

Penndel Borough Council Meeting Minutes

February 7, 2022

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

Present at the meeting

Mayor Tom Sodano  
Council President Beverly Wolfe  
Council Vice President Gary Nickerson  
Councilman Joe Dudash  
Councilman Joe Adams  
Councilwoman Barbara Heffelfinger  
Councilwoman Laura Germain - absent  
Councilman John Stratz

Also present at the meeting

Dave Truelove, Solicitor, Hill Wallack  
Carol Schuehler, Value Engineering  
Chief Sean Perry  
Borough Manager Geoff Thompson  
Marie Serota, Secretary/Treasurer

Chief Perry presented former Mayor Bob Winkler with a plaque from the Penndel Police Department.

Consent Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE JANUARY 18, 2022 WORK SESSION AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF JANUARY, 2022:

<b>General Fund</b>	<b>\$37,264.68</b>
<b>Fire Tax Fund</b>	<b>\$ 227.90</b>
<b>Refuse Fund</b>	<b>\$17,588.21</b>
<b>Sewer Fund</b>	<b>\$34,199.91</b>
<b>Capital Reserve Fund</b>	<b>\$ 1,976.00</b>
<b>Liquid Fuel Fund</b>	<b>\$ 7,204.82</b>
<b>Escrow Fund</b>	<b>\$ 2,068.50</b>
<b>Payroll Fund</b>	<b>\$ 2,089.86</b>

Payroll

General Fund	\$22,495.91
Sewer Fund	\$ 4,230.08
Refuse Fund	\$ 704.96
<b>Total</b>	<b>\$27,430.95</b>

Escrow Fund Bills

Auto Zone:	
Hill Wallack LLP	\$ 40.00

Schoolhouse Court:

Hill Wallack, LLP	\$ 1,640.00
Value Engineering	\$ 388.50

SECONDED BY JOE ADAMS. Joe Adams said for the minutes on the 18<sup>th</sup> on the six or seventh page, in regard to one of the issues with the appointing a contract, he believes the notes say from Marie, Joe Adams said he doesn't think Ben is a very good person but thinks he's a good lawyer. Joe said he'd like to thank Marie for her services and putting that in public record and just want to applaud her for continuing to do a good job. Beverly said and for Karen to put that in there as well. Joe said and all the staff and not to exclude any staff, but he very much appreciated that. Beverly said duly noted and the minutes are accurate and complete. All ayes, motion carried.

### ***Reports:***

#### **President's Report**

Beverly Wolfe said council received the documents today of committee assignments and council meetings and workshops. She hopes everybody had a chance to read it and they can discuss it. Beverly read from the Council Meetings & Workshops document, which is attached. She read off the committees and the chairs and members.

**Budget & Finance** which is the old finance and insurance and pensions is chaired by Barb Heffelfinger and Joe Adams will be assisting.

**Personnel and Policy Committee** which is the old administrative and cable will be Gary Nickerson and Joe Adams.

**Public Safety**, which is still Public Safety, will be chaired by herself and her coworker will be Barbara Heffelfinger.

**Public Works** which is the old committees of Building and Maintenance, Refuse and Public Works will be handled now by John Stratz and Laura Germain. Community Committee which is formerly Community Development, Community Relations, Open Space and Parks and Recreation which is formerly the Recreation Board which is inactive right now. They have no members and they are going to have to revisit how they handled the business of open space and recreational facilities.

**Technology Committee** which is new will be chaired by Joe Adams and it will be also Gary Nickerson on that committee. Since this is new, she will go over that committee. The technology committee shall have oversight on all aspects of technology utilized within borough hall and/or the borough. This includes the servers, hardware, software, Internet, intranet and make recommendations to council for improvements in all areas of technology. This committee shall have oversight on the website to assist the borough manager and community committees on maintenance and postings along with any changes needed to make the website more accessible and have more self-serve functions for the residents.

**Ordinance Committee** will be chaired by Gary Nickerson and also Laura Germain has expressed an interest to be on this committee. It's the same as it was before.

In addition to this, the zoning, code enforcement, building inspections, EMC and Fire Marshal will all come under the umbrella of the borough manager who will have the direct authority over those functions.

Joe Dudash read the following:

To the People of Penndel, Mayor, Madam President and Council Members:

Joe said he's confused over this selection where the people out there have voted for a representative and that representative is not on any committees.

As an elected official representing all the voters of Penndel, I have been guided by the simple philosophy – party labels and party ideology can't prevent us from doing what is right for all voters!

I am determined to protect all resident's rights, accessibility, full disclosure, and community safety. Protecting all residents' rights, which is a value I share, should never be done in a party ideology.

It has been said by much wiser politicians than himself that absolute power corrupts!

My tenure in Washington D.C. and Penndel political arena is that every party in power will always want to exercise absolute power.

The question before the governing body today is, do our voters want to live in a borough where one party can dictate and demand everything and anything it wants, whenever it wants?

Madam President this is why I voted against you remaining as President of this council. You have continued to make bad choices out of political partisanship and political ideology as proven in the committee assignments. This action proves it is retaliation against me, and the voters I represent in the borough.

Your action is an attempt to enable me to represent the people of Penndel.

Partisan and political ideology will not instill confidence with the voters of the borough – it will destroy it! This council needs to come together to find a pathway forward, or risk further dividing and destroying the government for the people we swore to protect and defend as elected officials!

His question to her and to the voters out there is how she picked these committees. Beverly read the following excerpt from the February 16, 2021 minutes of this council meeting:

Joe Dudash said he sees he's back on Public Safety as a committee person. At this time, he would like to respectfully decline the committeeman position with the Public Safety Committee. As the former Chair, he realized the Chief and Mayor need a Chair who has Executive experience and knowledge in law enforcement. The Chief does not have the executive background and can be led astray by the political atmosphere from the mayor. The end result is the voters, business and revitalization efforts met negative results. This council needs to move past their political ideology, friendships, odd social norms to protect the people of Penndel and our men and women of blue. Beverly said she respects his wishes and she vehemently disagrees. Beverly said there are another two paragraphs worth which she is not going to read. Beverly said from the March 15, 2021 meeting minutes, Mr. Dudash read a statement which was partially because of Mr. Sodano's resignation from the Planning Commission and in that statement, he said: The committees are nothing more than an illusion to distract the public eye from negative elements within a certain representative's political ideology. This use of

