going to follow up with them to get some dates and get this on the calendar a little earlier and get it out to people. He thinks it's great because nobody likes looking at the TVs on curbs that sit there for weeks at a time because you can't get rid of them in the trash.

MOTION BY GARY NICKERSON TO PARTICIPATE IN A FOUR-YEAR CONTRACT WITH THE BCPC REGIONAL HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM WITH THE FOLLOWING CONTRIBUTION RATES: 2022 - \$467.37, 2023 - \$490.45, 2024 AND 2025 - \$577.00. SECONDED BY BARBARA HEFFELFINGER. Joe Dudash asked if it would raise the rates on the residents for trash if they add this to the trash bill. Gary said the borough pays this. Joe said so it's coming from the taxpayer from the Refuse Fund. Gary said he didn't know if it's coming out of the Refuse Fund. He said this is what they've been paying. This is the cost for all residents in the borough to participate in that hazardous household waste drop off. This is a program that the county does for everybody so they kind of just spread it all around. Joe said they've never been in it. Gary said they've always been in it. This is the rate that they're paying. Joe asked if it would increase the quarterly bill. Gary said this is a one-time annual contribution at the rates he just read off. All ayes, motion carried.

New Business

MOTION BY MARK MOFFA TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

Comcast invoice dated 9/1/21 in the amount of \$231.53 for internet & voice services at 37 W. Woodland Avenue

Gettysburg Benefits Administrators, Inc. invoice dated 8/31/21 in the amount of \$169.59 for dental insurance installment

Independence Blue Cross dated 9/7/21 in the amount of \$5,484.44 for medical insurance installment

PA State Police invoice dated 8/11/21 in the amount of \$22.00 for criminal record check for Lou Carcel (reimbursed to Lou Carcel)

Selective Insurance invoice dated 9/10/21 in the amount of \$3,453.00 for workers' compensation and commercial package insurance installment

Comcast invoice dated 9/2/21 in the amount of \$149.50 for internet service at 790 Neshaminy Street

SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Geoff Thompson reported that they discussed the slide at the September council meeting. It was brought up that there was a possibility they could get the slide repaired by a company called Poly Menders. He contacted them the very next day and sent photos of the broken slide. The quote to repair the slide was \$1,090.00. The only caveat is that they are a regional repair company. They travel throughout the country throughout the year doing the repairs so they wouldn't come directly to Penndel. They would do the repairs on a regional basis. Written on the quote it said they would not be back in the northeast area until June of next year to do the repair. He contacted a previous public works director who he worked with who has a lot of experience with playgrounds and maintenance and his issue with repairing plastic and plastic type playground stuff is that it doesn't really last that long. He's done it both ways. He's tried to

repair them himself he also has used companies in the past. He basically said that he hasn't had much luck doing it. Poly Menders might work and they might not work. At the September meeting he gave four options to replace the slide and he recommended a slide very similar to what they have which the price was \$5,600.00 for replacement and an additional \$1,600.00 for the installation. Beverly asked if they gave any kind of warranty on this repair. She thinks the quote said six months limited warranty with all repairs unless otherwise noted in very rare circumstances on invoice. Geoff said that's what it says on the form. Beverly asked if there is electric nearby because it says they require electric power. They have a full-size truck and need access to within 50 feet of the equipment that needs repairs. They require multiple 110-volt outlets with a minimum of 15 amps. Geoff said he would check it out. Beverly said it looks like their choices are wait until June and attempt to repair and the slide will be closed until June or they get a brand-new slide. Mark said the slide that Geoff recommended in September was from Game Time and the quote was \$5,654.95. Geoff said that's the model he's recommending which is very similar to what is out there now. Installation is \$1,600.00 and that's a separate company.

