

## Penndel Borough Council Work Session Minutes

December 20, 2021

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

Barbara Heffelfinger asked for a moment of silence for her next-door neighbor Stan Beckett who passed away. He was the guy who rode in the parade in his Navy outfit. He is going to be buried in Washington Crossing National Cemetery. He was 96 years old and a World War II vet. He was on The USS Columbia and was a kamikaze in the South China Sea.

### Present at the meeting

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

### Also present at the meeting

Dave Truelove, Solicitor, Hill Wallack  
Carol Schuehler, Value Engineering  
Marie Serota, Secretary/Treasurer

Beverly Wolfe asked State Representative Tina Davis to present Mayor Winkler with his citation from the State House of Representatives for his retirement. Tina spoke highly of Bob and wished him well. County Commissioner Bob Harvey spoke highly of Bob and presented him with his county pin from his lapel. He thanked him on behalf of the county.

Beverly announced the members of Hulmeville Borough Council that came out for Bob. In attendance was Tom Wheeler, Bill Wheeler, Dan Mandolesi and Nick Lodise. Also, the Council President from Langhorne Manor Borough, Dawn Seader, was in attendance.

Beverly said that a representative from Brian Fitzpatrick's office was supposed to be here tonight, and they have a proclamation for him that was read out on the floor which he will be receiving. She said that is a very high honor.

Beverly read the proclamation from the Senate of Pennsylvania by Senator Robert Tomlinson. She said he can look at this online to do the playback of the session where it was read. Barbara Heffelfinger then read a resolution from Penndel Borough Council.

**MOTION BY JOE DUDASH TO ACCEPT THE RESOLUTION (#2021-19) ON BEHALF OF MAYOR WINKLER. SECONDED BY JOHN STRATZ. All ayes, motion carried.**

Beverly presented Bob with flowers for his wife and a gift bag.

Beverly read a certificate of appreciation in recognition of his long career in public service to the residents of Penndel Borough.

Beverly read a letter from Governor Tom Wolf, congratulating Bob for his dedicated service to the borough. This concluded honoring Mayor Winkler.

Beverly announced that Mayor Winkler stepped out.

#### Council or Borough Announcements

Beverly said that under announcements, it is mentioned about the complaint form again. She said it is on hold pending some discussions with the solicitor's office on the matter.

#### Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE DECEMBER 6, 2021 COUNCIL MEETING. SECONDED BY BARBARA HEFFELFINGER. Beverly announced that the mayor was back. Joe Dudash said he forgot to mention earlier that he wanted to thank the mayor, police department and the fire department for the terrific tree lighting ceremony and safely bringing Santa. Beverly asked if Bob wanted to say something. Bob said he did not expect this. Beverly said at least they were able to surprise him. Bob said he didn't take this position for this. He would just rather go by the side, but he said thank you very much, he really appreciates it. He will do whatever he can to help anybody out and he will participate in different things and might even start a foundation. He said one thing though, it is 46 years, not 36 years. He was emergency management coordinator from 1972-1982. Motion carried, 6 ayes, 1 abstention (Mark Moffa).

#### New Business

MOTION BY LAURA GERMAIN TO AUTHORIZE ADVERTISEMENT OF THE 2022 MEETING SCHEDULE. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO ADOPT THE 2022 BUDGET ADVERTISED FOR REVIEW ON DECEMBER 17, 2021. SECONDED BY MARK MOFFA. Motion carried, 6 ayes, 1 no (Joe Dudash).

MOTION BY JOHN STRATZ TO ADOPT RESOLUTION #2021-17 FIXING AND RETAINING CERTAIN REAL PROPERTY TAXES FOR THE FISCAL YEAR 2022 IN THE AMOUNTS OF 19.3 MILLS FOR GENERAL BOROUGH PURPOSES, 3.0 MILLS FOR FIRE PROTECTION SERVICES, AND 2.5 MILLS FOR DEBT SERVICE, AS PROVIDED UNDER THE PA BOROUGH CODE. SECONDED BY MARK MOFFA. All ayes, motion carried.

MOTION BY GARY NICKERSON TO ADOPT RESOLUTION #2021-18 ESTABLISHING A FEE FOR COLLECTION OF ASHES, GARBAGE, RUBBISH AND REFUSE PURSUANT TO SECTION CHAPTER 340 - "WASTE;" REPEALING PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. SECONDED BY JOE DUDASH. John Stratz asked if ashes were really required to be put in there. Beverly said it did because it's in the ordinance. All ayes, motion carried.

MOTION BY JOHN STRATZ TO HIRE KYLE AREIAS AS A PART-TIME POLICE OFFICER UPON COMPLETION OF A BACKGROUND INVESTIGATION AND MPOETC REQUIREMENTS. SECONDED BY JOE DUDASH. Joe Dudash asked who was leaving. Beverly said she didn't have the name. She said they will be going into an executive session after this with no decisions being made so the public can go home. They're not voting on anything. All ayes, motion carried.

### Public Comment

**Tom Sodano**, said regarding the fence at 122 Dehaven, he misspoke last month. The next-door neighbor had said that the fence was on the property line, and it turns out it's not on the property line, it's actually three feet on the side of 122 Dehaven. The fence that the neighbor remembered was her parents pool fence and was apparently located six years ago so that fence is actually three feet legal. Tom said they have discussed the parking and clearances at the corner of Woodland and Center Street on a number of occasions because of the fire company and clearances for the truck. He's spoken to Geoff about some of the cars that park too close to the corner. In looking into that, he ran into a problem as they have Woodland Ave. currently marked the 30-foot signs from the corner for no parking. They're incorrect and illegal because in 1990 the parking ordinance was amended, and it currently reads in fact that there is no parking on the south side of Woodland Ave. from Bellevue Ave. to Hulmeville on this side at any time is what it reads. So, the people who are parked out there now for this meeting are parked illegally. The people who normally park in front of their homes all the way to Hulmeville Ave. are parked illegally. Everybody who parks to wait for the bus for their children in the morning are parked illegally according to this ordinance. It's Ordinance #390-25 and he brings it up, not because he wants to see it enforced, but rather to illustrate how important it is that they get the rewriting of all the ordinances done as quickly as possible so that they can get away from some of these problems that have cropped up from ordinances being written over top of ordinances. It makes it nearly impossible for anybody to enforce. Beverly asked Gary and Mark if on the report that they gave her from general code when they did the audit of their codes, if they remembered what year that was done. Mark said sometime between 2010 and 2012. Beverly said she would look into that audit about what he just said because they did have an audit of their ordinances. Mark said they would not have caught something like that.

**Jay Moser**, thanked the borough for taking care of Hulmeville Ave. for the street sweeping and it's nice and clean and he hopes they do it every year. Jay said he drives by of Schoolhouse Court and being a volunteer fireman and a support company that supports Pennel Fire Company, it's very discouraging and it scares him every day that he drives by because if there is a fire on that street with the parking, they are not going to be able to do their jobs. There have been two cars parked in front of fire hydrant for two weeks without tickets on them. He stops every day and takes a picture. There has never been a ticket placed on those two cars. They are now parking on both sides of the main street coming in. It's a concern. There are people living in that complex and the firemen aren't going to be able to get in to protect them. Something needs to be done regardless that it's a nondedicated street. It's still a fire hydrant issue. The fire company just got a brand-new truck. If they don't get that truck in first, those last two homes are in trouble, and it needs to be taken care of pronto. Beverly said she has spoken to the fire company about the people being parked there. Dave Truelove said they are in contact with their attorney. They have actually got their agreement to sign off on of the new HOA documents. They haven't gotten them back from them yet but included in that would be their agreement to not have parking in front of the houses. It's still ongoing. The borough does have the right to enforce that so that's something that if they have to do, he guesses they have to investigate it. It's part of that agreement under the approval letters. It's part of the specific agreement, two approval letters, one from 2005 and one from 2014. Beverly said she would send an email about it and make a report. Carol Schuehler said they have "No Parking" signs were installed. Joe said they're not Fire Zone. Carol said they're not at the fire hydrant because theoretically you can't park at a fire hydrant. Carol said they are on either side of the straightaway. Jay said those signs there are about thirty-two feet up and it's just a P with an x on it. It doesn't say no parking on this side of street. There's no verbiage. They need to be brought down to the legal height so that people can see them. To him they're not a proper "No Parking" sign. Tom Sodano said he would suggest that they leave the P where it is and below it

mark them with a "Fire Zone" placard because it's actually a fire zone which is why they're not supposed to park there, then it would read correctly, "No Parking Fire Zone". As far as the hydrant is concerned, they put the final pavement layer on so by law, the police can enforce the hydrant. They can't enforce the other parking yet but anybody in front of that hydrant, the police department is allowed to ticket them. Joe said they're going to have to start doing something. Beverly said they will have to start ticketing them now that they are in a position to be able to do that. Joe said they have to work on the ordinances for what the fire department was complaining about which is the parking situation on the streets because that truck cannot make it. Beverly said he's talking about the tower truck. Joe said even the regular trucks can't do the turns with these cars. They talk about safety, so they have to start acting because if they roll that truck and kill somebody, pedestrian, or firemen, they're going to have more suits. Beverly said she pointed out to the fire department that the only way they're going to get anything in Schoolhouse Ct. at this time is the truck is going to have to be parked at the entrance and they're going to have to drag lines down and shoot water out.

**Estella Kristiniak** asked what they are doing about the dumpster that's almost blocking in Schoolhouse Court. Beverly said they've pointed it out to the builder about the dumpster. It's a temporary thing for the builder. Estella said everybody was throwing their trash in there this afternoon. Beverly asked if she meant the residents. Estella said yes. Beverly said that was supposed to be for construction materials.

**Terry McIntyre** said he sat in on a lot of those meetings from the developer and he agreed to all those conditions. You feel bad for the residents, and they said it was going to be a problem, but it is what it is. It's safety so they're just going to have to put the proper signage up and enforce it. Terry said they were saying they were working on the HOA, and he asked if there's like a foot of snow tomorrow, do they have it set up where they have somebody to plow that street because the borough doesn't do it. Dave said the developer or the HOA. Terry asked if they are included in the borough trash. Dave said no. Terry said that's why they're throwing their trash in the dumpster because they don't currently have trash pickup. That's a health thing they might want to look at. Dave said they may want to approach the borough on that. He's not saying they haven't committed and that was something mentioned before but they haven't brought it up. Terry said they're living in these homes. He drives by every day because he is a block away and he noticed that the exit out onto Hulmeville Ave. It's construction so he understands that they have to tolerate it for a little while because they have to get the work done but it is really hard to see when you come past there. He's had people shoot out and he has to stop so he goes right down the middle of the yellow line, so he has room to swerve if he has to. Once they get that done that needs to be enforced. Terry wished everyone happy holidays and everybody to enjoy their families because that's really what it's all about. And everybody works together.

**Mike Smith** said he recently put in a right to know request and some information came back which alarms him a little bit. He wants to know what Mr. Truelove had to spend 2.1 hours on investigating his attorney for a question he asked at this meeting. Dave said he wasn't questioning him. Mike said he was looking into filing sanctions against his attorney. Dave said he recalls that because he was questioning his client at a public meeting. Mike said it was a public meeting. Dave said when you're in litigation there's a different standard and he's going to leave it at that. Mike said he noticed Carol's name was also on it about the fence situation. He asked when council approved Carol to get involved. Beverly said she will take a look at that. Mike said to Bob that they have gone round and round for many years, but he does want to say in public and on record thank you for all the time that he's spent here in this town. Not a lot of people would have stepped up and done what he's done so for that, as a resident, thank you.

**Dave Cahill** said his Ukrainian neighbors are at it again. A worker came and picked up the truck that was parked in the street all weekend. The worker showed up on this morning to pick up the truck and so he guesses he's just not taking any of this seriously. He needs another letter and a cease and desist. Beverly asked if there was any exchange of materials or if he unloaded or anything. Dave said the workers come and park the car at the curb and jump in the truck, leave in the morning, and go to work. That's a no no. It's an R1 zoned residential property. No commercial businesses, no workers showing up and picking up trucks. He thought they already took care of this with a letter so he's a little disappointed that this is still going on even after he gave them the pictures showing the trucks were back. He's really doing a discredit to the home values of all the neighbors. Running his business out of his house is not right. Beverly said he's insisting he's still running a business. Dave said he's bringing the trucks home and he's parking them at the curb. It was there all weekend and then the worker showed up and took the truck this morning. He asked what else you call it. Dave asked what's going on with the zoning hearing board and the fences. He asked why the last few fences that have gone up, maybe three or four, why none of those people went to the Zoning Hearing Board. Dave Truelove said the one at 122 Dehaven Ave. will probably go that direction. Dave Cahill asked about the one at 541 Hulmeville Ave. He said there's violations and they need a variance. And 457 Cynthia has violations, and it needs a variance. He said he's already brought this up before. Any complaints that anybody has at these meetings are just being ignored. These things need to be taken care of just like his stormwater issue. It needs to be taken care of and he doesn't want a letter telling him that everything is fine, there's nothing you can do. He wants to know when they're going to start doing something to solve the problem. Beverly said she spoke to him before the meeting. Dave said he gets that, but he just needs something done with everything that he's coming here about. The thing that really baffles him more is that there is a member of the Zoning Hearing Board at this meeting tonight and he's not up here at the microphone asking why the Zoning Hearing Board is being sidestepped and why council is going around them and why there aren't any meetings. He thought that there was a reason for the board to get this stuff done. They need to take care of these last few fences that went up only because of the Berlin Wall. He had to use that again. It's only fair that these other property owners do the right thing so that they make sure that everything is up to code. He asked what's the point of the ordinances if they're not going to enforce them. Merry Christmas to all.

**Terry McIntyre** said he's not in zoning and doesn't issue permits. He understands fully the Zoning Hearing Board and what his role is. He understands what Mr. Cahill saying and the frustration and Mr. Smith's frustration. He would be at his limit if he were either one of those two gentlemen with their issues. But he can't get involved in any of that because if it comes in front of the Zoning Hearing Board, he will then have to recuse himself from all of these hearings. He hears what they're saying but he's not a code enforcement officer and he doesn't issue permits. He doesn't know anything, and he's not supposed to know anything until it's brought in front of them, and he has the documents which he then reads. He hears what they are saying as a resident, but in his defense, he can't comment on it.

**Mike Smith** said there is a judges hearing with all the attorneys on the 20th of January. Maybe they'll get some sort of resolution. He said to Dave Truelove that if he is really interested in solving this like he said he was when he first came to his house, he has until then to make it right. At this point, \$22,000.00 in taxpayer money has been paid to Dave's firm for this fence. That's 2 1/2 times the cost of the fence. Mike asked how many lawsuits they are in. Dave said two. Mike asked if they have enough money in the budget to cover his pockets. Dave said the second one is covered by insurance and for this one, he hopes that there'll be other sources to recoup some of this. Mike asked if the one that's covered by insurance, if that means he's not

going to be involved at all. Dave said they are involved in terms of helping to advise outside counsel but on a very limited basis. Mike asked if he is going to bring this back to council before he does anything or if he is just going to go willy nilly and keep spending the borough's money. Dave said they always come back to council. Mike said he had a statement to him personally. Mike said to stop going around telling people he was his attorney for a criminal case. Mike said he was never an attorney for him. He was never involved in a criminal case. He's going around saying that. That is wrong. The only thing he ever did for him wasn't long after he came out of law school with his will. That's where he's going to leave it. Dave said he will correct the record right now. Dave said the criminal case, and he would not spread it around, he thinks he told Mr. Hauser and maybe one other person. The case was a private criminal complaint where Mike was the victim, not a defendant. Russell Ausburn assaulted him, and he represented Mike as a victim with the approval of the district attorney's office. Mike said he doesn't know him. Dave said it was in 1990 he broke Mike's nose, and he thinks he was actually sentenced to three months in jail. Dave asked Mike if there was a case like that. Mike said it was handled through his work. Dave said he represented him in that at the preliminary hearing. Mike said he had no idea. Dave said he broke his nose and that was over 30 years ago. And he's not spreading it around. Dave said he brought it up here. He never said it once at this meeting. He told Mr. Hauser that's how he knew him back thirty some years ago. Mike said he apologizes for that. Dave said he doesn't have time to spread stuff. He would never bring it up here. He brought it up here. Mike said that wasn't the guy's name. Dave said that was his recollection. He remembers specifically he broke his nose. The man was convicted of simple assault and did the minimum of three months in jail. The guy had a prior record. Mike said he was at work every day. Dave said it may have been a work release because he actually got a three-month sentence. Dave said most of his criminal law experience which he had a fair amount for at least ten years, was on the defense side as a public defender and added criminal defense work but there was a time when, and it still happens occasionally, when the DA's office will approve somebody to have, instead of an assistant district attorney, they have a private attorney represent them at least at the preliminary level to see if the case will then proceed to the court in Doylestown. That's what happened in that case.

Joe Dudash asked about Schoolhouse Court and the budget stuff that Marie sent them. There were attorney fees in there for Schoolhouse Ct. Dave said it is being paid out of escrow. Joe said Ben and Beverly were going to try and get some information on the temporary U&O for the trucking company at 40 Bellevue Ave. Nobody could explain how they got it and why they got it. Dave said they still don't know why they got it. There is a follow-up enforcement action and that's Sally Bellaspica and she is working on an enforcement action now. It's something that they are going to discuss in the executive session. Joe brought up the Airbnb and said it's active again. Dave said they don't hear that between meetings. Beverly said she couldn't find any record of it on Airbnb, only as a month-to-month rental which is allowed. Joe said a couple of residents have photographs. There are different cars and there's lights on and the safety issue with the swimming pool issue. Dave said the code people will have to go out to do an inspection. Dave said they can go online again and check out the Airbnb status and misrepresenting that. Beverly said she has been looking but doesn't see them popping back up again. Joe said he is puzzled over the whole fence issue. They have an ordinance but they're not enforcing them. 541 Hulmeville Ave. was given a permit after the fact. He asked why they are doing that. They might as well save money and get rid of ordinances. Get rid of the zoning hearing board and the attorney. Beverly said she has been trying to get together with Sally to discuss all of these problems but hasn't been able to connect with her yet because of the holidays. She's been incredibly busy with her new employers, but her intention is over the holidays, if she's around, to try to meet with her with all of these addresses and that there's questionable activity or questionable things like why a permit was issued, why do they backdate

a permit. Even if it was installed to code, they shouldn't do that. Joe said it seems like they've lost control of the ordinance section of it. You can go down to the old Getty station and there's a box truck that's been sitting there on the street where all the army trucks are. The guy got caught selling stuff. It's been sitting there for months and it's blocking the view of traffic. Beverly asked if anybody has reported that. Joe said he's heard from a lot of residents, but he doesn't know. Beverly asked if it has a current registration. She remembers this from a couple of years ago and they did send the zoning officer out and apparently that zoning officer didn't think they were doing anything wrong, but they can revisit it. Mike Smith said they were told they were not permitted to sell cars; they could only work on them. Joe said he just thinks that they've lost control of ordinance enforcement. They're not even a square mile and they've got more legal problems as far as these little things. Beverly said he's talking about zoning. Joe said yes. Every time they turn around, they're getting hit on something. He's as curious as she is why there's suddenly a breakdown. Beverly said anytime there's a breakdown, which means there's a breakdown all the way around and you have to look at the procedure from beginning to end and that's something she absolutely hasn't had the time to do. She said she may be speaking out of turn, but she thinks with the new addition that's coming in, with some of the computerized procedures that have been discussed, she thinks that might help resolve this problem and among others. And making it automated and computerized so that it's not phone calls and little slips of paper or whatever, it'll be all be in one place, and everybody can have a look at it, so they know what's going on. Joe said with the budget, the Zoning Hearing Board doesn't look like there is enough money there with everything that's going on and the lawyer fees. Dave Truelove said the Zoning Hearing Board has their own and he would only attend if they're directed by council. Beverly said the Zoning Hearing Board fees are supposed to be covered by the fees that they charge for having a Zoning Hearing Board meeting. So far it seems to have worked out that we recover the fees laid out for the attorney, the court stenographer which were required to have, and all of that stuff. The part that is in the budget is what they pay the members for, for their service. Joe said he's concerned about the borough themselves and the borough's solicitor as far as fund wise because, and he hates bringing it up, but the prime example is the Berlin Wall. This has been going on for a year and a half. They're spending taxpayer's money here and then as far as inflation is coming up and everything else, the common person out there is getting hit. There's other stuff that they need to look at. When they sit down in January, they need to look at things like where the breakdowns are. Definitely ordinances because there's something going on. Beverly said she is totally with him on that. She doesn't think it's ordinances, she thinks it's the enforcement in the zoning office. She thinks there's a real disconnect. That's the impression she gets.

**Mike Smith** said so you look into all this, and you find out there's a problem. He asked what the resolution is because obviously there is none. They don't go back and make these people take their stuff down. Beverly said the resolution is moving forward. That to her, is the resolution. If they find a breakdown, they fix it. They can't go back. Mike said then you have the problem and that's exactly what's going to happen on Dehaven Ave. The guy at 122 has already told him if they come here and make him do anything with his fence, he's going to point to him across the street and ask them when they're going to do something about that. He's sure they will tell her the same thing if it's she or Sally or whoever. It's just got to stop. Beverly said stopping it is paramount.

**Dave Cahill** asked about the drug problem on Cynthia Ave. He asked what they are doing about it. Just because they had that shooting and a few people moved out, there's still a second house that all the neighbors are finding out about now, so he needs to know what they're doing. Beverly told him that's not in her scope.

Carol Schuehler said she just wanted to say a thing or two to Bob. When she came here to the borough in 1996, she got a memo from the engineer from whom she was taking over. He talked about a guy with a big belt buckle that sometimes wore a cowboy hat and said she should talk to him. For over 20 years now, he's been a resource to her and a friend and when she spoke with other people here who wanted to honor him tonight and she asked what she can do, they gave her a suggestion. She presented Bob with a bottle and said it is from everybody. It's a little something to keep him warm.

Barbara Heffelfinger said she knows they did all this talking about Bob in the beginning, but she would like to say that they have really lost a treasure. Not only is this man a really good man who works his butt off for this borough, he is a good, good man and she is honored to have worked with him. She's learned an awful lot plus like she said, he's just a good man and she will miss him a lot.

Beverly Wolfe said they have a departing council member, and she has a certificate of appreciation for Mark Moffa acknowledging that he has provided invaluable service to the Borough of Penndel and is signed by her on behalf of the entire Borough Council. She thanked Mark and said he's been a royal pain in the ass sometimes, and she knows that's on public record, and she wants it to be on public record, but she thinks he did some really great work. She thinks people don't realize how much so, but she said a sincere thank you from her.

Beverly announced that will adjourn but council is staying for a quick executive session. Dave Truelove said it is for personnel, collective bargaining and litigation issues.

MOTION BY JOHN STRATZ TO ADJOURN THE MEETING AND GO INTO EXECUTIVE SESSION AT 8:43 P.M. SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: \_\_\_\_\_  
Marie Serota, Secretary/Treasurer