dysfunctional committee formation is to filter out dissent and to create the illusion of legitimacy. It's impossible to find within the public anyone who is optimistic about any of the committees. The people of the borough feel unseen, unheard, and unrepresented. The good news is that this is not the first time we have despaired over dysfunctional shadow government interference. Beverly said, based on those pieces that she happened to remember and looked up, since he does not believe in the committee system, she didn't feel that he would want to even be on any committees. Joe asked, because of that, and he's a representative, did she come to him. He asked if the vice president came to him and ask. Beverly said she thought he made himself very clear that he didn't think that the committees worked. Joe said because he represented the people, and he made a statement from what the people were telling him that she interprets that by taking him off all the committees. He said tell the people out there or the voters. Apparently, she's not listening to the voters. The last election they threw out one guy already that wasn't listening to the voters. Apparently, she hasn't learned her lesson because this man here (pointing to Joe Adams) beat her in the election. Apparently, she's not listening to the people or the taxpayers out there. Just because he stuck up for the voters and voiced his opinion she comes and retaliates against him. Beverly said he's reading this as retaliation. Joe said she's reading it totally different than what he said. Beverly said that's why they're both here. They have different points of view on things. Joe said so her point of view is just to take him off everything. Beverly said her view was he didn't want to be on anything. Joe said that's her view. That not his decision. He said and why did he not want to be on the Safety Commission. Beverly said she is not going to give her opinion. Joe asked what experience she has in law enforcement. He said zip. Beverly said of course she doesn't have any. Joe said she can sit on any committee as president, and she has to be chairman of public safety. He said the only reason why she did that is because he dug up some information, personnel problems so it's retaliation. Beverly said he's misinterpreting her. She said he thinks she's retaliating or punishing him. Joe said let's ask the voters out there and let them speak. Beverly said they can speak during public comment, and she'll be happy to answer. Joe said the voters voted him in to speak up on different things. They're over \$20,000.00 just on the Berlin Wall over there and lawyer fees. The second major fee cost for the borough is the solicitor. They have more suits and money problems with the solicitor. Beverly asked what that has to do with what they're talking about right now. Joe said because he speaks up for the people and they're paying their taxes. Beverly said it doesn't mean that he can't speak up. Joe said in DC they call it torch lighting. She's trying to say because of that and then she's trying to tell him what he said. Beverly said she has it right here in the minutes. Joe said so that's gospel. Beverly said it is, they have the recordings. Joe said she removed him as chairman of the Safety Commission. Beverly said she didn't do that. Joe said yes, she did remove him. Beverly said she did not do that originally. Joe said originally. Beverly said let's make sure they're being accurate here. Joe asked her did she not remove him and move him to just a grunt. Beverly said absolutely. He was taken off all committees and then she put him back. Joe said so this is not the first time he's been taken off all the committees. It's because every time he speaks up and tells the truth about the budget to the voters about the manager that they're paying \$85,000.00 for, for what he doesn't know, and this just continues to go on. This has got to be history in Pennel Borough. He asked if there has ever been anybody that's not been on any committee as far as a council representative. He asked if Beverly could answer him. Beverly said she couldn't answer that. Joe said that's because this is the first time. This is history and every history of Pennel is always negative. Beverly said she wasn't going to read more but now she will. The minutes said after she said she respected his wishes and vehemently disagreed. She took chair so that they could work together to come to terms with the way things are done. Having her in there with both sides would be someone in the middle to listen and take into consideration ideas and things that somebody else might just automatically block out. He may disagree but she tried to be fair and impartial. She thought this would be a way to move forward and

everybody's ideas would be listened to. He has nothing against her., Sean is inexperienced as far as executive framework. He needs a lot of work. As they say in law enforcement, they need a rabbi. And goes on to say more things about a heroin death on Monroe. Joe said this has nothing to do with Sean. This is about you and the selection. He asked why she wants to drag Sean into this. Beverly said she doesn't need to drag Sean into it. She's reading what he said. Joe said to read it properly. Beverly said she did. Joe said she retaliates by removing him from his committee. Beverly said she did not retaliate. Joe said yes because he dug up some personnel issues and he always saves the taxpayers money and Dave Truelove was part of the investigation. Beverly said she put him back on the committee and he resigned. Joe said she put him on, and the punishment was not as chairman. These people out here are probably looking at her like why would she take a retired law enforcement and put him from the chair to a third seat. Beverly said because of all this kind of stuff that was going on. Joe said she knows why because she can't handle what was going on and what was developing, and Mr. Trulove was involved. Beverly said so she misunderstood all of his other statements too. Joe said let's settle this. He said put him on the safety committee as chairman and then put him on ordinance and finance. Beverly said he wants to be on all those committees. She said he is not going to be on public safety as the chair. Joe asked why. Beverly said because she wants that. Joe asked why she wants it when she can sit on it as president. He said she doesn't have a decent answer. Beverly said she does, but he doesn't want to hear it and he's not going to listen to anything she says anyway. Joe said he doesn't have to listen. Ask the voters out there. Beverly said these voters can ask her anything they want at any time. Joe said OK, so skip that and put him on finance and ordinances. She even took him off trash. Beverly said that's because she consolidated that. She tried to cut down the committees. Joe said Joe Adams is on three committees. Gary is on three. Mrs. Heffelfinger is on three. Laura is on three. Poor John is on two and he doesn't know why. Beverly said that's because he's on public works which is now a big committee. Joe said and she is on all of them. Beverly said he wouldn't have noticed but she hasn't interfered with the committees. She lets them do their job and they come back to them. Joe said so she is going to show up for all these committees. Beverly said she can at her discretion, but she doesn't have to. Joe said so if he showed up and there's three, that's called a quorum. Beverly said it is. Joe said so basically, she's boxing him out again. Beverly said she's not going to let this go much further. She asked if he read what she sent out. Joe said this is going to go on longer because under the Prime Minister's questions, the presidential questions, he can continue to ask her questions. Beverly said under the presidential what? Joe said under the Prime Minister questions and the president's questions. Joe said the solicitor brought it up last time. Beverly said she's confused. I have never invoked the Prime Minister's questions. Joe said yes, he did. He brought it up and that's where he got it from. Dave Truelove said he doesn't remember that. Joe said he just said he did. Joe asked if she is going to put him on the committees that he requested. Beverly said she wants to read something right now. The mid-month council meeting which obviously was either read and not understood or was not read at all. The mid-month workshop, basically the workshop meeting will be like a giant committee meeting. All the committee people will come to everybody on council say, hey, we have this problem and we're going to hear some ideas we had about this, this, this and this and here's the documentation they have for all these to everybody at that table. Take a look at it and let them know what you think. The quorum that Joe speaks of is at a council meeting where all of these people get to hear everything that's going on and hear the entire process. Beverly asked what was wrong with that. Joe asked what if he showed up in a committee. Beverly said they're going to do the workshops and hopefully not have to have committee meetings. The committee meetings will take place at workshop. Joe and Gary are on technology and will be at the workshop saying hey, this is what we're looking at, do you guys have anything, or do you know another way they can prioritize this. They all get to talk about it. Joe said what if he's having a committee meeting. Beverly said they can just discuss it between

the two of them, the people on the committee. Joe said but if he showed up and she showed up and there's more than three of them, then it's a quorum. Dave Truelove said it's only if they're making a decision that night. Joe asked if she really thinks that system is going to give these people time. He said look what happened with the fence thing. She shot the fence over to the solicitor and they spent money before even the committee and the people even reviewed it. Beverly said she shot it over to the solicitor before them and these people got to review it if that's what he's saying. Joe said yes and he's got witnesses out here. Beverly said what's wrong with this picture. She asked why she would be involved in something that the lawyer and other professionals are there for. Why would she do that. Joe asked why they do half the things they do here with a lawyer and the professionals. Beverly said this is going nowhere. Joe asked if she is going to give him an answer. Beverly said she is going to think about it and if she comes to a decision by the end of the night, she will make that known. Joe said he'd like her to do it in front of the voters. Beverly asked if everyone wanted to sit here and watch her have smoke coming out of her ears or something for the next hour. Joe said by their faces they're disgusted with the whole thing. Beverly said she's glad he can see their faces. Joe said apparently, she doesn't listen to them. He didn't see her knocking on doors for the election. Beverly said obviously don't listen to them at all. Joe said obviously not. Beverly said that's it for her report. She will address the issue at hand either tonight or shortly. Joe said why she didn't ask the people if they had questions. Beverly said this is the president's report and it's not open to Q&A. They can ask her questions during the public comment, or they can come and see her privately or they can email her or call it doesn't matter. Or send smoke signals. She doesn't care.

