

Penndel Borough Council Work Session Minutes

October 18, 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 – arrived at 7:38pm
Council President Beverly Wolfe
Council Vice President Mark Moffa
Councilwoman Barbara Heffelfinger – arrived at 7:38pm
Councilman Joe Dudash
Councilwoman Laura Germain
Councilman John Stratz
Councilman Gary Nickerson

Also present at the meeting

Ben Hauser, Solicitor, Hill Wallack
Marie Serota, Secretary/Treasurer

Presentation to Beth Stowers

Laura Germain presented a Certificate of Appreciation dated the 6th of July, 2021 and signed by Council President Beverly Wolfe to Beth Stowers for her invaluable service to the Borough of Penndel and outstanding community spirit. It took a while to coordinate their schedules to get together. Laura said she calls Beth her assistant because with all the events, Beth helps her with everything from the planning and prep to running the event itself to the cleanup and even afterwards going over what worked and what didn't work. Laura said if there's a craft, she will try to make it so the kids can see it and then Beth will come in very kindly and say to let her make a better example that the kids can actually follow. During the events, she is running around place to place giving out extra stickers, helping with spills, just doing everything that needs to be done. After the event, she's not afraid to get her hands dirty by helping to crawl under the tables and getting the garbage together. Beth has incredible artistic talents and is very hard working. She has exemplary community spirit. She is a very busy young lady and yet she chooses to spend at least some of her time on making the community better. She really deserves this certificate.

Beverly Wolfe thanked Beth for her service to the community. She's witnessed how busy she is at events and to see someone her age give up her time to benefit the community is outstanding and they appreciate it.

Consent Item

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF OCTOBER 4, 2021 COUNCIL MEETING. SECONDED BY LAURA GERMAIN. 5 yes, 1 no (Joe Dudash). Motion carried 5-1.

Reports:

Solicitor's Report

Ben Hauser said other than thanking Mr. Smith for his kind and generous donation of six, 16.7 ounce bottles of Coca Cola, he had no report.

Public Comment on Agenda Items

Tom Sodano, 126 Woodland Ave., said under consideration of a motion to do the renovations, he didn't see any plans. He asked if they don't normally have a rendering or something to show so that the public gets some idea of what's going on. When this all began, Mike Smith generously offered to donate a bench in the name of Ted. He asked if on the plan it shows whether that was or wasn't incorporated. Beverly said they do have a rendering and it was not included on the stuff that went on to the website. Tom said usually there is a rendering or a flipchart or something so people get to see it. Beverly said she will explain what the front entrance is going to be and it is probably going to be in two parts, but she'll explain when they get there.

Joe Dudash read the following statement: To the people of Penndel. I'm sorry that my comments during last council meeting offended some people but at the very least, I'm happy that they started a conversation about the shadow government gridlock, secret meetings, expenditure waste, deceitfulness, government efficiency and extremism which has paralyzed this council. Mistakes were made in terms of comments and he was over enthusiastic in his comments and representing the residents of the Borough of Penndel. The overwhelming support that I received from the people of the borough encourages him in remaining your voice. God bless and thank you.

Joe Adams, 327 Neshaminy St., said there's an item coming up on the agenda under new business to approve the Applied Micro Systems proposal for the file share upgrade. He understands that no one on council is a government IT services provider. He knows that they don't have a full time IT services provider. At a previous meeting he brought up that a cloud solution should be considered. His concern with the solution being proposed here is that it's a local server solution. His primary concerns are if they lose internet, they lose access. They lose power, they lose access and they now have security concerns to worry about. They now are responsible for updating this software, maintaining it, taking care of it and for requiring vendors to continue to maintain it. He recently worked with a borough in New Jersey that has very similar setup, with a manager and is very small. They were able to move them to a Microsoft Gov cloud product that they maintain themselves with a 24-hour phone number. No other vendor is involved and all they do is pay the cost for something like that. He's not here to sell it and he doesn't feel like doing tech support. If they vote on this, it's not the end of the world. But there is probably a more effective cloud-based solution that they could just put on their phones and not have to do these VPNs and RDP's and all this extra work. And it's pretty cheap and it's pretty easy to set up. He would ask them for a little time to consider other options of the cloud hosted directly through Microsoft not a secondary vendor in between before they drop \$3,000.00 on a local server solution in the building which is going to require support and security and uptime. He doesn't think this is an issue of neglect or an issue of bad intent on anyone's part. His suggestion would be they table it to give a little more time to hear counter proposals from other cloud-based solutions before they move forward spending that kind of money. He's not looking to charge the borough for this and he's not asking to add a new vendor to the schedule.

Beverly Wolfe reported that Councilwoman Barbara Heffelfinger and Mayor Robert Winkler have arrived at 7:38pm.

Mayor's Report

Mayor Winkler reported that he attended the Fall Leadership Conference, and it was interesting. He brought some brochures and papers back and put them in their bins. One is the solicitor's responsibilities and another one was effective grant writing. The major thing was the mayor's roundtable which came up that there's quite a few bills that are being presented in regard to boroughs. The PSAB is trying to get copies of it sent to them and he also contacted their state rep and she's going to work on it as well. He brought back a couple of awards that he will present at the council meeting.

New Business

MOTION BY BARBARA HEFFELFINGER TO APPROVE BOROUGH HALL RENTAL APPLICATION FOR MIRANDA WINKLER ON 10/23/21 FROM 12:30 P.M. TO 3:30 P.M. SECONDED BY JOHN STRATZ. Gary Nickerson said he is surprised that they have to approve the rental of the building. He thought this was something that's just normally granted. Beverly said it appears to be something that was always done. Gary said it just seems kind of administrative, like it's a matter of day-to-day operations and probably should not require being brought up before council. Beverly said it's probably something either the borough secretary could do or at worst the borough manager.

Barbara Heffelfinger said since they're talking about renting out the borough hall, she said this is the people's hall not borough council's hall. It's borough council's because they meet here but this is the people's hall and to have any of the public committees have to pay is absolutely absurd. The hall belongs to the people and they should not have to pay to use this hall when they're doing it for the benefit of the people and she wants that changed in the fee schedule. If the Heritage Society was going to meet here, they'd have to pay. That's what it says in the fee schedule and that was brought up before. The heritage/activities committee should not have to pay. She knows the parade committee doesn't because nobody wants to mess with Ed Preston. She wants that taken out of the fee schedule.

Mike Smith, 127 Dehaven Ave., said to Barbara that he disagrees with her and they had this conversation back in 2012. The Heritage Society never opens its books to the people of Penndel. If this borough hall is used for the people for the Christmas tree lighting or the parade or something, he gets it. He's not asking them to pay to use the borough hall. But if a political group or even the Penndel Heritage Society because they will not provide their books to the public. Barbara said if he comes to a meeting and joins the group and pays his dues, he can look at anything he wants. Mike said but that's the problem. If they as residents want to come to the borough and ask to see the books, they can't. Barbara said it's not a borough organization. Mike said she just stuck her hand in her mouth. And Beverly had a look on her face like she just said something she shouldn't have said. Barbara said if they come to the meeting, they have a list of the money. Beverly said this discussion is for agenda items and they were voting on a motion. Mike said Barbara opened up the door and he walked in. As far as political, they should be charged because they're paying for the electric and heat and whatever but if the Penndel Heritage Society wants to open its books to the residents of Penndel like the borough would have to do if it was requested, then use the hall. She just said it's not a borough organization. Barbara said it's not, it belongs to the people of the borough, not the borough. She can sit down with Mike if he wants. All ayes, motion carried.

Beverly Wolfe explained the bids for the motion which are attached. She said worst case scenario out of the grant will be that they get a complete landscaped new front and all new concrete. There will be no more steps. People will be able to go right into the building on a ramp down the side of the building and then around on a nice walkway out through the gate that's probably going away. The handicap parking spots will be right there so that a person with

disabilities doesn't have to come in the back door and if you've ever tried to come in that back door and you're using a walker, give it a try. It's not good. She doesn't know which door is worse to come in. The unfortunate part is this will not be done anytime soon and they're confident that the RDA will grant them an extension if they need it if they run into weather which they will because of all the concrete work. But the RDA has worked with them before and it was very difficult to get people to bid on a project this small. Council has plans in their packets and if anyone in the audience would like a copy to see they can provide one. Once it's done, they will have something they can look at. The plan is to have all new landscaping and to replace the two benches out front. Mike asked how these contractors bid on all this work when there's no drawings. Beverly said there is not a big one like Tom was talking about. Mike said it's on an 8 ½ by 11. Beverly said this is what Gilmore gave her to use tonight. She didn't authorize them to do the big drawings yet. Mike said that might be why they are so high because they don't have a full-size drawing. Beverly said just because she doesn't have one doesn't mean that the contractor didn't get one. Mike said that Tom asked if there was anything that could be seen and she said no. Beverly said because they have not been given the big copy to display on cardboard here in borough hall like they usually do on an easel. Mike said there should be a full-size drawing because there are many different items. Beverly said 12. Mike said there is a lot missing here. He said they would get higher bids because of all the unknowns. Gary Nickerson said these are shrunken down these are not full size. They have them electronically. They were uploaded to the to the bid solicitation website. Beverly said Gary just answered the question. The contractors went on Municibid and they were provided electronically. That's part of the process when you're posting on Municibid. Mike said when Tom asked her about that she said no. Beverly said he asked her if there's a full-size rendering for the people to look at. She did not get a big copy to put on poster board to put here so everyone can see it.