MOTION BY MARK MOFFA TO PURCHASE AND INSTALL A NEW PARK PLAYGROUND SLIDE FROM GAMETIME AND INSTALLATION NOT TO EXCEED \$7,300.00. SECONDED BY GARY NICKERSON. Barbara Heffelfinger said she didn't think they have a choice. They would have to close the playground until June rather than have some kid get hurt. Beverly said they would have to take down the slide. Laura Germain asked where the money would come from for it. Gary said they briefly talked about the using the mulch funds because they didn't get mulch this year. Beverly said that was right. It would be partial for \$3,500.00. John Stratz asked from the diagrams, which one they are considering. Geoff said the single spiral wilder slide 2. Dave Cahill asked if they knew who did damage to the slide. Beverly said it just cracked and no they don't. She just thinks it cracked over time. Pat Dicken asked if there was a warranty on it. Beverly said they would because it's new. Geoff will look it up. Tom Sodano asked what the delivery timeline was. Geoff said 6-8 weeks hopefully. Tom said then they would need to schedule the install. Beverly said they can hopefully get them to occur at same time. Geoff said he didn't have the warranty information in front of him, but they normally have a pretty significant warranty. Mark said it looks like a five-year limited warranty. It depends on the product line and some things are lifetime limited, some things are one year and then there's a whole range in between. Beverly said if they are spending this kind of money, she wants to know what the warranty is. Mark said he imagines they're buying it if it's one year, three-year, five-year, 15-year, 20-year, lifetime. Beverly said if it's only one year she would prefer to get a model that would be a little better with a better warranty. Dave Cahill asked when the last time the playground was mulched. Beverly said it was last year. Laura said she found their product on the website and everything is different. It's lifetime limited warranty on the uprights and then limited lifetime on the hardware. There's a massive list and everything is different. Mark said it's hard to figure out. 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, no. Motion carried 6-1 (Beverly Wolfe.)

Dave Truelove said that under both the borough code and the MPC it is permitted to have one person from the governing body be on the Planning Commission. It is an advisory board. It's not a voting board. Other boroughs have done this like New Hope and Hulmeville. They both have members of the governing body of the council on the Planning Commission to fill a vacancy. There is a need for bodies on these different boards and commissions. They are running out of people to serve. There is also a need for members for Board of Appeals. All of these different boards and commissions are required under the borough code and you can't function in many ways without having these boards and commissions properly staffed by

members. Under the borough code and the MPC, having a member of council on the Planning Commission is appropriate and allowed.

MOTION BY JOHN STRATZ TO APPOINT BEVERLY WOLFE TO THE PLANNING COMMISSION.

SECONDED BY MARK MOFFA. Joe asked what if another member wants to be on it. Dave said then they would vote this one down and move to have somebody else appointed. He said Gary resigned. Gary said he just assumed he couldn't be he can't fit it into his schedule. Beverly said she did ask him. Joe said Beverly is on everything. Dave said the Planning Commission only meets as necessary. It's not a regular board. It only meets when required for either looking at ordinances or also for purposes of any land development matters. Beverly said she's hoping that they get a lot of land development and a lot of things that they need the Planning Commission. All she is doing is trying to fill a vacancy and there was no one else to do it. Mark said they have been asking. Joe said he was throwing his hat in the ring. Beverly said he can vote no and nominate himself. Thomas Sodano said he's been a member of the Planning Commission and Beverly was the council liaison. Beverly said she will resign as liaison. Tom asked if a council liaison would be necessary if she's a member of the Planning Commission number one, and number two, he asked who has to step down because the Planning Commission is supposed to be four people. At least that's the way it was set up always and everyone else were alternates. Beverly said she believes there's a vacancy on the board itself according to the last sheet that came out. Dave said it's an odd number between three and nine under the code. Tom said he wants to point out, and it was said not only by Gary but by other council members, that he at the time couldn't be on the Planning Commission when he stepped down. Tom said in his opinion, having served, doesn't think there's a human being in this Borough that is more familiar with the Planning Commission, what it does, every word that's in the Planning Commission information, than Gary Nickerson. If anybody should be on, it absolutely should be Gary Nickerson. Beverly said she agrees and she asked him. Mark said this vacancy was created when Mr. Sodano resigned and then he asked Mike Smith to do it and he declined. Beverly said she did ask Gary and he didn't want to do it. Motion carried 6 ayes, 1 no (Joe Dudash).

Public Comment

Tom Sodano, 126 W. Woodland Ave., said for the record, he stepped down from the Planning Commission specifically to run for mayor because he had been told he couldn't be on both. Beverly said if that's false in some way which she doesn't know who told him that, she asked if he would go back on the Planning Commission. Tom said he would consider it. Dave said they will look into that. He's not sure whether it's limited to council and or the mayor but will look into that. Beverly said she would step down immediately if he wants it. Tom asked Chief Perry if it was correct, that state laws such as PennDOT, they set the speed limits on Route 1 and other state roads, but his department still enforces them even though they're not a borough code. Chief Perry said correct.

Tom said he would think that this body is also required to enforce state laws. Recently he was told by a resident about storm drains and leaves and grass cuttings that Councilman Dudash brought up on a number of occasions and offered pictures for. The specific address was named and this woman told him there was a physical confrontation when she went and spoke to the guy when he was blowing his grass into the same storm drain that he's been doing for years. Her husband was also involved and fortunately cooler heads prevailed and it wasn't a situation. But it could have been a situation with the borough because they've been apprised of it and they didn't act. If she had gotten hurt, they could have and likely would have been in a very precarious position of liability. Pennsylvania law stipulates that you can't blow grass, leaves, etc. in a storm drain. You can look up under the PDP laws and the fines range from \$25.00 to

\$25,000.00 per day per instance. They've ignored it. If something goes wrong and this woman decides she's going to talk to him again and it escalates, they've got a problem. They need to do something. Carol and John are out looking at these storm drains assessing the situation and they allow this guy to do it. This is not something they didn't know and it's not something that's a maybe. People on council have been apprised. They need to address that. They can't afford for this poor lady to be confronted like that. It's not right. For 358 Dehaven Ave., the Airbnb, he understands that he's back in business. He heard all the stories, left, right and sideways. On the negotiated agreement, they specifically told him not to run an Airbnb. It's pretty similar to if your neighbor kept throwing tissues on your lawn and you serve them with a notice that said he can't throw Kleenex on the lawn. He could still go buy generic tissues and throw them. They forbade a person to do an Airbnb. He's still operating under VRBO. Dave Truelove said last Thursday they received an email from the Alfaro counsel which included an affidavit signed by Mrs. Alfaro. The cover email said good afternoon please see attached affidavit signed by Rosie Alfaro with respect to the Dehaven Ave. property. They also attach snippets from Vrbo and Airbnb confirming that the property is currently unlisted on both sides. That was as of last Thursday and they were compliant. If there are any concerns and if anything appears to be contrary to this, let them know. This is what they have to go by right now. There's an affidavit and if they have to go to court with that, they would be facing some concerns. Tom said as he understands, it's not being offered on a nightly or weekly basis. It's still out there but it's offered a month at a time.

Michelle Nigra, 367 W. Woodland Ave., said Waldo Alfaro opened himself back up on Airbnb starting November 1st advertising for 28 day minimum to stay at the house. He blocked out all of September and October. She backs up to him so she will see. Dave said he doesn't want her to have to wait that long. If she has screenshots, she should send the information and they will follow up with his counsel. As of last Thursday, he's going by what his counsel tells him. That was the latest information they had until tonight. Michelle said he can't be trusted. She will keep her eyes open. Dave said they appreciate her vigilance and if they have to ratchet it up again now that there's an affidavit signed and they're going to try to work around that. That's a credibility problem and the judges aren't going to want to see that and hear this information. Beverly said she sent pictures to Dave and Ben about a week or so ago showing that they could book for dates 28 to 30 days at a time. If they don't have them, she can send them again.

Pat Dicken, 35 Oak Ave., said her daughter Celeste was here and had to leave and these are the pictures of the storm sewer on Oak Ave. where the guy chops up the leaves and dumps on the street in the darkness. Dave said they could give those to code enforcement have them go out. Beverly said Joe had previously sent pictures showing the leaves.

Joe Adams, 327 Neshaminy St., said that they mentioned it's tough to get people for boards. He's running for council on the Republican ticket but nothing's guaranteed. He asked if there are positions on these boards or committees that they are struggling to find people for, if so, which are they and which of them would conflict with a governance position. Dave Truelove said for example, this letter said an advisory board you can have governing members on that without a problem because it's advisory. They're not voting on things. Joe asked if someone wanted to serve and they weren't getting elected, what are the ways in which they could do so. Dave said they need to look into it but a council person and maybe even the mayor, cannot be on the Zoning Hearing Board or Board Code of Appeals because they actually are separate tribunals that actually make decisions that are appealable and the people on council might actually be parties before these tribunals that make decisions. The Planning Commission makes recommendations but not final decisions. There may be others as well. The Civil Service Commission is another one he believes but has to look into if that actually allows for a

council member. He's going to make a list of those different ones. As of today, they don't need a Civil Service Commission because the borough code state laws are a little bit unsettled on that issue. Joe asked what the Civil Service Commission was. Dave said it does a couple things. Boroughs where there are three or more full time officers, and that number is very important because otherwise you don't need one, a Civil Service Commission actually is the entity that takes the applications, does the testing and interviews, sets all the types of stuff up for both new hires and promotions and also provides an alternate hearing board in the event that an officer, if there's a disciplinary issue, they can either go through usually the grievance process through the contract or sometimes they may opt to go through the Civil Service Commission hearing process. Penndel, Langhorne Borough, Hulmeville Borough and Langhorne Manor Borough don't have one because they don't have, under the state laws as they understand it, a sufficient number of full-time officers. Beverly said she will email him a list of everything that they have openings on.

Dave Cahill, 462 Cynthia Ave., said the Alfaro's are aware that the borough is ignoring two of these other rentals on Crescent St. He made them aware of that last meeting. Beverly said he didn't give her addresses. Dave said he's not giving her addresses because she can look it up on the site and it will tell her the address. He's been made aware that she knows. Barbara said one of those houses was just sold and now is one family. Dave said maybe the Alfaro's keep doing something different every couple of weeks because they're finding out that they're being treated unfairly. Dave asked the chief if the Russell Gearhart death was suspicious in any nature. He asked if the chief was aware that 435 Cynthia Ave. where the heroin overdoses have happened are related to Russell Gearhart. Chief Perry said he's made it very clear that he is not talking about that. Dave said on May 2nd he questioned a police encounter that happened on his street that the chief kindly outed him as the 911 caller. Dave said he had told the chief that he didn't see the woman get cited and was told that he needed to pay attention to Crime Watch or the public safety log in the newspaper to find out what kind of citation they got. It never made it. He wanted to know if there was a reason why. Chief Perry said he read that in his report at the following Council Meeting in June. Dave said there was nothing on Crime Watch and nothing in the public safety log. Chief Perry said they do the best they can to get things in Crime Watch. There are a lot of tasks that he has to do on a daily basis. Dave said and the syringes that were found at the intersection of Rumpf and Cynthia on the 10th and the 11th also weren't reported to Crime Watch or the public safety log. Chief Perry said he's mentioned it at several Council Meetings and in his monthly reports that if you see a needle, call them and they will come pick it up. Dave said so if he got an audio of the meetings, he will hear him say that. Chief Perry said he doesn't recall the specific meeting that he said it. Dave said he was already told by people that were at the meeting that he didn't bring it up at all. Chief Perry said there's a good chance he didn't bring it up. Dave asked if there was a reason why he's keeping secrets from the residents about drug activities. Chief Perry said there's a good chance he didn't bring it up because (Dave Cahill cut him off and didn't let him finish). Beverly asked if he saw the syringes. Dave said no, someone else reported them. Chief Perry said an officer responded and picked up the syringes. Dave said he asked the county if the syringes were turned over to them and they told him no. He's been in contact with the county because they have a push out the pusher and because he doesn't like the service that he's getting here in the borough. They told him that the syringes were not turned over to them so he's wondering where they went. He recalls an incident involving drugs back in 2005 that he watched and the drugs were thrown in the trash and another officer had to pick them out of the trash. That was the last big drug problem they had in Penndel on Cynthia Ave. This isn't the first time that they've been going through this. The drug activity continues. The cars are still parking and the people are still coming and nothing's being done. He's just kind of curious why the chief is keeping secrets from the residents and not reporting on this information. The chief asked Dave

what secrets he is keeping. Dave asked what was in the syringes. Chief Perry said they were disposed of. If they find syringes, they get disposed. Dave asked him why he isn't interested in what's in them. Chief said syringes found on the roadway are pointless to test. When people call for syringes, they respond and use the safety equipment they have and they dispose of them. It would be pointless to test every one of them to figure out what's in it. They know what syringes are used for. Dave asked if he knew that there was heroin in these syringes. There's a heroin problem on Cynthia Ave. There were two overdoses there. Chief Perry said there is an opioid problem in the United States and everywhere. Dave asked if he is supposed to be OK with that. Chief Perry said he's not saying he's OK with it. Dave said he's not happy with the answers. Chief Perry said there were syringes found two separate days and the police responded both days to please pick up the syringes in the same area and they were disposed of properly. Dave said they weren't handed over to the county so that the county could see them. There were two overdoses at 435 Cynthia Ave. about seven months apart and the second one was found dead. Beverly said she understands but her question to him is what advantage would it give them to have opened up a lab to find out what's in the syringe. Dave said to confirm the heroin problem on the street. Beverly said they already know according to him. Dave said so why don't they have a murder arrest. Somebody supplied the gentleman and he believes his name was James Booterbaugh. They are still waiting for the murder arrest on whoever supplied him with the heroin. Beverly said his point is well taken. He found syringes that were picked up. They were disposed of and nobody knows what was in them and the push out the pusher people were not notified.

Mike Smith, 127 Dehaven Ave., said to Mayor Winkler and Chief Perry that the Traffic Safety Engineer report they been waiting for was issued approximately one month ago. There was a clear finding that the fence is unsafe to traffic. He asked if there has been any action from their office to address the public safety concerns created by Officer Darnley and his fence. Dave Truelove said they haven't been supplied the report because it's only been supplied to other counsel. The issue is they're in litigation. They want the fence moved but Mike's attorney and the attorney for Mr. Darnley are still having some discussions about coming to a resolution. Mike said he thinks they broke down. They will see because he made an attempt today. Dave said that's the first he's heard of that. He hasn't had any contact with anyone since the last time he and Mr. Rubenstein spoke. Mike asked why there has been no notice of violation issued to Darnley's. Dave said they are in litigation and if they did that they would be slapped with a sanction from the court. Mike said he brought this problem to this board back in September of last year and they all must have gone and looked at the ordinance book and found out that it was in violation. He asked why a violation notice wasn't sent then. Dave said he explained it at the time and will explain it again. The fence ordinance was not clear and Mr. Darnley had an invested right based on the permit issued, even if it was in error, and Mike had a right at that time and was advised that he could have filed an appeal of the issuance of the permit. Mike said he came here asking him what to do and he told him to let this council and Mr. Italia do their job. And that he could also appeal the permit. Mike said he's wrong. Dave asked when he gave him that memo, what it said. It said to appeal the issuance of the permit which he did not do. Mike asked council if they started the process of hiring a fencing contractor and if not what they are waiting for. Dave said the matter is in litigation and they're not going to enter that area until the litigation is over. Mike said for 541 Hulmeville Ave., a fence was put up on September 7th and a permit was issued for a fence that goes across the front of the house. The ordinance, 405-24 states no fence can be over 4 foot high on the front or the side yard. The fence is six foot high. Dave said this is the first he's heard of it. Mike said he brought it up at the last meeting. Dave said he wasn't at the last meeting. Mike said that's a problem. One of them has to stay here. They have fencing issues again. The whole council was aware of it.

Beverly said 541 Hulmeville Ave. is the new house which was the one with the permit questions that Karen reported on. She thought that question was answered. She'll have to look it up.

Carol Schuehler said she could solve one problem. On Schoolhouse Court there was a question about the foundation elevation of lot 2 relative to lot 3. The building permit plan for lot 2 and the garage elevations show they are the same, but the basement elevation and the first-floor elevation are both approved at about 16 inches higher for lot 2 than they were for lot 3. That should be in fact 16 inches higher based on the grading permit that was approved and developed by Dumack Engineering. Joe asked when that was approved and Carol said that was in March of this year. Joe said so it's totally different than the original plans. Carol said they have to do building permit plans for each lot so in the original plans you basically get a rectangle that represents a house but you know that's not what they really build so the code has them submit a grading permit for each individual house/twin and so they review that and make sure that the grades work with the other houses. And with the driveway and the garage elevations for lot 3 and lot 2 are essentially the same but the basement floor and the first floor are higher on lot 2 and that was in their building permit plan. If you're seeing that in the field that would be correct. She sent them back three times before they got to this plan. She went back and forth with them quite a few times because she was concerned about the elevation of those houses relative to the infiltration bed in between them. There was quite a bit of back and forth about building elevations and when she researched it again, that was March that she approved that. A little time has passed but when she researched it, what's in the file that basement and 1st floor is higher on lot 2 than lot 3 garage floor elevation is the same. She also reviews the grade of the driveway because of the stormwater. The lots in front are on the complete opposite side of the storm water and it wouldn't affect them. That's the purpose of these grading permits, to make sure that the stormwater ultimately is going where it's supposed to go and that the grades work with the road and that the driveway won't be too steep. All of that gets reviewed.

Council Members to be Heard

Mark Moffa reported that he pulled up the list of vacancies. They had a huge problem with Zoning Hearing Board because they only had one member for a long time, but they've filled those and now have an alternate so that's OK for now and that's probably the most important board. The Planning Commission is right on its heels. They had two vacancies there, but they just appointed Caroline Lavenduski and now Beverly, so the vacancies are filled. They have no alternate which it would be nice to have. The other board that needs bodies is the Revitalization Task Force. They had designated that certain members were business owners. They lost two business owners in town, so it depends on how they classify. If you run a home-based business does that count. They can revisit that as to who would be appropriate to appoint to the vacancies. The others are relatively inactive at the moment. Dave keeps mentioning that they need to start a Board Code of Appeals. Dave said that's because if somebody does file certain appeals you have to have the body to have the hearing. It's a challenge in any town but especially a small town like this. The members have to have certain qualities and they can't be on other boards. Beverly said she believes they have people so they're going to start to do the ordinance. Dave Cahill asked about the Rec Board. Beverly said there are no members so it's inactive at the moment along with the EAC. Dave said he wasn't aware that they were inactive. Beverly said it's a matter of semantics. He calls it active, she says it's inactive because there are no members so there's no work being done. Joe Dudash asked if they have applicants for the Board of Appeals. Beverly said there are three people that have the qualifications. She'll have all that information available for council probably at the next meeting. They have to have either engineering, building, general contracting, architectural, electrical, plumbing. They have to have some kind of experience in building. Dave Truelove said they have to have a certain

number of residents, but others can be non-residents if they meet those qualifications. Beverly said if they can't get residents, they can go outside if they have just reason and can show they made an effort.

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

Submitted by: _____
Marie Serota, Secretary/Treasurer