#### Borough Manager's Report

Geoff Thompson read his report which is on file in the secretary's office.

Joe Dudash asked Geoff if they are putting them on a pole or are they putting them on a post. Geoff said on the Verizon utility pole. Joe asked, for the American Rescue Plan grant, he informed them that they got about \$225,000.00. He asked where that money is. Joe said he thinks they received half of it. Marie said they received all of it. Joe asked if it was in the borough account. Marie said yes. Joe asked what they intend to do with that money. Geoff said he sent a memo a couple of days ago that outlines what they can spend it on and his recommendation to council is to designate a committee to come up with recommendations how to spend the money. In the memo he included all the government guidelines of what they can spend the money on what they cannot spend the money on. He also included a memo from their borough engineer on stormwater and sewer issues that they need to address. Council has to make a decision on how they want to spend that money. They have until 2024 to allocate the money and until 2026 to expend the money. Joe Dudash asked Geoff if he is dealing with the EIT and Keystone on the mechanisms and if he is participating in the EIT collection. Geoff said he only talks to them if there is an issue, not day to day. Beverly said the reports, and everything go to Marie. Joe asked if either Marie or Geoff can tell him why they're all getting this mail because he's got some irate voters. Geoff said he didn't know what it is. Joe said it's the EIT. They want them to fill out all the information like addresses and employment. He doesn't quite understand why they got them when they're paying it and it comes right out of their checks. Geoff said he doesn't know what it is so he can't help him right now. Joe asked who could help the taxpayers because he's got a couple people on the street that are irate. Geoff said they can call Keystone. Joe said that's like calling the IRS. Geoff said they help him all the time. He asked Joe to give him the letter because he has not seen it. He can post something on the website. Joe said he thinks that's what we need is to put it on the website and explain what it is. Gary Nickerson said for Joe to write something up. Joe said he's the vice president he should do it. Gary said it's his issue. Joe says he's dealt with this. Gary said this is his

issue and he knows Joe likes to solve problems for the voters. Gary asked him why he doesn't take the initiative. Joe asked Gary if he is aggravated that he asked this question. Gary said this is a great idea. Joe said that's good, and Gary knows how to do it so he should find out. He's the vice president. He's not on any committees. Gary said if he doesn't want to do it, that's this issue. Joe said he's the vice president. Joe said give him the vice president's chair and he'll do it. Beverly said she is going to answer the question. Question. Joe said Gary is like another one that doesn't like him bringing up questions. Beverly said she got one as well in the mail from Keystone. It is the taxpayer annual local earned income tax return. This is going to people like herself whose payroll company didn't start taking it out of her pay coming here. They kept it up in Upper Southampton. By filling this out, Keystone can go to Upper Southampton and tell them it's supposed to come here. Mike Smith said he does his own payroll, and it shows coming back here and he got the letter. Tom Sodano said he's retired, and he got one. Joe Dudash said he's retired, and he got one. Beverly said it's just a standard form. She wouldn't want anybody from Pennel Borough filling out her income tax returns for her. If there's a question on this form it says there's a bunch of FAQs at their website and there's also probably a phone number here somewhere to call. If anybody has a problem with it, let them know but she doesn't see how they can help. It's directly from Keystone. The borough doesn't see this because it's giving income and some other private information, and the borough doesn't want to see that. Mike Smith said he does his own payroll, and they know what he has and what he gets, and they know how much they've gotten in the past year, so he asked why he is getting that letter.

#### Mayor's Report

Mayor Tom Sodano read his report which is attached.

#### Police Chief's Report

Chief Sean Perry read his report which is on file in the secretary's office.

#### Solicitor's Report

Dave Truelove reported that they will have an executive session after the meeting to discuss litigation matters.

#### Engineer's Report

Carol Schuehler read her report which is attached.

Tom Sodano asked Carol if the Permabilt building is wholly in quadrant two. Carol said yes. Joe Adams said she listed a couple of projects and a few recommendations. He asked how many of these projects on these things that she's requesting would she say if they didn't do would have severe impact. On the wish list of things, he asked what the top hits are right now that she wants them to really address. Carol said on the CDBG grant, if council doesn't decide that they want to act on one of those projects tonight, they're not doing any CDBG grant applications. What happens tonight is they decide what they want to do for them to get a resolution to them by the workshop meeting to get the application in before March 7<sup>th</sup>. That's urgent. The inflow and infiltration work that's a commitment that they have to the DEP in their corrective actions plan and that's what keeps them in the good graces of the DEP and keeps them from losing their freedom to connect new development to the sewer. That to her has an urgency because the sooner they do it in the year, the better chance they have getting on their schedule in a time that's best to find those leaks because she knows these guys get busy fast and she thinks these are really good prices. She would take advantage of it if it she was in their chair. For Durham Road, she thinks they have to investigate that, but there's a good dip in the road right now. That's a \$500.00 item. That's not a big-ticket item as some of the other things.

As far as the pavement repairs on Oak & Holly, as she said at the last meeting, the earlier they get it out, and she's drafted these bid documents a little while ago and they've been getting up to this meeting to authorize them again. That's up to them what they feel is a priority but if they want to do it this year, the earlier in the year that they do it the better prices they get. Joe Dudash asked Carol if she is talking about the inlets on Oak & Holly or about patching. Carol said she is talking about pavement base repairs throughout the length of Oak & Holly. He said he thought at the meeting they came to the conclusion that they're going to send something to the residents, so they understood the process. Beverly said on only if they were going to do a complete down to base to give them enough time to do it which right now, they won't be able to give them that amount of time. She believes they talked about simply doing the base repair that Carol's talking about which in her estimation would give them about seven years. Carol said they are kind of mixing apples and oranges. She said there were a couple of things that they talked about. They talked about the surface treatment versus reviving the road. For either option, they still need to do base repairs where pavement has failed underneath. This is just a contract for the base repairs. The other part they talked about was some sort of a surface conditioning and that's where she had said they've got to make the residents aware of what they're doing for it to be accepted. That would be the next step. Joe said just the potholes and stuff like that. Carol said potholes or anywhere the road is sunk. Joe said he misunderstood. Carol said she's been throwing a lot of street stuff at council in the past couple of meetings and even made them sit through a PowerPoint. This is step one and then step two would be the decision about resurfacing. John Stratz said for the residents at Oak and Holly, if they notice some white markings in the middle of the street, he and Carol have determined that's where the worst of the failure of pavement underneath the street has occurred and those are the sections that definitely have to be cut and repaired. Carol said she was out there with Councilman Stratz, and they were estimating quantities. She thanked him for doing that with her so that she didn't bring another employee in which was a savings to the borough. That was a ballpark estimate of quantities so that she could put them into the bid document.

Gary Nickerson asked about the storm inlet repair along Route 1. He thinks that's something that that definitely needs to be prioritized due to just the flooding that he's seen. He thinks it's gotten worse but with regards to fixing those, he asked if they were to do any fixing, aren't those intersections proposed to be adjusted or realigned. He asked when they come through and they do the work on those intersections, if all that work is for naut or is that just strictly the drain repair that has nothing to do with the pipe cleaning. Carol said they won't do pipe cleaning. That's on the borough. The pipe cleaning is sort of a no brainer. She thinks she wrote in the memo it would be maybe \$12,000.00 to \$18,000.00, depending on how many days they're out there and that would be simply a matter of getting three quotes and she could do that for the next regular meeting if council would like her to do that. The two absolute worst inlets in the borough are at Lincoln and Hulmeville. She didn't include those because the state is coming through and she knows that those are going to be part of their project. She doesn't know exactly what they're doing right now at the intersections of Bellevue, Lincoln and Durham. It's very possible that those inlets will continue to be used as part of the system. She doubts it's going to be a big storm sewer reconstruction out there. She thinks it's going to be more about curve radii and traffic signals and pavement markings, so she suspects that these inlets are going to continue being utilized as part of the storm sewer infrastructure for years to come. Joe Dudash asked if the bricks are falling in the inlets on Lincoln Hwy. Carol said that photograph is the one that was in front of the pizza shop. Joe asked if they are wasting money as far as the trucks that are constantly running over them. The one at the rug factory has been busted many times. Same thing at Paul's Pizza. He asked if they repair it, how do they protect it from the trucks running over. Carol said they don't have the legal right to stop trucks from using the road. She said they have to be repaired soon before we have actual failures. She



thinks they've got places where the road has actually failed adjacent to the inlet because of the bricks falling in. Those inlets have probably been there for most of her lifetime and if they get a good solid repair, she's hoping they won't be revisiting them again in hers or his lifetime. Joe asked if they redo it, does she think the constant abuse by the trucks is going to be the same thing. Carol said once they get the masonry repaired and they restore these inlets, she would hope they would have many decades of service from them. Joe said putting bollards up there, if a truck hits it it's going to tear their whole side out. Carol said he's talking about this one specifically at Hulmeville which is a city inlet where it comes back underneath and there are a couple of those out there like by the pizza place, but the majority of the inlets are actually in the street.

Tom Sodano said PennDOT notified most of the business owners along Route 1 at Bellevue and Durham that they're in the process of the design phase and they're going to be widening, adding turning lanes at both of those intersections. They've already notified the business owners on both sides of the street that they'll likely be losing three feet. He asked if that would move the inlets. He asked if they reconstruct them now and they're taking three feet aren't they going to destroy what they just did and have to move it anyway. Carol said from what she's seen, and she hasn't seen anything final yet, they're talking about a road diet kind of thing. The widening that they're talking about is increasing radii at the intersection, but she hasn't heard of them actually widening the curbs of the entire road. Tom said Thompson's isn't at the intersection, but they've been notified that there's going to be road widening. The property that just changed hands where Bertrand Auto is. Joe Loeffler's son was notified that they're looking to widen three feet because they're going to need, and he forgets what the distance was from the centerline of the intersection, but it goes down to the length of that building and most of Skyline Car Wash. They're talking about three feet in order to make the turning lane so if they're going three feet that far in all directions, they're not talking about just radii, they're widening the street. It appears that even where Tummy Yummies is, taking three feet off of them will leave them nothing. Joe Adams asked Tom if he meant Thompson Motor Service and that they're going to be pulling three feet off that front part there by where the parking is. Tom said the way he understands what PennDOT is talking about, in order to make a long enough turn lane, they have to go the length of the block. Gary asked Carol if she has seen this on drawings. Carol said she thinks they're still deciding exactly what configuration they're going to do so hopefully in the next two months they'll be narrowing that down and she thinks by April they were talking about having some layouts. She said maybe that's a good reason to put this off for a couple of months and look at it then.

Joe Adams asked if when PennDOT comes to final decision, do they as council have any type of review over that or do, they get input in what is going on since it's a state road. Carol said there's absolutely communication. There was communication early on in this process and they're keeping the lines of communication open going through this. They will get a sketch of what they're talking about doing in coming months. It's not going to full design right now. Joe said the mayor brought up Thompson Motors. If it was him and he was losing three feet off his driveway and he parks cars out front as a part of his business, how is he getting compensated. Where does it come from? He's sure PennDOT, when they have the proposals, will have answers for those type of questions. Carol said it's purchase. The borough was awarded a multimodal grant for these intersection improvements but only got a small portion of the money that it takes to do it. PennDOT went and got a highway safety improvement grant for the same project, an HSIP grant and the borough at the time said if PennDOT will do all the design and all the work, they will take this this \$500,000.00 multimodal funding and will allocate that to help acquire the right of way. The borough is working in concert with PennDOT on this project. When they tell the borough what right of way they need, the borough will be assisting in that acquisition using that multi modal money. They have a great history of cooperation between

them and the borough. The borough will absolutely have input into it. They're running their traffic numbers right now in different configurations last she talked to them and traffic volumes and applying them to different configurations so that they can say here's what they think is going to work best and let's talk about it. That should be coming in the next couple of months. Beverly said with the I and I work, they basically budgeted almost the entire amount for that for this year to do that I and I work, and they have enough funds available in sewer operating to make up for any shortfall. They budgeted \$50,000.00 and she's projecting \$60,000.00 so they have enough to cover that.

#### Zoning/Code Enforcement Report

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

Tom Sodano said he couldn't read the first item and asked if it said open burn. Beverly said yes.

#### Emergency Management/Fire Marshal

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

#### New Business

MOTION BY JOHN STRATZ TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

**Waste Management** Invoice #0001704-2448-5 in the amount of \$16,903.34 for December service

**Deer Park** Invoice #11L0431953892 in the amount of \$94.95 for spring water

**Gettysburg Benefits Administrators** Invoice dated 12/1/2022 in the amount of \$169.59 for dental insurance installment

**Office of Labor and Industry** invoice dated 12/30/21 in the amount of \$1,631.00 for fire department's workers' compensation insurance installment

**Profirst Training & Consulting** invoice dated 12/2/21 in the amount of \$495.00 for Gaffney Background Investigations training

**Comcast** invoices dated 1/1/22 and 1/2/22 in the amount of \$436.65 for PD internet and voice service and internet at 790 Neshaminy St.

**Comcast** Invoice #137487470 dated 1/1/22 in the amount of \$516.30 for business voice edge service

**Independence Blue Cross** Invoice #220107042025 in the amount of \$5,821.18 for medical insurance installment

**Selective Insurance** invoice dated 1/12/2022 in the amount of \$11,349.00 for workers' compensation and commercial package insurance installment

**Advance Auto Parts** invoice dated 12/31/21 in the amount of \$171.44 for batteries for the backhoe

**Comcast** invoice dated 1/15/22 in the amount of \$215.47 for internet and voice services

SECONDED BY BARBARA HEFFELFINGER. Joe Dudash asked about the battery from Advanced Auto Parts. He asked if that was for the backhoe. He asked if it is working. Geoff said Lou is trying to get it running. Joe said he thinks they should get a mechanic down there because Bob Winkler was worried about it. Geoff said Lou is doing what he can now, and they will eventually get the mechanic down there. Beverly said there's nothing they can do without the battery. Joe said Bob was worried about the lines being contaminated and there were some

incidents of criminal mischief down there so if you start it, it might ruin the engine like if they put sugar in the gas tank and things like that. Plus, it's been sitting there for so long Bob was worried about the fluids. Beverly said before they try to fire it up, get a mechanic down there. Joe Dudash asked if they are keeping it, selling it or scrapping it. Beverly said it depends on if they can get it running and if they can't, it's scrap. Joe asked if they would have Lou use it. Geoff said backhoes are always helpful during snow events and also for moving stuff. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE BEVERLY WOLFE TO ATTEND THE PSAB CONFERENCE IN HERSHEY, PA FROM 5/22/22 TO 5/25/22. SECONDED BY JOHN STRATZ. Beverly said she's never been to one and would like to at least meet with the vendor community and see if she can get any good information to bring back for the borough. All ayes, motion carried.

MOTION BY JOE DUDASH TO ACCEPT BEVERLY WOLFE'S RESIGNATION FROM THE PLANNING COMMISSION. SECONDED BY JOE ADAMS. All ayes, motion carried.

MOTION BY JOHN STRATZ TO REAPPOINT BUD MURPHY TO THE PLANNING COMMISSION WITH TERM EXPIRATION 12/31/2025. SECONDED BY BARBARA HEFFELFINGER. Joe Dudash asked if Bud sent a letter to Marie. Beverly said he did. All ayes, motion carried.

Beverly said they received an application from Mr. Crisafulli saying now that he is retired, he's able to work for local government with no conflict of interest and would like to be considered for the next opening on the planning committee. He worked for the IRS for 35 years as a senior IT analyst and project manager. He is a 20 plus year resident and would like to help the Commission revitalize Pennel to make it more desirable to live and attract family-friendly business. She asked Marie how many openings they have. Marie said one vacancy and two alternates. Tom Sodano said it is a five-member board with three alternates. Currently there are four members. Beverly said they have another applicant from Tom Sodano. It was given to her back in December in lieu of information provided by the PA State Association of Boroughs regarding the issue of whether or not elected officials including but not limited to the mayor can hold a position on a borough Planning Commission. She read the letter as follows: I respectfully request your consideration to allow me to rescind my resignation for the Planning Commission and rejoin the same. As there have been no Planning Commission meetings since the beginning of Covid limitations and at the time I was the sitting chair, my intentions would be as follows: I would like to call a reorganization meeting of the Planning Commission as soon in January 2022 as time allows. At that time, I would like to step down from an active position in the Planning Commission to a strictly advisory one allowing Beverly Wolfe to assume the then vacant position as council preapproved her for. The Planning Commission would be full at five and would select a new chairperson. According to the information from the Associations of Boroughs, it should be a citizen member not an elected official. I respectfully request your consideration of this matter at your earliest possible convenience. Beverly said she really only took that because there was a vacancy that needed to be filled. She resigned because she thought he wanted to go back on. Tom said he would prefer to be in an advisory position so that there would never be even the illusion of a conflict of interest in anything that they would review. They would have room for someone like Mr. Crisafulli and that would bring them to five and they would have somebody with a little experience to answer questions. Then neither of them would ever be put in a position where someone could and he's not saying that they would violate anything that was a conflict of interest, but even avoiding the optics is probably in their best interests. Beverly said to Mayor Sodano, if she reads this correctly, he would like to be like

the mayoral liaison. Tom said that would work but he would have to first go back to call the reorg. meeting and then officially step down to allow Joe to then take the open position. Beverly said she thought he already resigned. Tom said he did resign but they accepted his resignation so they have to allow him to go back which means for three minutes or so, technically he would be on but then would step down. Beverly said she didn't have a problem with that. Tom said he thinks it's the safest way for all of them to prevent there being any question of how they may have administered it and it keeps them both clear of any questions. Dave Truelove said he wanted to understand the sequence here. He's looking at the MPC to see if there's any prohibition against this and he doesn't see any yet. After rescinding the resignation there would be five members including himself. At that point he would immediately call the meeting to order and then reorganize and immediately resign and then presumably Mr. Crisafulli would be named tonight, and he would then fill the next vacant spot and they would do that after they rescind Tom's resignation. Dave said that is the sequence if that's the direction they want to go. They would rescind the resignation from the Planning Commission initially submitted and accepted in March of last year and that would be the first vote and then if that passes, then the next vote would be to name Mr. Crisafulli to the next vacancy that would occur for the Planning Commission.

**MOTION BY JOE ADAMS TO RESCIND MAYOR TOM SODANO'S PREVIOUS RESIGNATION FROM THE PLANNING COMMISSION. SECONDED BY JOE DUDASH. All ayes, motion carried.**

Gary said they could appoint Joe Crisafulli as an alternate and then he can move into the spot once it's vacant. **MOTION BY JOE ADAMS TO APPOINT JOE CRISAFULLI AS AN ALTERNATE ON THE PLANNING COMMISSION. SECONDED BY JOE DUDASH.** Beverly said so Mr. Crisafulli is the alternate and Tom is back on. Dave said as soon as the mayor resigns, the alternate would immediately fill in that spot that night and then at the next meeting they can make him a permanent member. All ayes, motion carried.

**MOTION BY JOHN STRATZ TO AUTHORIZE ADVERTISEMENT FOR PAVEMENT BASE REPAIRS FOR THE HOLLY AND OAK AVENUE PAVING PROJECT. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.**

Beverly said they need to decide which grant to go for. There is the Memorial Park lighting phase two they never finished because they didn't get enough money to finish all the lights down there. There's also the fence on Rumpf Ave. to put a new one up which they didn't get the grant for, and the bleachers are in disrepair. The other alternative is to do the front door to finish the front door project. She asked Carol if they could pick multiple projects. Carol said she would recommend focusing on one for the application but if council would give priorities one and two then they can have a conversation with CDBG. Beverly polled council and told them to give her their number one and two picks. Joe Dudash said bleachers and lights. Joe Adams said bleachers and lights. Gary Nickerson said lights and bleachers. Barbara Heffelfinger said bleachers and lights. John Stratz said lights and bleachers. Beverly Wolfe said bleachers and lights.

**MOTION BY JOE ADAMS TO APPLY FOR THE CDBG GRANT WITH PRIORITIES BEING THE BLEACHERS AND THEN THE LIGHTS. SECONDED BY JOHN STRATZ.** Geoff asked if they are giving him or Carol the discretion if they talk to the folks at the county and they say they'll have a better chance of getting the lights, they can make that decision. Beverly said they

are good at guiding them and letting them know what they stand a better chance with. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE I & I PROPOSAL FROM SEWER SPECIALY SERVICES CO., INC. FOR INSPECTIONS AND REPAIRS NOT TO EXCEED \$60,000.00. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY GARY NICKERSON TO APPROVE PAYMENT RECOMMENDATION #1 DATED 1/15/22 TO PREMIER BUILDERS, INC. FOR THE BOROUGH HALL EXTERIOR RENOVATIONS PROJECT IN THE AMOUNT OF \$52,021.34 AS RECOMMENDED BY GILMORE & ASSOCIATES. SECONDED BY BARBARA HEFFELFINGER.

John Stratz asked who butchered the tree on the right side by the street. They cut eight limbs off of the bottom of it. It's shaped like a tiny lollipop at the top and the bottom limbs were the strength of the tree. It will get diseased within two years. Beverly said they will be having landscape people coming out in the spring to finish the job and she will make sure that the engineers know that there's a problem with the tree. Joe Adams asked if a tree service did the work on the tree. John said it was the people who did all the construction out there and they were not supposed to touch the trees. Joe Adams asked if they are getting compensated and if it was outlined in the scope of work. John said it was outlined in the scope of work that they don't touch the four trees. Joe Adams said if it were outlined in the scope of work and they violated that, he would want compensation and would like a follow up on that. Beverly said she wants to look at the tree because when she inspected it, she didn't see any damage. John said all those bottom branches have been sawed off. Tree Tenders taught them that wouldn't be healthy for the tree. Beverly asked if the only people who would probably have done that would have been the contractors. She doesn't understand why they would have done that. John said it wasn't harming anything. It was getting close to their cement work but that would be four years down the road. They had no business doing that. Beverly said they will make sure that they get it fixed. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO HIRE HEATHER CARNIVALE AS PART-TIME POLICE OFFICER CONTINGENT UPON COMPLETION OF BACKGROUND CHECK. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Beverly said they are tabling the sign ordinance. Gary said he spoke with Geoff about this, and he thinks they're going to reach out and try to do some work with the Bucks County Planning Commission and try to pick their brain and figure out the best way to go from this and once they hear back, they'll opinions from council. At a point in the future, they will probably have to work with the solicitor and make sure they update the sign ordinance and there's no conflict. Joe Dudash said he thinks they will need to go to the planning committee too. Dave Truelove asked the time frame when they would bring it back. He asked if he wanted to do it at the May public meeting. Gary said he didn't want to go that late and thought the first meeting in March.

#### Public Comment

**Mike Smith, 127 Dehaven Ave.**, said to Dave Truelove that he made an issue out of getting a copy of his survey for his property and he wanted to know why. Dave said he was under the impression he had a survey already and the hope was that they could use that as a basis for having the engineer then make a full recommendation because both sides seemed to indicate that they wanted to see something more than what they had already proposed. Then as it turned out the conference that they had with his attorney and he probably advised him, appears that neither side was willing to go with whatever the recommendation might be. Then they

actually didn't pursue the survey after that. Mike said he obviously wouldn't be providing a survey to them unless they wanted to pay for it. Dave said he and his attorney discussed that. That was not contested but the point was at that time, there didn't seem to be any indication from both sides that whatever they produced as result of the survey with the traffic engineer's recommendation, would be satisfactory and they didn't feel like it would be good to recommend that they would spend the money to do that. Mike asked why would an engineer that was paid \$3,600.00 need his survey. Dave said for professional licensure purposes he said he needed something like that, and he trusted his rationale for either one from Mike or Mr. Darnley and Mr. Darnley did not have one. Mike said he had one last thing and he wants to make sure that it's totally understood. He said to Marie to make sure this goes into the minutes in big bold letters. This fence has never been a property line dispute ever. He has said that from the start and has said that at many meetings and he is not happy it has turned into that. He doesn't have a property line issue with his neighbor and never did. In saying that, there's no need for a survey from him. They don't need one to make his neighbor follow the laws that council sits here and enacts all the time. They're talking about a new sign ordinance. He asked why. Dave said he comes up here and makes these attacks and then he's supposed to defend it with information which is, he will say, half of the information. The point is he has a licensed traffic engineer who tells him in order to actually follow up and he's going to defer to him because he's not an engineer. He doesn't think anybody else in this room other than that lady right there is a registered, professional engineer. When he says he needs a survey from one of the property owners from which he needs to make measurements, he trusts that. It has nothing to do with the property line, generally it has to do with going from certain points to measure back so that fence can be done properly. That's what he tells him and that's why he defers to what they want. Mike said to ask Geoff if he was out at his property and saw the markers that were placed by two surveyors. Mike asked what more they need. He said stop dragging their feet. Dave said they're not dragging their feet. Mike said the hell they're not Dave. Mike said he's the only one that's doing anything, and Dave does nothing but sit there and make statements saying he wants them two guys to figure this out. Mike told Dave he made a mistake. Dave said he didn't make a mistake.

Mike said he made a mistake, and all these guys should all know it. He should have done something when the zoning hearing board made the decision. Dave said when the zoning hearing board made their decision, they had defended it. Mr. Darnley filed an application in court, and they responded defending the zoning hearing board's decision. Mike said he should have filed a notice of violation the day he received the letter, the same as he did. Dave said and he had four months to file a violation notice. Mike said he followed his information. Dave said after he sat here and complained about it for four months and didn't do anything. Mike said four months Dave. Is that what you really want to say in front of these people? Dave said he just said it. Dave said Mike was saying in he believes it was July that he might have to hire a lawyer and he did. Mike said September 8<sup>th</sup> he came here and complained, and he told him to deal with him and let the borough handle this. He has it in emails. He asked why he sits there and says this. It's in writing. Beverly Wolfe called for a recess for three minutes.

**Jeff Jones, 504 Clarissa Lane,** asked the chief during the snow emergency, how many tickets were cited on Dehaven or were towed. The chief said zero. Jeff said there were two vehicles on that road and that's a snow emergency route. The chief said they had one officer working and sometimes the officers are very busy with other things that they're dealing with. Jeff asked why they even have the signs up. The chief said it's more of a way to make people aware. Jeff said to do his job. The chief said first, they do their job very well and he thinks their monthly report reflects that and second, he has personally knocked on hundreds of doors over the years to get people to move their cars off the streets. Last year Woodland Ave. was completely clear

which he doesn't think ever happened to him. Jeff said that's not his question. They spent money to buy these signs that have been stalled and nothing is being done. The chief said it's something they can look at. He doesn't know specifically without pulling the reports up what the officers that were on that day were handling. Sometimes in this job they have to prioritize what's important first. Somebody suffering a medical emergency or a car crash or something like that dictates precedence because obviously they value life over that. Jeff said that's a 24-hour period they have to move these vehicles. There are times where they can go by and have them towed or a ticket given. The chief said he agrees with him that they can, but again, the officers are prioritizing other things sometimes. He can't hold their hand and make them write a parking ticket either. They also have discretion that they are allowed to use as well. Jeff asked then why they even have the signs and if they're not allowed to give tickets. The chief said they can give tickets. The officers chose not to, or they were busy. Mayor Sodano said to Jeff that in this particular case, he is the at fault person, not the chief and it was for what the chief said. He had to make a decision on whether they had enough personnel to enforce the ordinance this particular storm or they didn't, and he decided that they couldn't risk that at their expense since they only had one guy available, and he wasn't even sure he was going to be able to finish the shift completely. He was in between a rock and a hard place on this particular storm, and he is the at fault person. Not the chief or the police force. He decided they just didn't have enough personnel this time. Tom said he can assure him that he and the chief have discussed this. He doesn't know if he noticed, but the notice that went out that the chief had put on the Facebook page for the police and for the borough, they both listed the ordinance this time that they were going into an emergency and listed the parking ordinance. They had every intention to begin enforcing and he had to make a tough decision this time. He can assure him that the next snowstorm they will do everything they can to make sure they have enough people that they can enforce that ordinance. It's something that the people in this audience have heard him complain about year in and year out and he's working hard to do it but this particular time it really wasn't the chief or his personnel's fault. Jeff said another sign that was before him with Bob Winkler was down at the ballfield. Somebody complained about people being inside the fence and that the sign was faded. The sign is not faded. Citations should be given out or get the gate closed and locked so people don't get run over by vehicles by the concession stand. If they have signs, they should use them. Joe Adams asked Mayor Sodano if the road was able to be plowed or cleared by the contractors. Tom said, in his opinion, it was a much better job this particular snowstorm than they had all of last year. There were fewer cars than they've ever had on the streets, so in general, yes, it was cleared. Where those two cars were didn't get cleared so they became compacted with snow. There were some areas on Walker Ave. that were the same. They all know the three hundred block of Woodland is a common thing and it's easy to point fingers there but that isn't what he was looking at. He drove the entire borough and made notes, so he knows exactly where they're going to have to have the duty officers look at the next snowstorm. Honestly, no it wasn't a perfect snow job, but it was improved. Joe Adams asked if they had a major public safety issue, or injuries or casualties or anything with this particular storm. Mayor Sodano said they did not have a major public safety issue. They were very fortunate. Chief Perry said for the January 7th snow event for a majority of the day they were assisting Hulmeville Borough and the SWAT team with a tactical entry of a house so the officers were tied up for most of the day on that one and then during the day shift on the 29<sup>th</sup>, the day of the storm, the officers handled five incidents during that shift so they were busy. He's not saying that they don't want to write tickets. It's not necessarily their number one priority but five incidents during an 8-hour shift and the time that it takes to write the reports and to check on everything else in the borough as well as making sure that traffic is flowing properly on Lincoln Highway, they sometimes prioritize that in place of writing parking tickets. They can certainly write them, and they do. Like he said, in years past and even this year, he's worked some of the storms. They knock on doors, and they would rather get them off the street. They

get more complaints about a parking ticket issued to somebody then they would be arresting them. 100% more people will complain about that or if you refer to them as a bad parent. Those there are two major complaints. If you imply that they're a bad parent or you write them a parking ticket you will get them at every council meeting or calling and complaining all day on those things. They don't necessarily want to punish the residents. The police love this town they have a lot of support in this town so citing the residents is kind of like shooting yourself in the foot when you want support from the community, especially with the way the world is right now. They want the support from the community. They don't want to be writing them tickets. Jeff asked if he runs a stop sign and he's a Pennel resident, is he going to let him go. The chief said he would say that their discretion for the residents may be a little bit better than if it's somebody who's cutting through and has no ties to this town. They do take that all into account when they deal with people. That's what their job is based on. A simple warning to somebody who's a resident who knows the severity of blowing a stop sign versus somebody who doesn't care and who drives through this area and is blowing stop signs where their kids don't run around, and their friends live. They may have a little bit different experience with getting a citation rather than a warning. Jeff said he had brought this up to the Bob Winkler about the parking meters on Bellevue Ave. He asked why they aren't used and why aren't citations given to those vehicles. Chief Perry said, again, they only have one officer working and can only be in one place at one time. Jeff said they should just get a Sawzall and cut them all down. The chief said he thinks eventually PennDOT is going to be coming in and removing those because he believes they're adding a turning lane there so that's likely going to happen. Jeff asked if that's by the Coffee Cup Café. The chief said they are redesigning the road for where the Coffee Cup is as well as where the hardware store is and implementing some turn lanes. Jeff said Pennel has lost a lot of revenue from those. The chief said he completely understands and maybe a better option would be hiring a parking enforcement person. Jeff said he thought that's what the police were for. Chief Perry said they have many jobs and wear many hats in this job.

**John Lo Piccolo, 132 Crescent St.,** said he thinks they bought the backhoe about eight years ago and paid either \$6,000.00 or \$8,000.00 and it was used when they bought it. It's not getting a lot of use. He thinks the most they ever used it was after a hurricane when there were some branches and dead trees around. At one time they discussed maybe having some of the other boroughs use it in conjunction with the borough guys, but it might be a good idea just to get it running and see if they could flip it or something. He knows Langhorne and Hulmeville were like, oh, you have one of those. Maybe they could work together and use it. That was when they were discussing sharing guys and you know splitting costs and stuff. He thinks it's a good idea. When he walks his son to OLG, a lot of times he sees people just ignoring the school zone. Sometimes he sees people pulling in from the side streets and they're just ripping it towards the light because it's green. And from walking around he can't say that every block has preemptive warnings that a school zone is going to be active once you pull in the street. He wanted to know if there's a way to make awareness because a lot of times, he sees people just turning and they're just tearing down towards the light. He tries to yell at them and kind of wave at them. And its parents dropping off their kids as well and their minds are elsewhere and that's a big reason why they added the four way stop at Fairview. There is a fifteen mile per hour sign posted on Dehaven but there's really nothing else around the perimeter of the school. Maybe Gary who is on the committee could look to see if there are signs to be added. He knows the police had done some studies and that's where they determined they got the thumbs up from those guys to add the stop signs so it might be something to look at just to help people make awareness because like the chief said, they can't be everywhere all the time. Beverly asked if it is Woodland turning onto Hulmeville. Chief Perry said he can also put an email out to the principal at the school and see if he can do a mass email to the parents and maybe that



could help as well. John said he emails everybody like once a week or as needed. The chief said it's tough for them to cite for those because the speed lines are on both sides of Woodland Ave. so they have to actually cross there, both of them for them to clock the speed but also for the citation they would have to pass the school zone sign as well and a lot of it's in between Woodland and Crescent. John said that's where they see people pick up a lot of speed. John said he's not picking on that business owner, but that sign is getting worse. Beverly said she did report it. John said it's really broken up. Beverly said she'll send another email right now.

**Terry McIntyre, 335 Hulmeville Ave.,** asked Dave Truelove is they got any further on the HOA for Schoolhouse Court. He knows they have cleanouts there's and at least five, six or seven things that have to be attended to. Dave said they had a conversation about that today internally. His colleagues have been working on this quite a bit, but they've actually adopted or accepted all the changes they suggested including most importantly for the borough indemnification language which protects the borough. The borough is not going to accept dedication of the street and want to keep the potential liability to the borough to a minimum. He thinks they're in a good position and are just a third-party beneficiary and not actively involved. They are making sure that the HOA documents conform to all the prior approval letters that were done in 2005 and 2014. There were some questions about signage and were told by the developer that the signs there conformed to the plans. They will follow up on that. As far as parking on Hulmeville, they were told by the developer that PennDOT placed the gore markings where they were because that's a PennDOT road. They sent the documents so that's something between engineers. Terry said asked who was going to take responsibility to plow the street. Dave said it's not the boroughs. Terry said the cleanouts are extremely important and will be one big swimming pool if they are not kept up. Dave said it will be up to themselves to police themselves. Terry said what's going to happen is it always ends up here when things aren't handled well. Dave said it's not the borough's responsibility but obviously if there's a huge public safety issue, that may be different. Terry asked about the trash. Dave said they will handle it which is in the original approval letters. Terry asked if they settled the issue with the parking because the fire trucks can't get in. There's not supposed to be parking in the street at all. It's supposed to be all on the driveways. Dave said if there are construction vehicles there, that's understandable. Terry said the project is getting close to finished with the last two homes being built. If there is an incident where you have to get EMS or fire or somebody down there, he's already seen a fire truck down there to see if they could get in and they couldn't. Dave said they've had a conversation with Chief Perry, and they don't want to have to enforce necessarily because then they don't want the borough to be part of the liability situation. A fire hydrant is different because that's not traffic, it's public safety. They're trying to strike the balance between making sure that the obligations are met but also their obligations are met, and that the borough doesn't take on something more than they have today. Joe Dudash said they keep blocking the hydrant and they can't get the truck down there and all of a sudden nobody can remember the letter that the fire department sent them. Beverly said originally when the plans came before them, that was the fire department's major complaint which was they couldn't get a truck down there so that's when the no parking thing went into the agreement. Joe asked what they are doing for that. They've been discussing this with the fire truck thing over six months and they haven't done anything. Dave said there's really nothing they can do except that when there are cars in the way, they have to make sure that that's taken care of, but they can't enforce something they don't see. Joe said he can go down there tonight and see it. Dave said It's not the job of the solicitor to enforce it based upon information. There are different code enforcement people. Anybody here can send them a picture and then it could be followed up on. They could send a letter to their attorney which they have done. They've been much more cooperative the last several months than they were before that. Joe said so they are risking the lives of the firemen. Dave said they're not part of that at this point. The only way they can do

something is when they get information. Joe interrupted and Dave asked him to let him finish because every time he starts to explain it, he gets interrupted. Joe told Dave to relax. Dave said not to tell him to relax. He said to let him explain the situation. Joe said OK but not to tell him he didn't do anything about it. Dave said he didn't say he didn't know anything about it. What he said was they have received occasional information and when they do, they've had conversations with the developer and the developer's attorney and at those junctures, they believe that the situation has been remedied. What happens from time to time is there may be construction people there or it may be residents there. They don't know that 24/7 and that's part of the challenge. They can ask the police to go down if there's someone in front of the fire hydrant because that's a public safety issue. Other than that, they would have to issue citations but they're not the ones who actually can do that. It's not the job of the solicitor to be doing that. When they tell them, they apparently comply? He doesn't know what happens in between. But they're aware of the situation and they know what their obligations are. They also know that it's not the obligation of the borough to be going in there. That is a community that's required essentially at some point with the HOA to police itself. Joe Dudash said he agrees but when it comes to the safety of the firemen and fire trucks and the residents that live around it if that place catches on fire. Dave said he would agree and that's where the HOA is responsible for that too. That's ultimately where that responsibility lies. Mayor Sodano said he has a unique perspective on that fire hydrant because he can see it from his backyard and since those homes have been occupied, he cannot recall any time there was not at least one car parked in front of the fire hydrant. Dave said right now this is the first time he's heard that, and he will certainly follow up. Mayor Sodano said he's mentioned it in this room before. Dave said he knows he has but now he knows the frequency of it, but it's different because of the occupancy and while they may say that they're in compliance, they aren't. Dave asked him to take a picture with your cell phone and send it to him. Jay Moser said he is a volunteer fireman and someone's going to get hurt. Dave said he was the one that told them about the height of the signs. Jay said he's been watching it every single day for the last two to three months and one day this week there was no car parked there. Joe Adams said he grew up in the city. He's new to a small town. The city had a really easy way to fix this. They took a crowbar, and they'd go through both windows, and they'd run a line whenever they needed to get to it. He asked why they can't do that here. Jay said they can't do that here. They will have to run a line from two blocks away. Dave said they will follow up with the attorney tomorrow and say that the next time we hear it happens they will take up the enforcement strenuously although the HOA documents are becoming finalized. But that doesn't solve the problem of what the fire department has to deal with so they will follow up on that. John Lo Piccolo said they can barely fit two cars in those driveways. If he could go back in time, he thinks they would have all been like this doesn't work. There should have been houses on one side of the street so that you could have the width to be able to park one car on one side. It's a shame the way it turned out. Dave said unfortunately in 2005 it was approved, and these are built in accordance with the plans that were approved and 2015 there was a revision. Joe Adams asked Jay, if one of these houses was on fire and there's a vehicle that prohibits crowbar access to run a line through the car, what would the fire department then do to get a line in to get started. Jay said they would have to find a second hydrant. Joe Adams said so there's no way to move the vehicles at all. Jay said the hydrant is at the end of the cul-de-sac and once that first truck is in, it is the only truck that's going to do any work. Everybody else is walking up. Dave asked if they are residential vehicles or construction vehicles. Jay said residential. Joe Adams said to Mayor Sodano, he's not doubting the resources of the Police Department or anything like that, but can they cite them because of the public safety issue. Dave said public safety they can. Parking is different. Joe Adams asked Mayor Sodano, if there's a vehicle blocking it so that even the fire department can't get to the fire hydrant, could they constitute that as a public safety issue. Joe asked if they have resources or could allocate resources and maybe a way that he could assist with citations.

He'd love to slap whatever they're legally allowed to on top of that car and make sure that never parks there again. Dave said they're getting close to the finalization of the HOA and if people from that group don't take it seriously this is a very graphic way of making sure they understand it then that's fine. Mayor Sodano said that District Justice Baranoski responded that they might not be able to uphold tickets that they write. It would be different when the finalized development happens but even though those fire hydrant laws are not borough code, if those tickets were contested in court, they could quite possibly lose because nothing in there is technically dedicated. They don't even have an HOA in place yet. When that happens, then it will be a different situation. Dave said he respects Judge Baranoski and has been in front of him many times. His only caveat to that would be exactly what he pointed out. It's state law that's not based upon land development approval or any dedication issues or anything like that. It's purely a public safety issue that is a state law that supersedes any local ordinance and that's where he'd come from. Joe Adams said he's neither a solicitor nor a judge, but this is an issue that if there's a way that council can help with that and make that a part of code as the solicitor recommends, enforce it as a state law, he'd be more than happy to do so. He does not want to see a situation where the Volunteer Firemen are trying to scramble to figure out how to put out a dwelling fire or not be able to run a line. Mayor Sodano said that once that HOA is finalized and registered, then things will change legally what they can and can't do in there but at the moment that is an impediment in the opinion of the judge. Joe Dudash said they can do like Bensalem and Hulmeville does. It is considered private property which Dave probably knows and at his next meeting say they need a waiver to enforce traffic violations which consists of the fire department. That's how Bensalem does it because they cannot go into the malls or any apartments so they get the waivers through the HOA so they can do that now. They don't have to wait. He still thinks it's a state reg. Dave said they are very close with the HOA documents. They are actually now with, as he understands, the occupancy to where they actually have to have the HOA complete. They're at that juncture now where it may become academic, but they don't want to wait that long. Joe Dudash asked when the next meeting is. Dave said they just had one last week. They can ask them to meet anytime and let them know these are the issues and if not, they're going to have to take other approaches. Lately they've been much more cooperative but that doesn't mean that they're complying with everything. There's issues and they have ongoing concerns about the fire hydrant because they're being blocked by residents and there are neighbors that see it literally every day. Joe Adams said he'd like to follow up with this, if possible, at the next meeting because it's disturbing to him if they're telling him a truck can't run a line through or they can't push a car or they can't do something. He told Mayor Sodano he respects and appreciates the fact that he's gone to the judge and for following up on that. He would like to see a firmer action taken on behalf of council because he doesn't particularly care about the HOA if they're blocking a fire hydrant and a house can't get put out because there is a car there. He doesn't care if they've got to start running crowbars through windows. Respectfully, he's not actually suggesting that, nor would he ever endorse that, but he would like to see action taken. Dave said until the HOA is finalized, the developer also bears responsibility for it too. Make sure any photos that are taken have the date and the time on them. If someone is getting photos day after day after day, that's even better, not that they want to wait that long. His point is, if it's something that they say is a persistent problem, they just need to have that evidence to say on this day, they took this picture, and this is the vehicle, and it may be the same vehicle every time and is a persistent of flaunting of the basic safety laws that they have. Joe Adams said they may be able to set up a direct email for the public if they have photos of these type of violations to be able to submit right away to have that collected. He's not saying that's going to happen tomorrow or is a thing that could happen, but they may be able to do something. Dave said it's certainly something that would be helpful.

Beverly asked Chief Perry, to his knowledge, if he knew if there is an ordinance to enforce the "No Parking" sign inside the fenced area at the memorial field. Chief Perry said he didn't believe so. Beverly asked if he would be able to enforce it with just that signage, anyone parked in there with a ticket of some kind without there being an ordinance. The chief said no because it's not a dedicated roadway or thruway. They would not be able to cite.

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

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