MOTION BY JOHN STRATZ TO AWARD THE PENNDEL BOROUGH HALL EXTERIOR RENOVATIONS TO PREMIER BUILDERS, INC. FOR THE BASE BID ONLY IN THE AMOUNT OF \$57, 695.54 AS RECOMMENDED BY GILMORE & ASSOCIATES. SECONDED BY LAURA GERMAIN. Mark Moffa said for those who aren't looking at the drawing, it's pretty basic. It shows new concrete and landscaping and out of the 12 items it's pretty much concrete and landscaping and there are concrete specs. He asked Beverly, on the alternative bids to what level of importance are they placing on some of these alternative bid items. It would seem that they should consider including some of them because some of them are actually very affordable. He asked how much the grant is. Beverly said almost \$67,000.00. Mark said if they took the one, they're looking to award to Premier Builders that is \$57,000.00, they could add alternative bids one and two and still come in under \$67,000. Beverly said they could. Mark asked how important they think it is that they add those sections of additional front entrance sidewalk. Beverly said in her and the engineer's estimation, they are very important. They're going to be installing the new walkway, and they avoided the trees that they just planted a few years ago they were questioning that the one thing that they did notice was the decay in the condition of the entire walkway going out to the sidewalk. The one section closest to the building is obviously going to be the one that's affected the most because that's where the demolition of the steps is going to be. Mark asked why they wouldn't add those because they're replacing all the other sidewalk and doing all this landscaping and striping. They would ditch alternative bids 3, 4 and 5 which is nice to have as she mentioned the beadboard ceiling trim and the bluestone capping and new front door, but they could get the additional front entrance sidewalk pieces included and still come in under \$67,000.00. He's not understanding why the recommendation from Gilmore would not include those. Beverly said because this was the way the original documents were done and they didn't have them redone and she had already gone through these with Gilmore and told them item number 16 is no. They need to do item number 15. The condition of the ceiling and the facade and the pillars out front is very bad. In her estimation,

items 14, 15 or 17 are almost a must have but these other ones are conditional on the door. She doesn't think they should do the columns and trim without doing the door at the same time because there will be some damage when they do the door. Mark said if they know they're going to do a door then it would seem silly to put the trim in and then do a door. Beverly said they are trying to find out if they can find something a little more affordable and then if they can, try to find a way to fund it. Mark said it's a shame that their door price can't be flipped with the door price of the Westchester group. Beverly said that does include all the wiring and electrical work. They left it a la carte so they could pick and choose once they figured out what was going on with the door and they're expecting an answer on that within a few weeks. The architect was kind enough to go back and have a look through all her books and look online and see what she could find as a good alternative to what they'd originally picked which was a really nice door keeping in line with what they have. Mark said he's in favor of adding those two alternatives. Gary said it seems like the overall purpose of the project was to make an ADA accessible entrance to the front. They're providing two paths to the front with the concrete. He wasn't sure if the project could be tweaked so that they could probably do the whole thing. They're providing one entrance to the ramp and then they're providing another piece of concrete out to the walk. It would be nice to be able to do the whole thing to provide that ADA accessible entrance to the front and get the door. He wasn't involved in the design of it, but it would be nice to be able to get everything that they wanted but perhaps scale it down a little. The reason behind both of them was that one is the ramp to come up to the door and the other one is a walkway from parking over here and walking instead of having to go up the ramp. There would be a nice little path around to the front entrance way. She can certainly go back to Gilmore and, if it would be helpful, they can have Kurt come and answer questions. Joe Dudash said he thinks that's a good idea. That way people can hear about it. They've got a lot of contractors out there. It's a good idea to have them come out because maybe, like Gary said, they can tweak this a little because he thought this whole thing was for handicapped accessibility. Beverly said that's the whole idea but also to make it look nice instead of looking institutional. Joe said sometimes they have to keep going back to the contractor and say they want this, how can they work this out. Beverly said sometimes they have to go back to the engineer because this is a bid and if they change the bid too much, it might cause them having to go back out to bid again. She'll talk to Kurt and ask him to come to the next council meeting and bring blown up copies of these with him so everybody can see them. Normally the deadline to use RDA grant funds is by the 31st of the year. This has been an interesting year and even the RDA will admit that with trying to get workers, trying to get materials and even trying to get somebody to bid on a job this small was very challenging for Gilmore. Laura Germain asked if there was a certain point they needed to get to. If they had done no work and had no bids, she's sure they would be less likely to give them an extension. She asked if there a certain point they need to get to before the 31st in order to be granted an extension. Beverly said she will talk to Jeff Darwak, but they know that the weather is going to be prohibitive. Dave Cahill asked if they are in the contractor's union. Beverly said they have to be. It's all Davis Bacon wages. Mike Smith said they do not have to be in the union. Beverly said they will ask that question. Mike said they have to pay prevailing wages.

MOTION BY MARK MOFFA TO TABLE THE AWARDING OF THE PENNDEL BOROUGH HALL EXTERIOR RENOVATION BID. SECONDED BY JOHN STRATZ. No objections, motion tabled.

MOTION BY JOHN STRATZ TO APPROVE THE APPLIED MICRO SYSTEMS, LTD. PROPOSAL FOR THE FILE SHARE SET UP DATED 10/4/21 NOT TO EXCEED \$2,870.00. SECONDED BY LAURA GERMAIN. Beverly said this is SharePoint which is a Microsoft based product. She believes it is cloud based not hosted here, but she will absolutely make sure that it

is completely cloud based and accessible by VPN connections which are secure. They have to make sure that all borough documents are completely secure when they're being transmitted or they're being pulled down from a cloud situation. They already own a portion of the licensing for this because they have Office 365 and SharePoint comes with it. She wants to make sure that this is cloud based and it can't be hosted. She doesn't have the answer to that right now. Laura asked if they could do the same thing here that they did with the other motion. Beverly said that's what she was going to suggest. John said he's seen the news about cloud accounts being hacked. He asked how secure a cloud account is. Beverly said her share file server where she works has the security and has never been breached. The borough has never had a breach either. She understands his concerns. Her concerns are more for hardware crashes and especially if backups aren't provided or done the right way. The Police Department has been backing up to a cloud-based server environment for quite some time and it's all completely secure as you can possibly make it. She's not a SharePoint fan because it is not that easy for lay people to learn how to use. AMS promised that they would do what was necessary to get every single council member and professional set up on a secure VPN connection to come in and grab whatever documents are hosted on this cloud. Things that are on this cloud that are shareable, and you can get down to the file who's allowed to see it and who isn't, and you can give permission that way. It will also save in wear and tear on our mail system to Marie having to send out 10 Meg attachments to 27 people or that Ben is called in and he needs a copy of the TOD ordinance and then Gary needs a copy of the insurance documents or whatever. Marie has to get those files and send it on out. This way if they're hosted somewhere, it's self-serve. They can find whatever documents they need and all the agendas everything will be just posted out there and they can just go grab them. The whole idea behind this was to make it like a library for council and the professionals to be able to get the documents they need.

MOTION BY BARBARA HEFFELFINGER TO TABLE THE MOTION. SECONDED BY JOHN STRATZ. No objections, motion tabled.

MOTION BY BARBARA HEFFELFINGER TO APPROVE AND SIGN THE REVISED PROPOSAL FROM VILLAGE ARCHITECTURE & PRESERVATION DATE 10/14/21 FOR THE RESTROOM FACILITY REHABILITATION PROJECT AT PENNDEL BOROUGH'S MEMORIAL PARK. SECONDED BY JOHN STRATZ. Beverly said in February of 2020 when they thought they were going to get that grant, they had an architect retained to do the work on designing what would replace it. This proposal was updated last week and as Mark and Gary pointed out, the changes in the proposal where the design phases services went up from \$3,200.00 to \$3,600.00 and reimbursable expenses went from \$1,100.00 to \$1,325.00. The remainder of the agreement appears to be the same. The estimate of possible costs completes hourly not to exceed fee of \$2,250.00. Additional design and coordination services to be provided at their request, the attached hourly rates that did not change. The fee structure did not change. Barbara said the important thing about this is that they're working on a shortened timeline and one of the things that the lady in Doylestown asked them was if they could complete the project within a shortened time frame. The time frame begins October 1st and into the very early spring. They don't have a full year, so they've got to get this project moving. Carol has been wonderful with going back and forth with CDBG and talking to them so that they could get this money. Some of the regulations have changed and they had to realign the district because of whether they are lower or moderate income and where those boundaries extend to. What they're doing now is working a shortened timeline. They have to get moving on this right away. That means they have to have the architect do everything that she needs to do and then they've got to put it out to bid and get it done. In order to get that money, they told them they would do that. They've got to get it signed and delivered so that she can start working. Carol did talk to her and she did say that she would start working on it right away. For those of you who have been down there at the rec and go into the electrical room and the bathrooms, it's ugly. And they are

not ADA compliant. This is not a project that they can say they'll think about this for a while. It's been over a year in negotiations with the CDBG and they've made promises that they would get this done so that we could get this money and get this project. Beverly said parts of this design phase are going to involve the Legion for coordination with them with their memorial project. Carol is going to have to coordinate with their architect as well. She's never seen the CDBG be so extensive with anything ever before. And thanks to Dominic of the Pennel Wildcats for providing them with the list of their player's ages, zip codes and addresses to get the demographics that HUD would accept. They also asked for maps of local parks and what facilities were available in these local parks. With the help of the Parks and Rec. director at Middletown, they were able to help with those maps. All ayes, motion carried.

Public Comment

Estella Kristiniak, 662 Hulmeville Ave., said it's about time that all borough council members started coming down Hulmeville Ave. when the Wildcats are playing to see what they have to go through with the parking during games and practice. She couldn't even get out of her driveway because they were blocking it. It's all down Hulmeville and Rumpf Aves. And they're leaving all their trash. She yelled at some of them and they said you're supposed to provide trash containers for us. They're leaving dirty diapers. Come out of your house and come down and take a look at and see what they're going through.

Jason Rubinstein, attorney for Mike Smith at 127 Dehaven Ave., said they all know about the fence. There's a fence and he's sure they won't have to belabor any points, at 411 Hulmeville Ave. He said to Mr. Winkler that his understanding is that at the last session here, he said he wasn't aware of any Traffic Safety engineers report. It's come to his attention that it has been emailed to him. He asked Bob to confirm that he received it and read it. Bob said he has started reading it. Jason said then he is aware that it says that an officer in his jurisdiction... Ben Hauser interrupted and said he is talking to a represented party. Ben said to Mr. Winkler and any members of council that he's going to let him continue to make his points to the council. He is advising council and his honor that they do not need to respond. Jason said it seems that a fence was built that is a public safety issue. It could be in the category of a nuisance for this Traffic Safety engineers report. It's actually causing problems. There's near accidents caused on nearly a daily basis there. There have been complaints made to the borough and apparently nothing is meaningfully being done about it because the guy that owns the fence is a police officer. This town, and it's a very small town, it seems that he had pressured his way into getting the permit by some testimony that was taken here a few years ago. It seems there's good precedent for a way to handle this. In February of 2020, the France family right on this street about 400 or so Bellevue Ave., were victims of a mistake by Value Engineering Incorporated and this VEI company made a mistake in saying that there are plans that their curbs as laid out were fine and Mr. France built the curb and they made him tear it out by hand and take all that concrete out by himself and Value Engineering had to come in and pay their fair share. Mr. France didn't insist on all of it, but he wonders what's being done to make sure Value Engineering Systems in this case with my client is being made to pay their fair share. He asked if there was any movement on this or do they feel like just keeping their constituents in the dark is still the best thing to do. Mike Smith corrected him and said it was Barry Isett & Associates. Jason said it is still a contractor for the borough. They made a mistake so why can't they just be asked to account for it. Anything that council can provide towards that is good for their constituents because obviously they've all wanted to know for a very long time now.

Joe Adams, 327 Neshaminy St., asked if he was allowed to see the actual Applied Micro Systems proposal. Beverly gave him the proposal to look at and said she's going to go back to them and get some clarification. Joe said he is a professional and this is what he does. He

appreciates that they tabled the motion so more research could be done. He said just cursory looking at this, it is an entirely local solution to make the local building remotely accessible. This is not a cloud solution. Item two SSL security insert that gets applied at your VPN gateway. Item three the one-time license for server to allow remote file access and local remote printing that means you've got SharePoint in the building and you're getting RDP Cals and up to this set up here for VM Ware space with RD web access. VM Ware is the hypervisor software already web access again that's part of a local server licensing. He's done a lot of municipal work and right off the top here, this is entirely a local solution. The danger they start to get into is discussing it publicly. Beverly said they are not doing anything that is not cloud based. Joe said this proposal is 0% cloud. Beverly said there is a SharePoint solution that is cloud based because she did look at it for her company. She just had people that wouldn't have been able to use it.

Dave Cahill, 462 Cynthia Ave., said at the last meeting, it was brought up that the fence at 541 Hulmeville Ave. was erected without a permit and that there were violations. He asked if the permit was issued by the code enforcer. He said they don't just have a problem with the fence that the cop erected, they have a problem with several fences in the borough. He is curious why that homeowner didn't have to come in front of the Zoning Hearing Board like Mr. Darnley did. Beverly said that was answered at not this past meeting but the one before, but she will get the information for him for the next meeting. She did not look into this any further. Dave said there is a rumor going around that Charlie issued a permit knowing that there were code violations. Dave said he doesn't understand why this borough keeps burying themselves in these issues. He doesn't understand how Charlie could issue a permit when he knew there were code violations on that fence at 541 Hulmeville Ave., after everything that's going on at 411 Hulmeville Ave. Beverly said she will get to the bottom of it and get him the answer. Dave said he got her letter about the stormwater problem. He asked if she had his pictures. Beverly said she does. Dave said the letter has the pictures that the code enforcer took. He said he was confused on why she is sending a code enforcer out when it is not a code enforcer problem. Beverly said they were sent out because he came to a meeting and had a problem with storm water and they went out to go look. Dave said it's an engineering issue because the neighbor raised the grade and altered the swale. It said in the letter that she tried to call him. Beverly said the thing on his phone wouldn't allow her to make the call. Dave said it is a Magic Jack. Beverly said it would not allow her to get through. It said it was inaccessible from the number she was dialing from. Dave said he gets all his voice mails to his email and her number didn't show up. Beverly said how else would she know that he had that if she hadn't tried to call. Dave said in her letter she said that his slope was higher than the neighbors. The pictures were taken from his front yard, and she is not seeing the bottom back of his yard by the fence where the flooding is happening. It is flat and there are slopes. Whoever took the pictures and she referred to them as she, did not get pictures of the rear of the yard by the fence. Beverly said she thinks her name is Joanne. Dave said she's not getting the true pictures. One thing that wasn't passed on to her, because she wasn't here at the August work session when he made the original complaint is that the neighbor altered the swale and built his own French drain and added two pumps. He asked if she knows where he is pumping it to. Dave asked Ben if he remembered him bringing that up. Ben said he vaguely recalls him raising a French drain issue. Dave said Mike Italia came out to look at everything, so he wants to know if the neighbor got permits, if everything was inspected and if the borough knows where he's pumping the water to. And just so they're clear, the address is 472 Cynthia, right next door to 482 Cynthia, Vice President Mr. Moffa. He raised the grade and brought in 20 tons of stone and 20 tons of dirt and dug this French drain and it was done within the last three years. This is in conjunction with what Mr. and Mrs. Anderson did when they filled in their pool and now what his Ukrainian neighbor has done. He is getting all the water and so is his other neighbor, in the corner of his

yard because the water is not moving when they get the heavy storms of two inches or more an hour. The water is not moving from the top of Dehaven down to Rumpf. He's getting water in his garage. He appreciates her letter and the pictures but when she tells him that the issue is done, she's sending out the wrong person. Beverly said he just gave her some new information. Dave said the correct information should have been passed on to her. Mr. Moffa was running the meeting in August because she was absent and he should have told her everything that he told council that night, but he didn't. Beverly said she may not have an answer for him by next meeting. Dave said he will give her his cell number before he leaves. He said the borough has his cell number on their emergency list. He gets the emergency text message alerts from the county and Karen on his phone.

Joe Adams, 327 Neshaminy St., said to Ben Hauser that he's an agent on behalf of the borough representing a state with a zero-tolerance policy which can typically mean that he can't accept anything of value on behalf of the borough but before it becomes accusational, which it's not, this could be amicably settled by leaving it in a public place and available to the public. He asked if he could get a Coke prior to leaving. Ben said that he had a couple of interesting points so now he's going to let him wax poetic about Coca Cola which may be his regret. He believes the ethics act does allow limited hospitality. To avoid any issue, he finds it interesting that Mr. Smith brought him a wonderful pack of six Cokes which there is no way he's going to be able to fit them in his bag for the way back so if the gentleman would like to grab a coke, he would certainly offer them up to the crowd although he thinks now, he's got a ticking time bomb. Joe said he thinks he's offering an olive branch and preventing any issue. He doesn't want the optics of impropriety. They were generously donated by Mr. Smith.

Mike Smith, 127 Dehaven Ave., asked what the status was with the trailers. They were parked Sunday morning around 9:00 to 9:30 when he went through there Sunday morning. They were parked on both Middletown and Pennel's sides at the corner of Bellevue and Park Ave. in the painted zone. They're working outside again. He didn't know if that's legal yet. He thought this was handled but obviously they're taking liberties again. He doesn't think the street was designed for that. There was nobody in the truck. If they were in there sitting in the cab, he would have said OK. But there was nobody in any of the trucks. He pulled past and there was a guy out there working underneath the truck pulling tools and tires around. Beverly asked if he was doing repairs on Park Ave. Mike said he was on the side of the building where he thought they stopped that. They're not coming out on Park Ave. If they were, he would have called the cops. Tom Sodano had a video on his phone showing them working with what sounded like an air compressor and that was from Saturday at 1:45. He said they were there all day. Mike said so then they were there overnight. Ben Hauser asked if either of them would be willing at a later time and day to testify. Mike Smith said absolutely. Tom said he can certainly understand that one of the issues as a borough is that they don't ticket because it would cost a lot of money to have an officer have to sit in court and it can get out of hand. But if they don't do something at least once, they're going to continue. Ben said his office is aware of some issues and that the property may have received a notice from the borough. They have been in discussions with their counsel and he would imagine that there will be further proceedings on this and he's going to leave it at that.

Dave Cahill, 462 Cynthia Ave., said he believes that the owner of the trucking company has been given pictures of Mark Moffa's campaign literature that shows that he's involved in the financial aspect of the Permabilt property and he believes that he is going to be looking into whether or not Mr. Moffa is filling his pockets with money. He asked Mark if he is a realtor. Beverly said Mark did not have to answer. Dave said he doesn't know if Mark is allowed to be involved in this kind of stuff, but he thinks he's going to be looking into that. They were also told

to be on the lookout for condemning the property and taking an eminent domain. He believes there is a rendering of high-rise buildings on the property and that was another one of Mark Moffa's campaign literature handouts. There's a lot that's being looked into right now.

Amanda Mieluch, 16 Oak Ave., said she had a discussion with Mark the other day in reference to his flyers that came around. Mark personally had nothing to do with the trucking company coming in. Any literature that had anything to do with the high rises on that property that was all done as ideas with the Revitalization Task Force and the county people who helped them. She is a member of the task force; it was not Mark personally. It was a group of people that reached out to the county to ask for assistance as members. She is a resident of the borough. Council members are on it and they have business members on it. It was the three parts of this group. As far as what's going on with Permabilt, she doesn't think he had anything to do with that as a realtor, only as a council person. He was able to find out things and yes, he did bring this to the Revitalization Task Force because they want, as a committee, something better for the community. To make accusations that he's lining his pockets in all of that, and she hopes he's not and she doesn't think he is. She said to stop making the Revitalization Task Force a political thing. It's not political because she is very much a part of it and she is not on either one of the major parties. She's tired of this nonsense all the time. Everything that goes on in this town is dragged out.

Council Members to be Heard

Joe Dudash said the truck thing has been an ongoing issue. He still doesn't understand if there is an occupancy. What he's hearing is they never did get one for the old PECO part and they're doing work in there right and left. He asked if there is a permit for their doing building on the side. They're starting to dig it up and are putting some kind of footings in there. If there is an ordinance, he wanted to know what they are doing. Beverly said she needs to sit down with the borough manager and go over everything that has been done, what they are allowed to do, what they're not allowed to do. They need to get a complete accounting of everything. Joe said they're just running the show down there. He brought this up with Carol that they're busting up the roads down at the corner.

Joe asked Mr. Rubinstein if they are in negotiations because the fence thing has been dragging on for a year. He's not getting straight answers. Mr. Rubinstein said they're waiting on the safety engineer report author Joe Fiacco to revise his sketch based on some discussions he's had with the attorneys for the Darnley's and they're still negotiating what the final outcome is going to be. Joe asked if it consists of lowering the fence or moving it because you can't see stuff coming out of his driveway. Mr. Rubinstein said it involves lowering and moving back the fence based on his understanding. The way the grid looks, it looks like a triangle of site that must be cut out of the yard and if the fence is cut out exactly pursuant to that triangle, it wouldn't look right. Joe said they're spending a mint in legal fees. He asked if they are looking at possibility another year. He doesn't understand why this thing isn't up at the county with the judge. Mr. Rubinstein said that's a good question. He's actually at a point where he's not comfortable telling him with the borough solicitor here. He's doing everything for his client to move it along but there's a few moving parts and there's a few parts that are not moving at all and he's trying to get them to move. Joe asked if there was anything that he doesn't know as far as has there been any events safety wise as far as pedestrians and cars. Mr. Rubinstein said there has been at least one complaint in the past few weeks about a near miss accident. Joe asked if it was reported to the Police Department. Mr. Rubinstein said he believes it was. Mike Smith said he was not going to make this a big issue but since it was brought up, he's going to. His daughter almost got hit by the borough truck. It made a lot of noise that his wife heard it inside. He is extremely ticked off because his grandson was in that car. He's asking

that they take care of this sooner than later. If his grandson gets hurt, there's not enough money in this borough to make this right. He's got a bigger war chest than any of them have and he will use it. His daughter reported it last week. It involved Lou the borough employee. It's not his safety now it's his grandson's safety and every kid that walks through OLG's safety. When he comes home in the afternoon he basically comes home and stays home because of the possibility that he is going to hit one of these kids. Even the engineer after speaking with him today, called Dave Truelove and he doesn't know what the answer was. He begged him to come out and get in his vehicle and back out so he can see what actually has to happen. There's near misses all the time. This involves his grandson now. This should have ended on September 8th of last year. Mr. Truelove sat in that chair and could have made the decision for council that a notice of violation was to be sent out immediately as soon as it was realized that the fence did violate the ordinances. He had a retired judge ask him why that was never done. It's coming full circle now. Mr. Truelove made him out to be a liar at the last meeting. He's unhappy he's not here tonight because he really wanted to shove it in his face. He did exactly what Dave asked him to do. Have Mike Italia look at it and go down the road of allowing the borough to take care of it. Joe asked if this could go on for another year and instead of the \$14,000.00 they're up to, it will be more cost to the taxpayers. Mr. Rubenstein said the sky's the limit. All litigation is like that. Joe asked if he thought that it will bounce up to the judge eventually and does the judge get tired of it. It seems like they're in this fog and they just keep moving along in the ship, but they don't know where they're going. Nothing is moving here, and it's been over a year. Mr. Rubenstein said speaking on behalf of his client, he's obviously very upset about this fence. It's a daily nuisance for him. On behalf of the citizens, they're wondering how it's been a nuisance that's been allowed to stand for so long. There's a lot of variables here in play and in terms of advising the board, that's not his role. But if he's making a statement about how absurd it is and how much money has been spent on this fence, it's a very well taken statement. It's absolutely costing you guys a fortune, in terms of money and in terms of faith in the system. Joe said he is just looking out for the taxpayers. Economic times are tight and inflation is hitting them. Seniors are worried. He doesn't need any more bills. Mr. Rubenstein said his client's position is that a contractor should be hired. They should come in and give an estimate on how much it's going to cost to fix the borough's mistake. They're really waiting on the plans from the safe engineer to show the contractor to get something specific.

Mark Moffa said the agenda said the November meetings are November 8th and November 15th. The 15th is incorrect. It should be the 22nd. That's what is advertised. Everything is shifted because of the election. Beverly said the website shows the 8th and 22nd.

Barbara Heffelfinger said she would like to talk to Mike Smith after the meeting about what he asked her about so they can resolve it.

John Stratz said last week he and Carol walked the entire borough identifying potholes. They identified 24 major potholes. The Tuesday after the meeting he had Patch Management come out and he has a discrepancy of what he would like to fix. He's come up with 51 areas in need of repair. Not potholes, areas. Material costs have skyrocketed. He used to get one truckload of material for \$1,800.00 which was up from when they started with Patch Management. It is now \$3,995.00. He can't possibly recommend Patch Management. He doesn't really like the pterodactyl goop all over the road. Beverly asked for him to give her something in writing so they can all see it. John said there are issues with supplies on everything, but this is ridiculous. It has more than doubled. Beverly said they have to do something. John said Haines is in the ballpark of Patch Management and they will do a professional repair as in cutting out the areas and doing it correctly.

MOTION TO ADJOURN BY BARBARA HEFFELFINGER. SECONDED BY JOE DUDASH. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer