

Penndel Borough Council Work Session Minutes

November 22, 2021

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

Present at the meeting

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

Also present at the meeting

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

Council or Borough Announcements

Barbara Heffelfinger announced that there will be a tree lighting on Saturday, December 4th and it will be outside.

Beverly Wolfe stated it has come to their attention that they need to start a process of complaints and reports so that everything is documented, and everything gets into the record, and everyone gets an answer to anything that they need. There needs to be a formal record so, starting this evening, they have a complaint form that will be submitted. It will be routed to the borough manager who will route it to the zoning officer, code enforcement officer, public safety, wherever it needs to go. It will have the complainant signature and it will document down to the end that the complaint was dealt with, and they were informed of the outcome of the complaint. They can also be informed in public of the outcome of the complaint but they need to start having them in writing so they can be kept in permanent record and that way nothing slips between the cracks like has happened over the past couple of months with a couple of resident complaints. They have slipped through the cracks and then had to be picked back up again at the 11th hour. These forms will be available at the office and will be available over on the table and online. Mark Moffa suggested that they put complaint/comment in case someone actually has a positive thing to say or input. Beverly said in her point of view, all she hears is complaints. Probably 99% of the time it will be complaints. The office staff will be encouraged to use the form.

Public Comment on Agenda Items

Joe Adams, 327 Neshaminy St., said he thinks the complaint forms a great idea and asked if they could put on the form itself, if there is any expectation of privacy. If he fills out the complaint form with his name and information, can he expect that to be public record, yes or no. He asked if a statement can be put on the document, so the residents are informed exactly what they're filling out. What is public record versus what is privileged, meaning it stays within the organization. Ben Hauser said he will double check with his right to know counsel. If the

complaint leads to some sort of investigation by the borough that's probably covered by the investigation exemption to the general right to know disclosure, but he will confirm that with his colleague. Beverly said this is not for people to go "hey who called that in." They don't want to give out that kind of information. They will check and will change the form accordingly with the proper disclosures.

Tom Sodano, 126 W. Woodland Ave., asked if somebody shows up at a council meeting like this and complains, will they then have to also fill out a form right here at the meeting. Beverly said there will be a clipboard and a pen. They can voice a complaint, but they still have to fill out the form. She just wants to make sure that their records are updated, and everybody knows exactly what is expected of everybody. The whole sign off process on this forum takes it to a logical conclusion where it will be signed off that this task has been done. That way there is very little chance of something slipping between the cracks.

Ben Hauser said he just wanted to emphasize to the audience that this is basically public comment on the agenda, items five through eight. There will be another generalized public comment after that but if you do want to speak on public comment, that will be the last public comment available until item number nine.

Consent Items

MOTION BY MARK MOFFA TO APPROVE THE MINUTES OF THE NOVEMBER 8, 2021 COUNCIL MEETING AND THE NOVEMBER 15, 2021 BUDGET WORK SESSION.
SECONDED BY GARY NICKERSON. All ayes, motion carried.

Reports:

Mayor's Report

Mayor Winkler reported that the tree lighting will take place at 7:00 pm. Beverly said they will put it on Facebook and the website.

Solicitor's Report

Ben Hauser congratulated the winners from the election earlier this month and wished everyone a Happy Thanksgiving.

Engineer's Report

Carol Schuehler read her report which is attached.

Beverly asked Carol who is funding all this work. Carol said it is all PennDOT's work. There's no borough money going into this. Barbara Heffelfinger asked if they could use another sign at Noeland Ave. warning that children cross there. There is a school bus stop near there and one of the boys is handicapped and apparently the school district doesn't want to change the bus stop, so they get off on the other side and they have to cross. Bob Winkler said there are two signs. One by Advance Auto and one on the corner of Noeland Ave. by the street sign. Barbara said there is a large family at that stop. Carol said that is good information and she will put that in her reply back to PennDOT. Mark Moffa asked if there are enforcement mechanisms like is the police department being empowered to issue tickets to people trying to cross there. Carol said she reached out to the chief when she first got this email because that was her question too. She asked him if this will compel them to have to ticket somebody who crosses, and his answer was no. It doesn't compel them to have to ticket somebody who violates this or crosses, but he said it would enter into play if there was an accident out there between the pedestrian and a vehicle. It would go into the accident report that the pedestrian was crossing against the signage. Mark said it doesn't compel but would they be allowed to ticket someone.

Carol said she suspects the chief has some other things to focus on in Penndel. Mark said if you had a drunk guy stumbling across the street creating a hazard which is something that would be legitimate. He asked if there is a citation that can be issued due to the fact that they are putting the signs up. Does that empower them to do that? Ben said he would check with his colleagues who are a little more versed in traffic tickets than he is. Mark said PennDOT has determined it is a public safety hazard, so he was curious. And would they need an ordinance. They always have these debates at Ordinance Committee meetings like if they need signage to enforce something but that normally involves parking, but this particular situation involves pedestrian crossing. Joe Dudash said the chief and the officers have the right because it's like jaywalking. They enforce not only borough laws but state laws too because that's state highway. Ben said that sounds more or less correct, but he wants to check with his colleagues to be absolutely sure. Laura Germain asked what the timeline was. Carol said they are looking to go out to bid early next year. Laura was thinking maybe if they had time to think about it over the weekend in case something pops up for the next meeting, they could still bring comments to her. Carol said they are offering the opportunity to make a comment. If the Borough Council had a very strong feeling that they don't want those signs there, they want to get that back to them. If Borough Council doesn't have strong feelings about that, it's her inclination to go back to them and let them know about this school bus stop issue out there. She would want to let them know that and they can continue with their assembly of their documents. Joe asked about by Penndel Pizza. Beverly said they will have a pedestrian crossing there. They're talking about by Noeland Ave. There will be pedestrian crossings at the light where the signals are. That's not in play yet. That's the next project. If you're coming up the hill in front of the carpet factory and you happen to get the green light, you're right on Noeland Ave. before you know it. If somebody's out in that road, they might not see them coming up over the crest of that hill. PennDOT has determined that they don't feel that it will be safe to cross there. Carol said they're making the road wider at this point than it is today so that would extend the length of time it would take to cross that road. And it's only about 250 feet away from the intersection with Hulmeville Ave. It seems to her that they're trying to encourage people to go down to the traffic signal where there are pedestrian accommodations and there's also accessibility accommodations. Joe said phase two would be down at Paul's Pizza. Beverly said that's the project coming up in 2023. Joe said they're expanding that road. Beverly said ideally yes but they haven't seen any plans on that. Tom Sodano said there are other intersections for people to cross. Dave Cahill said he didn't understand how they can have a pedestrian friendly TOD and they can't cross at every intersection in the borough. Beverly said PennDOT has ruled that it's unsafe. Gary Nickerson said he understands they're doing this intersection and then the phase two. The next pedestrian improvements are going to be down at Bellevue, but to him the glaring issue is has anybody looked at Centre St. It seems to him like Centre St. would be an ideal crossing for pedestrians because it's pretty much in between. He's not a big fan of putting "No Crossing" signs anywhere in the borough. He doesn't like them. He certainly understands that there's a safety issue here, but it seems like if there's going to be potentially no crossing sign there, he would imagine there could be a pedestrian "No Crossing" sign at Lincoln Ave. There's a potential they're going to say that's going to be too dangerous to cross too. Carol said they're widening Hulmeville and Noeland. The curb radii comes into play because that's getting a little bit wider too so that's why they're focused on this and why it becomes part of the study for that overall intersection. She doesn't disagree with him. She thinks she brought this to council a year and a half ago when they were trying to do a pedestrian study and put up those kinds of signs up at Lincoln Hwy. and Lincoln Ave. She had said she didn't know if they wanted to do that because of the TOD walkability. They were winging it there and they hadn't actually done a study. Now they are providing documentation on how long it takes to cross the gaps between traffic. They actually did an analysis that was attached to this report to document why they felt there was a safety concern with this. Gary asked if they could look at installing some

sort of crossing structure or traffic calming or even just an option for pedestrians to cross at Centre St. because he thinks people are going to go down to Centre and cross. Some people might go back but he thinks people will be crossing at Centre. That's going to be like a secondary impact associated with putting up these "No Crossing Signs" here and especially phase two of this down at Bellevue. He could see them putting up a "No Crossing Sign" at Lincoln because it's going to be a similar thing. Maybe request that they look at providing a third way for residents to cross. Carol said she thinks it's absolutely reasonable to make that part of the discussion as they get into the next project with PennDOT because you do want it to be walking accessible. She doesn't think it's at all unreasonable to make that part of the conversation. She's had conversations with PennDOT about pedestrian safety along Lincoln Highway. Mark asked if these comments could be included as part of the discussion. Carol said she would respectfully suggest that they keep the comments about this project just for this project, so they don't start to snowball if they want to see this project move forward and get underway as soon as possible. Mark asked if she thinks it's inappropriate to express concern about Centre St. because Gary makes a good point that people would go there for crossing. They are counting on people going to Hulmeville where the traffic light is because that's where you probably should go but not everyone will. He asked if they would prohibit crossing there as well. Carol said they didn't study that yet. That's at the end of this project. Beverly said maybe what they should do if Nathan is going to be on the next project, is talk to him. Carol said she doesn't know if he is, and they don't know much about the next project. Mark said the question is has PennDOT considered the impact on Centre St. Carol said they just might be triggering a study of Centre St. and then they'll be having this same discussion in another meeting. Joe Dudash asked when they will give them the information on the next phase. Carol said they have to finish this one first. Beverly said they should ask if for the next phase which is Durham and Bellevue, that whole thing, if they're going to do a traffic study which she suspects they will. They can ask them to include Centre and Lincoln and to let them know what the impacts are going to be. The traffic in the corridor then will be more controlled. There will be turning lanes and new lights with different timing. There's going to be a whole new section between Hulmeville and Bellevue and Durham, particularly with the traffic calming. She thinks that is the question for the 2023 tip project. Instead of just asking if they are going to do a study, ask PennDOT what the impacts would be because they're concerned about walkability. They want people to be able to cross at more than just these places. She wants people to cross safely. It looks to her that Noeland is not safe. She doesn't see the same line of sight issues on Lincoln or Centre but she's not an expert. They can tell them that they would like to have that included in the traffic study. Carol said she thinks she has it. The council is not objectionable to the signage at Noeland. Highlight the school bus issues and then note that pedestrian walkability and pedestrian crossings and safety need to be looked at when the next project goes forward going all the way back to Centre and Lincoln. Beverly said that's paramount to their entire project and goal for that area. Carol said she's already had some conversations with Vince Cerbone about pedestrians in that project. Maybe they should talk to him again soon. Joe asked if they are going to take property from the new AutoZone when they make the turn lanes and the same for the rug place and the old wallpaper place. Carol said there was some right of way acquisition for all the corner properties that's already been worked out. Gary said if you look at the curb, they've already taken care of that. Joe said okay because he didn't want to see it torn up. Carol said the curb is set back. Beverly said PennDOT said everything that they tear up, they have to make right. Even the new curbing that some of those resident and businesses already did. If you look at this plan, they're actually getting all new sidewalks, even where they don't exist. It will be much more walkable. Gary said he doesn't really like the idea of putting up a "No Crossing" sign. He understands it's a safety issue. He asked if they looked at lowering the speed limit on Route 1. Carol said she didn't see that in their documentation. Gary said it looks like the report it just says thirty-five which means 45-50. Carol said she

stumbled across an article where this borough was instrumental in getting the speed limit lowered through Penndel compared to other places. It was years ago, before her time and before she was born but it was really interesting that Penndel was very assertive with PennDOT about that years ago. Penndel is down to thirty-five now. She doesn't know if they'll be able to get them to go much lower. Usually they do a speed study based on the 85th percentile speed of existing traffic going down a road so if people are going fast today, a speed study doesn't drop it. Gary said in Croydon it's at least forty-five going from Croydon to 413 in Bristol. He doesn't think it goes up but when you're in Croydon Proper, and it's only one lane in each direction, a two-lane highway, but he sees the traffic calming things that they did with the little safety islands and there's flashing lights and things like that. Those are the kind of things he would like to see evaluated on Route 1 as opposed to no crossing. He thinks a "No Crossing" sign is just put up so you're not liable, but it doesn't really stop anybody from crossing. He doesn't like the idea and he's not for it. Mark asked if they looked into the pedestrian island there. He feels like the tapering back of the divider in the middle of the road almost looks like if they just extended that divider a little bit it would have a spot for pedestrian crossing. Carol said they did not present any plans for that intersection for any kind of islands or anything like that. There is just striping at this point. Carol said she agrees with Gary and will include that in her response to the department about things they'd like to see in future projects.

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE RECOMMENDATION FROM HNTB CORPORATION TO ADD "NO PEDESTRIAN CROSSING" SIGNS AT THE INTERSECTION OF LINCOLN HWY. AND NOELAND AVE. SECONDED BY LAURA GERMAIN. Joe said he's kind of teetering with Gary on this. He understands what they're trying to do but that's not going to help somebody crossing. Nothing against PennDOT. They're doing a project, but he gets tired of them always telling the borough what to do and it's like they're not getting the full scope of things. Like what Gary and Mark were saying, they're these other intersections and it's fine and dandy to say it's phase two, but they've dealt with government before. The next thing you know, they forget about phase two and phase three. People are going to say they're not walking all the way from Centre St. to Hulmeville. Carol said having been there most times of day and having spent a lot of time out on that road, most times of day, she would walk to the intersection rather than run across that road because that's a very busy road most times of the day.

A roll call vote was taken. Joe Dudash, no, Gary Nickerson, no, Mark Moffa, no, Barbara Heffelfinger, yes, Laura Germain, yes, Beverly Wolfe, yes. Tie vote 3-3. Ben Hauser stated that since the council is evenly divided, under the borough code, Mayor Winkler will cast the tie breaking vote. Mayor Winkler, yes. Motion passes 4-3.

New Business:

Beverly reported that Councilman Stratz, who could not be here this evening because of a surgical procedure today, does not support or recommend this estimate. He asked her to pass it on to everybody. Mark asked what his reasoning was. Beverly said the cost. And they can't use Liquid Fuels funds. Carol said if they don't use Patch Management, they would have to do cold patch in house. They can use cold patch all winter. Joe said he thought John was looking at Haines Paving. Carol said Haines had to be done before the end of the month. Haines Paving was specifically contracted to do three areas and went above and beyond and they patched some other areas free of charge as a donation to the borough. That might be what he remembers. Carol said they're at the end of the season for using hot materials without special exceptions so they're looking at maintenance with cold patch from Pothole Killers. Joe said he thought John said something negative about them. Beverly said he felt it wasn't lasting and it

was expensive. There are fifty-one areas in need of pothole filling, particularly Noeland Ave., which is a mess, Monroe, Holly, Oak, Rumpf, Fairview and six on Crescent. She thinks they can hold off for another meeting until John comes back and they can ask him because she seems to remember what Joe remembers.

MOTION BY MARK MOFFA TO TABLE THE PATCH MANAGEMENT POTHOLE PROPOSAL. SECONDED BY JOE DUDASH. No objections.

Public Comment

Tom Sodano, 126 W. Woodland Ave., said he had the opportunity to have a discussion with John Stratz on Saturday and he made a rather compelling argument against Patch Management. For two reasons, not the least of which was the fact that they were at the end and couldn't use Liquid Fuels' money so they are talking about spending borough money on this, but more importantly, it was regarding the product and the quality of the patch that they get for their money. John discussed in depth with him how he felt about the solid material that Haines uses, realizing of course that they are at a weather position now where that may not necessarily be the case, but if they can't use Liquid Fuels funds, it's wise to table it. John did make a rather compelling argument against the Patch Management Pothole Killer type thing and for using the more solid material, the actual asphalt, macadam, blacktop, whatever you want to refer to it as and he would have to say he agrees with what he said.

Mike Smith, 127 Dehaven Ave., said for a couple of meetings he's been asking for this answer. Where or what is not clarified in the ordinance for the fence that was written back in 2012 that is causing problems as of today. He asked if there is any hope that this council is going to do something about this fence to help it move forward because as it is right now, they're at a stand still and more taxpayer money is going to be spent. Right now, they are at \$19,676.00. He asked how much higher they have to go. He never wanted to spend resident's money, but they are. He asked if anyone was going to answer because it's not litigation so they can talk about. Ben Hauser said he respectfully disagrees with the gentleman's characterization and he would advise council not to say anything that could touch upon litigation at this time. Mike said they're going to court. Mike asked if there was a person on council that is willing to make that motion to get rid of this fence like they promised him during campaign season. Beverly asked him to clarify. Mike said he's asking a question and he's not going to throw anybody under the bus. Take care of this fence once and for all. Beverly said he heard what Ben said.

Dave Cahill, 462 Cynthia Ave., gave Beverly pictures and said they were of his Ukrainian neighbor not abiding by the cease-and-desist letter involving his business. Beverly looked at the pictures and said there's a work van. It's nighttime. The van is parked in front of a house and the lights are on. There looks like it's a couple of people standing outside. Dave said it was at 6:05 in the morning. Beverly said there's a work van parked in a driveway at the house. She said he is parking a work van in his driveway. Dave said he's got his employees coming and picking up equipment. That's why he's got the big garage out back. That's his warehouse. He also came over to him the next Saturday and they had some words in front of his house and he asked him what the problem was. Dave said he told him he knows exactly what the problem is. He got a letter from the borough. Beverly said she would pass the pictures around to council and then give them to Marie as part of the record. Mike Smith said Dave wasn't at the meeting where the complaint forms were talked about. Dave said he doesn't need a complaint form. He's not filling one out. He said you can make a Right to Know request verbally at a meeting. He doesn't know why Ben doesn't know this, but he might want to look into it. You can make a Right to Know request verbally so that's why he does it at the meeting. It's a complaint and it's no different than a Right to Know request. His complaints have already been made. It's already on record he's

violating the cease and desist. He asked if they want him to handle. He said he told him that this gentleman here who had lost the election for mayor, told him that it's none of my business what he's doing at his house. That's what he told him when they had their conversation on Saturday. So he told the Ukrainian that his next call is to the Ukrainian embassy. Gary Nickerson asked why he keeps insisting on calling him Ukrainian. He asked if that is relevant to the story. Gary said he wanted to know why he keeps referring to him as Ukrainian. He finds that highly offensive. Dave said let me guess. He guesses it's racist. Gary asked if there is relevance to the story that he's Ukrainian. Dave told him he's not talking to him. Gary said for the record, he finds it highly offensive. Dave asked how much longer he has to put up with this. Dave said to Beverly that they had a conversation after the last meeting last month and she didn't tell him where they were going with the stormwater problem. Beverly said it's because she doesn't have a clear end of that yet. Dave said there's more news to that too. There are no pumps in this swale. Beverly said he told her there were pumps. Dave said that's what he was told by the neighbor and that's what he was told by Mike Italia. But now the neighbor is telling him that there are no pumps in this swale. He asked why he is having a water problem. Beverly said because the whole town is a problem. Dave said he's not buying that one. He never had water problems before when he moved in. He's getting damage in his garage, and somebody is going to pay for it. Beverly said he told her that there is a swale with a French drain system which was altered, and it was three years, and they raised the grade of the of the properties. That's a lot of work. They built a trench and added two pumps and you refer to Mike Italia. Dave said that is correct. Beverly said that's at 472 Cynthia. Dave said the twenty ton of stone came first. The twenty ton of dirt came next. Beverly said that's new information. Dave said he spread that all around his backyard. Beverly said you saw him do that. Dave said he spread the stone first and put the dirt over top. He's got a whole bunch of stone underneath. He's got no water. He used to get a whole bunch of water around his shed that he has in his yard. He gets no water when it pours, and Dave said he's getting it all because he moved it all to his yard. Beverly said he got the twenty ton of stone, the altered swale, French drain, trench and the two pumps. Dave said yes. He said don't forget about the complaint back in 2016 against the Anderson's for filling in their pool and raising the grade without a permit. Sue Anderson admitted that she didn't have a permit right here at a meeting and that she was told she didn't need a permit and that is where the problem starts. It started at 482 and then it's been continued to 472 and now he's getting everybody's water because the water is not moving. And he needs the work trucks to stop coming at 5 after six in the morning. It's a residential area it's not commercial.

MOTION BY MARK MOFFA TO ADJOURN THE MEETING AT 8:30 P.M. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer