

Penndel Borough Council Workshop Minutes

March 21, 2022

Council President Beverly Wolfe called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. There was a moment of silence for the two State Troopers that were killed in the line of duty.

Present at the meeting

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

Also present at the meeting

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

Consent Items

MOTION BY JOE ADAMS TO APPROVE THE MINUTES OF THE MARCH 7, 2022 COUNCIL MEETING. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Reports

President's Report

Beverly Wolfe said she was reporting on something that was brought up last year. She thought the issue was resolved but it was not. It is in regard to a property that has deficient curbing. The code enforcement officer went out today and it was determined that the curbing is deficient. That property owner will be receiving a notice of violation and deadline from the code enforcement officer. Mr. Dudash had brought it up. It was from the Roads program. The address is 411 Hulmeville Ave. John Stratz said he happened to come upon a report from March of 2017 that those curbs were determined ok by the former code company from 2017. He asked how they can go back now and ding him on his curbs. Beverly said during the Roads Program they were deemed as insufficient. And it wasn't acted upon by the previous code enforcement agency and the previous council. Now they're taking some action on it and they're being given a deadline.

Solicitor's Report

Ben Hauser reported that earlier this evening, council met in an Executive Session beginning at 6:05 pm. The subjects were personnel, collective bargaining, litigation matters and an informational presentation by Chief Perry to the council, the mayor and on police staffing matters. The Executive Session concluded at 7:30 pm, right as this meeting began. There are some matters in active litigation which he won't get into. There's a matter going through a briefing schedule. Some of them were here Wednesday night for that matter and he's pleased to say that it seems to have been resolved. There's something that is being continued due to a

scheduling conflict with a litigation component to it. Joe Dudash asked about the complaint letter they received about the sinkhole and the tunnel. Beverly said that's not for the solicitor. The letter was directed to her. She said that would be 217 Rumpf Ave. The letter was received this past Monday. The borough engineer has taken point on this and that will be in the engineer's report.

Committee Business

Ordinance

Gary Nickerson reported that council was provided a copy of the draft fence ordinance. It has been a work in progress. He and former Councilman Mark Moffa started this a long time ago. Their original intent was to clarify the code about the prohibition of the front yard fences, but it quickly morphed into other areas of the rules that were associated with fences. The overall goal was to update the code and try to make it clear. The goal is to give it to the Pennel Planning Commission which they hopefully can take a look at later this month. They will have a chance to review it and make their recommendations and as required, they will give it to the Bucks County Planning Commission where they will review it and provide comments back. It's 14 pages long. Council can take a look at it and ask questions, but the thinking is they will assemble everybody's comments although he's not sure all of the comments will be back by the next Work Session. Both Planning Commissions might need additional time. He thinks the more people that look at it the better and they can get something that makes sense and addresses the issues.

Draft fence ordinance – draft ordinance to go to Pennel Borough and Bucks County Planning Commissions. Council will be provided a copy of draft ordinance. The committee will provide a brief overview of changes to council with discussion to occur at the following workshop.

Electronic sign ordinance – overview of current situation will be provided. Future steps and coordination with Bucks County Planning Commission discussed. Gary said he wanted to point out some of the major revisions. The first couple of pages are Ben's legalese and they kind of go over the major additions and subtractions and new definitions that were included in the code. They updated the fence definition to include that they will specifically allow poly vinyl fences. They created a new definition, it's now a decorative water feature to cover koi ponds and fountains and other things that could potentially trigger a fence to greater than two foot in depth. The term swimming pool is actually not defined in the current code so they thought they should add that. They provided a definition that's any structure permanent or temporary that contains water over 24 inches in depth which is used or intended to be used for swimming or recreational bathing. This includes inground, above ground and on ground swimming pools, hot tubs and spas. In the existing code, they took a creative approach to talk about swimming pools. They decided to do away with a bunch of those and to create two really sorts of things, swimming pools and decorative water feature. These decorative water features are going to require a permit and they're also going to need to be fenced in as most of them are greater than a 2-foot depth and the concerns that are present with swimming pools about drowning and children getting into them, is pretty much the same issue with these decorative water features. They did some brief research and most municipalities regulate them. They also added a section of rules to talk about traffic visibility and clear site triangles. They added some diagrams to make that easier for people to understand. A major addition which they spoke about last May or June was to specifically add a section to the code about corner lots. The draft code that's in front of them covers corner lots. They have to think about the orientation of the houses, but these current rules would allow for a corner lot to have a fence in the side yard which doesn't move past the front face of the house. A person would have to designate their side yard. These would be limited to four feet in height and they also put a setback from the sidewalk cartway. The current

code has a one-foot offset from the property line and based on recommendations from the borough manager and reviewing other ordinances, they did away with that. The current ordinance does not require surveys and they did not feel the need to require surveys, so they left that as it is. There are some other additional changes in there. It's a rather lengthy read. He would say they can digest it and they can talk about it once everyone has a chance to review it. Hopefully, they'll have some thorough comments from the Pennel Planning Commission as well as the Bucks County Planning Commission. This is not a resolution; it is an ordinance. He asked Ben to explain. Ben said the general process is that the local planning commission and the County Planning Commission have to have this ordinance in hand at least 30 days before the ordinance is adopted by council. Fences in this town are a very important vital subject. It's the Ordinance Committee's intent that they get the best product on the page. They give it to the two planning commissions and he presumes it will be for their March 31st meeting to obtain their comments and then they will likely get comments from the County Planning Commission. They both may bless it. If they don't, they'll have to revise it. Once they have an idea that both planning commissions are comfortable with it, they'll advertise it for a hearing, and he would expect that likely to be in May or June or thereabout because there has to be a certain amount of time for two advertisements of the hearing. Gary said the other issue he wanted to brief everyone on is they're going to be moving forward with the electronic sign ordinance. The current sign ordinance is outdated and prohibits flashing signs. It hasn't been updated in a long time and it doesn't really speak to LED signs. It just strictly prohibits flashing signs, something with a light bulb that's just flashing. They have three permitted electronic signs in the borough. One was issued with a permit that prohibits flashing. The other two were Zoning Hearing Board decisions that also sought to limit how frequently the sign changes. It's not anywhere in the existing code. The goal is to update this so that it can be regulated and controlled. And they can have some uniformity and control the size and whatnot and so these entities don't have to go to the Zoning Hearing Board for all their signs. He reached out to Geoff, and they've been discussing this, and he found from Montgomery County some model electronic sign language. He also coordinated with the Bucks County Planning Commission. They offered to assist them and to meet with the Pennel Ordinance Committee and to streamline and draft an electronic sign ordinance. They've offered this for the price of \$1,500.00 and that would include attending some meetings and basically draft the ordinance. He thinks this is something that they should consider because of how long it took them to get together the fence ordinance. They are planning professionals and they can kind of streamline the path and the goal will be to get something together much more quickly and to keep the costs down. Once it's ready, they'll have to present it to the solicitor for review, but his thinking is that this could greatly streamline the process and they could get something that's significantly updated to the code which is glaringly outdated. He thinks at the April council meeting he's going to be putting forth a motion to enter into an agreement with the Bucks County Planning Commission for that agreement to help them work on that.

Community

Laura Germain said that for the summer, the plan is to have one big event per month. The idea is in June to have the summer party. Last year they had the Pennel reopening party so the summer party would basically be the same thing. In July they're going to have the outdoor movie night. They had one the summer before Covid and it was really popular. People came hours before while they were still setting up and they had quite a good attendance. Her husband and his company are going to give them the stuff again. The big event is the time capsule ceremony which she would like to do in August. She has some tentative dates. She emailed her committee, Beverly, Gary, Marie and Karen just to make sure there was nothing else coming up before she brought it to the whole council. For the summer party and for the time capsule she would like to have as many from council and the mayor attend as possible.

She thinks the reason the summer party went so well last year was because all of council was there participating and the mayor at the time so she thinks that would be great if they could have everyone again. She does realize that Summer is really complicated, and that people might be starting to travel again for the first time in a long time. The tentative date for the summer party is Sunday June 26th. For movie night she's thinking the night of July 23rd. And for the time capsule ceremony, she's thinking Saturday August 27th. No one has to tell her right now whether or not they can go. She'll send an email with those dates to everyone. Those are the tentative dates that she would like to nail down especially the time capsule date because she wants to start inviting people. She's sent it to the schools. She hasn't gotten anything from the high school yet but from the middle school and the elementary school, she's already gotten a bunch of submissions. The local Girl Scouts, which her daughter is in are going to do something for the time capsule. She's going to reach out to local Boy Scouts troop as well. She thinks they should at least have the mayor and the president of council put a letter in there. She's fine with anyone else on council who wants to put one in there as well. She talked last time about all the different stuff they're going to put in. She would like help with involving Penndel businesses, especially with anything that says Penndel on it like Penndel Pizza and Penndel Hardware. Maybe the top of the pizza box cut out or a bag that has the logo on it and says Penndel. If anyone has any connections with them and is willing to reach out for her, please, let her know. Laura said last Monday Beverly, Gary, Joe and she had a website meeting where she walked through what she did, and the goal right now is by the summer to give full access over to the new technology people. She sent an introductory email today to the website people with their email addresses on it. If anyone needs anything on the website, they can still email her or Geoff but come summer, they're hoping to transition that. She thinks she will still be doing Facebook stuff because it's community oriented. Laura said she knows they just put out the newsletter, but she would like to start on the summer one because they have a big summer planned so she would like to get it out before summer really starts. If anyone has anything, please email her with it. Beverly asked for the date of the time capsule ceremony. Laura said Saturday, August 27th. She will send an email out with all that information. Beverly asked if she figured out where they're going to bury it. Laura said she hasn't yet, and she has had different people give her different suggestions. The consensus is that it would be better here. Some people said the Rec Field. Beverly said it needs to be at the borough hall. She was thinking maybe in the oval, and it would need to have some kind of marker on top of it. She asked how long they would wait to open it. Laura said she thought maybe 50 years. The longer they wait, the more interesting it will be for the people opening it but if council has a different preference, she's OK with that. She thinks 10 years is too soon. Normally it's 25 or 50 years. Laura said the theme for this time capsule is life in the pandemic so the kids who are sending in their art projects and their photos and their stories it's all kind of about how they dealt with things during the pandemic which she thinks 50 years from now people will be really interested to see what Penndel was like during the pandemic. Even though people can submit non pandemic related things that's kind of the things that are submitted under that kind of umbrella.

John Stratz reported on Tree Tenders. When they went the first time a few years ago they learned the art of picking up a tree, finding a good placement for it, making sure that there are no wires underneath and plugging it in and letting it start growing. Once it restarts growing, you've got the next step, trimming, which is the certification he went to two weekends ago. He learned a lot. There are specific cuts and placement of those cuts that take in mind the health of the tree. Those were some of the things they taught them and unfortunately, it wasn't exactly a closed end seminar. He was informed that he was being trained to be a trainer. So, he will be part of the Bucks County contingent of the official tree trimmers for the tree tender movement. He's already put a lot of knowledge in place. They've had some vandalism of the new trees that they put in down at the Rec Field. For whatever reason, people were snapping off rather large

branches and twisting them to snap them off which is extremely unhealthy for the tree. It cannot heal itself from a cut like that, so he had to recut those to give it a chance to heal itself. He's taken care of the front trees and they're on their way to being strong and healthy so they shouldn't have any worries about them.

Joe Dudash said some of the residents as well as some of them here, say the Rec Field with the condition that it is in, were wondering if they are they starting to look at grants and designs. He gives credit to Lou and the borough manager for cleaning the place up. The internal fence with the memory foam with a gel, somebody pulled that apart. He thinks the residents, and they all agree, especially that he talked to Barb, that they need to show something to the residents that they're doing. Something there with their money. He asked if they are looking at the old plans. They have enough plans in there to shake a stick at. They just found out at the last council meeting that Spring Valley farm is dead. Beverly said she will speak to that project and it's not dead. Joe said he's tired of waiting for people and he thinks these people are too, so he asked if they are looking at those designs, they've had and try to get grant money. Barbara said they have not gone that far. They're working on grants for bleachers and they're redoing the restrooms. As soon as those projects are set, then they'll take a look at that. Beverly said that Spring Valley Farm is not a dead project. She spoke to the head of Parks and Rec at Middletown Township who said they had delays because of Covid. They took the fence down at no charge to the borough. It was Penn del's fence. They took all the overgrown trees down that were all along the fence line at no cost to the borough too. They got a little sidetracked with the Twin Oaks Park project. It ended up costing a lot more than they expected but Spring Valley has cost them a little bit more than they expected in phase one. It's five phases. Phase one was the farmhouses. What they found was that the cedar roof on the farmhouses were shot. Water had been coming in, so they had to replace that. They also have to replace all the windows which are stuck in a container coming over from China and have been out there for six months. They did bring in public water which is something they did not have. That's the first phase to actually getting the site up so they could have the snack stand and have all the other stuff that they wanted. The other thing is that there is a water problem on the property that's mentioned all throughout the 2016 Comprehensive Plan for the property. There's a storm water problem they're starting to deal with because it's becoming a real issue with the houses. Their first order was to get the house of business was to get the houses done so that's where they're at and that's phase one. Once the houses are finished, they're going to move to phase two. What phase two is she doesn't know because he got a phone call, and he couldn't stay on the phone with her anymore. They are going to get together again in a couple of weeks and talk about it. Joe Dudash asked if Penn del gave them grant money. Beverly said they got open space grant money. Joe asked if it is an easement they have or do they own part. Beverly said she looked at the whole file and ran it by the solicitor's office to make sure her conclusions were correct. What they purchased was an easement with the grant money. It's an easement of the property and built into the agreement is a statement that the other municipality being Penn del, or anybody is welcome to the enjoyment and use of the facility at any time but as far as legal ownership, they have an easement. Joe asked about walkways with the easement. Beverly said that was part of the plan all along. From what she understands from Paul, the vision she thinks in the long run was that it not be two different municipalities. It is to be a multi municipality project where they echo what they're doing and do stuff on the borough's side that connects in with what they're doing. There's a portion of the walkways that does come a little bit over so there might be some opportunities for them to connect into it and bring it over to Penn del's side. It may be at the expense of the basketball courts or something but again that's she thinks a couple phases down the road. What they're doing in the first few phases is getting that house in order and the property in order. They've got a lot of work to do with parking and to

solve the water problem and the grading problem. They have to resolve that and it's a lot of money but it's not dead.

ARPA Advisory

Joe Dudash said he was talking to Ben about it. He went to online training with the U S Treasury Department because they're the ones that are handling the money and guiding them. He will be talking to Geoff and the solicitor because he has many more questions now. Ben said he was delayed in getting in contact with Mr. Dudash. He had jury duty two weeks ago and he also had court mandated arbitration where he sat on a panel so wasn't able to check in with him as quickly as he would have liked. Joe said he was going to run this by Ben. They had to open up an account so there should be one and they should have access to the portal for the US Treasury. They had to present it to get the grant. Beverly said Marie has that.

Public Works

John Stratz reported that he attended a pre bid meeting on the 14th. This is in reference to the upcoming street project which is to repair damaged pavement on Holly and Oak Aves. in advance of the surface treatment for those two streets and other locations defined by the borough to repair failed pavement, AKA potholes. They've had four people come to look at the project and they will be giving them bids. He's getting tired of throwing stuff in the hole. That doesn't really help the matter because a pothole originates from the bottom up. First the base layer starts cracking and deteriorating and it eventually just develops a nice pothole. The only way to professionally do this as opposed to throwing stuff into fill it is either milling or saw cutting and digging it out and having these guys professionally fill it with hot mastic material. In a few weeks, they'll have the estimates and will pick the best one and the work will commence as soon as possible. Beverly asked what he's doing in the meantime because there are some holes out there that could swallow a smart car. John said he talked to Geoff this morning and he gave him Lou's availability so that they can go out and put stuff into the holes for now. Beverly asked if what he is getting bids on is covered by Liquid Fuels. John said it is. Ben asked how much they expect the project to be. Beverly said they won't know until the bids come in. Carol Schuehler said they tightened up quantities a little bit. It's been publicly advertised, and she sent the bid documents to PennDOT Municipal Services so that they can get Liquid Fuels approval to pay for it under Liquid Fuels. The project involves base repairs for Oak and Holly Aves. They have some patch repairs where they just need to do some surface treatment in some places and then they also have some line items for patching potholes outside of Oak and Holly if there's enough money to do that. They will have unit prices for them to go somewhere else and do a patch while they're in the borough for this. John said that's why he's so excited over four people coming in and bidding. That was not a mandatory meeting so there's always a possibility somebody else will bid too. They've had contractors that they've had a positive experience working within the past year attend that meeting so he's looking forward to the bids. Joe asked about where Celeste and Patty live down by Cliff's house with all the circles. He asked if that is where they're patching. Beverly said he needed to be more specific and to give an address. There's a lot of patching going on. Pat Dicken said there's two areas down by 35 Oak. There's one that is huge that they have patched so many times with hot patch but it sinks every time. It looks great on top, but it just goes down completely. There is one that may have been for a gas line that they had done that is sinking. Joe said those two are not marked and asked if those were missed. Carol said she went out there some time ago and marked everything. The quantities were quite high so she went back there last week and marked a couple of smaller areas to back down the quantities a little bit but if it sank, it's going to be a base repair. There are a lot of areas out there in rough shape. Joe Dudash passed out a packet for preserving the history of Penndel. He said it is just a suggestion. He's talked to Barb about it on many of occasions about preserving the history of

Penndel in this town hall. He was talking to the manager and they're trying to make this room more professional as far as him bringing in people for revitalization. He agrees with Barb that they're really not taking care of the preservation of what they have here of historical items. His wife came in here, who's a History Museum major, and she put some suggestions for these tables. They can be turned into historical displays, and they got prices to put almost like the plastic you see up there so you can actually put a museum piece in there. For instance, they have the Pope's rug and stuff like that. She measured and they can get rid of these cabinets and then they can have rotating museum stuff like the Pope stuff and how they were involved in it and involve the carpet company who can give them some information. They can do the fire department with all the historical stuff that they have. He doesn't know if anyone has been to the fire house, but they've got the Queen of Universe fire and they have all this and it's kind of interesting to see from when they were kids. They just jumped on the truck and rode out versus now it's a professional occupation. Former Mayor Winkler made that cabinet over there so they can use that and that would be over here if they clean this out and move stuff around. They're worried about the museum stuff deteriorating because of the sunlight coming from the window. This is only a suggestion. He thinks they have a lot of neat stuff in here and in storage in boxes that they could put on display and when somebody comes in here, they could see it. They could change this room. Another thing he found out was they should be going after PECO grants for these lights because the firehouse already did it and they have a contractor coming in to change all the lights so it would be energy saving and it would be better than these things. They could be turning this around but yet using all the historical pieces in these displays where somebody came in and saw it and they could see Penndel's history. Kory was worried when she saw the sun beating on some of this stuff. He doesn't even know where the rug is. Beverly said it's in Marie's office. Joe said some of them have been here since they were young, so they probably have photographs of how the town was when they were growing up. He likes what Laura did with the naming of the streets around here in the newsletter. There's a lot here and he thinks they need to do something to save it. John Stratz said it is a magnificent idea. Get him a \$750,000.00 grant so he can build another room. As much as he hates the boxes and the cabinets, they are government business. Beverly said Geoff has an idea for that. Joe Dudash said he wants to get rid of it and bring them into the 21st century. Beverly said she wants to talk about the RACP grant that they probably don't stand a chance of even getting now these days. She's been talking about the RACP grant for about two years. She was looking into getting a whole second floor on this place. One of the rooms upstairs was going to be a library and history room but unfortunately, she thinks due to circumstances, that well has dried up. She'll let Barbara speak to this since that's in her jurisdiction. They've been thinking about it all along trying to come up with creative ways of having something like at Bristol Borough that has stuff all over the walls and all over their building. There are municipalities that have room to spare. They don't have any room to spare here that they can display all these things. Joe said they could condense it. What Buckingham Township has is beautiful. They got an old flag that they put up there. He doesn't know why they don't put the Pope's thing up. Barbara Heffelfinger said they do need to preserve all this history that they have. It enhances the Borough's image. Financially, it's going to cost some money, but it also will help to get them some money if they enhance the borough. They have a lot that happened here so all of that should be preserved. They looked at a number of places that they could either rent or do something like that but the main issue, which is a very sensitive subject, when all of this was moved in here, she was about ready to cut people off at the knees and she told them that and she told them this can't happen. People came in here and moved all that stuff in and she said they can't be doing that. She knows with some, that didn't go over too well. If they take a part of the building or if they get an outside building that means that the borough will run the Heritage Society and that was their problem, right from the get-go. There's so much involved in this that smoke is coming out of her ears. It would mean that they are turning over control of all the

money and everything else if they take any money from the borough to run the Heritage Society. If that's the way people want to do it, that's another thing. Most of the people who are in the Heritage Society have said no way. They are a group in the town who wants to preserve the history. They don't want to turn it over and include it in the borough budget unless they're overruled by everyone. That's not what they wanted. They're a community organization and they feel that this is the people's building. And if they want to hang historical memorabilia in this building, they have an absolute right to do that. There are so many different angles to this. They do not meet here anymore because somebody had a wonderful idea that if they want to meet here it's going to cost \$50.00 to rent the building for the meeting and she said not as long as she's alive, she's not paying that. So, they're meeting at another location. They've organized with the activities group which is also a community group that should not have to pay for using this building. Joe asked if the activities committee has to pay too. Barbara said that's what the fee schedule says which made her go absolutely ballistic so they're meeting elsewhere and for free. She would encourage all of them to preserve the history. You have to learn from the past what the people who lived here did and all of those good things. They are working on that, she's speaking for herself, that they need to get all this junk out of here so that they can show who they are and what they've done. And they've got a special little town. They shouldn't have file cabinets stuck in the middle of the room or toilet paper over in the corner. That makes her so mad she could spit nickels. They don't want the historical stuff in here, but they'll put toilet paper in the corner. It's very important that they preserve the history and let people know how special they are. Beverly said they've talked so much about this. If they rent a space, the problem is if it's done with taxpayer funds, what goes in it is taxpayer money and the borough would be responsible for it. They want her stuff in here. It's a work in progress of getting rid of all this but they'd love to have it here. If they use taxpayer money, then that space goes on the budget because it has to. But nobody wants to take any of it away from the Heritage Society. Beverly said she's going out on a limb and Barbara is going to get mad at her, but she wants all the pictures off the wall. Then they can start to group them. Everything is scattered. They have beautiful things here for people to see. They have blueprints that should be hung up. They need to get these wrinkled pictures off the walls. If they're going to do documents, they need to be acid free and have the UV coatings and all that to preserve it and display it the right way. Just give it a little time. Barbara said previous people thought that they were entitled to whatever money they had. It is money that they raised for different affairs and different activities in town. She has no objection of support from the borough, but they're not entitled to the money that they raised. It's not going to happen. Beverly said that's not the intention of this council at all. This council's intention is to make sure that all of this has a proper place under proper jurisdiction, under proper vision, which is Barbara who is the keeper of this stuff. It clearly says Heritage Society on that cabinet. She said they will do what they can and moving forward towards something like this. No one wants to take the Heritage Society. It doesn't matter that it belongs to the Heritage Society. What matters is that it's on display and everyone can see it. The other night she was showing some people around and answering their questions. Just give them a few more months. They're trying to get it back to where it was. They're still going to have to get rid of the junk on the walls and start putting these things in better places. Joe Adams said he and Geoff have met previously and informally to discuss options about reducing the need of dependency on paper. They want to make sure they're following whatever the state's records retention rules are. They want to make sure they're saving them in formats but that is expensive. You have to pay someone to sit there and do it and it's probably going to be him. There are multiple solutions at play which is to be able to remove the dependency on paper without removing the need of the documents and remove the dependency on this physical site so that, should God forbid an event happened here, they do not lose the records that are retained in that data. There is active work being done in that front to make sure that that happens. Next meeting they're not going to have a Tech Committee report saying alright,

here's the cost of what it's going to be to get all those cabinets out of here. Beverly said bottom line, they want nothing more than to do something with the history. Barbara said they're looking at other options too. It was suggested to her to use the old, dirty bookstore which is an historical building. It would be a wonderful welcome center where they could put all the artifacts. This was a suggestion made by Mike Fitzpatrick years ago. He said talk to the guy and see if they can give him a tax break and only pay a little. They've never been able to pursue that for other reasons. Beverly said she's not giving up on that. Joe asked about the Police Department roof. Beverly said the tarp should have gone up. They contacted the previous contractors to have them come back out and look. She hasn't gotten a report since then. They're hoping that they can use some previous stuff and not have to hire an architect, but they might have to.

Public Safety

Mayor Sodano reported in the Executive Session this evening they discussed personnel matters and a consideration was placed before the council members to review at the April meeting. He believes that's what they had said is the soonest possible time they could consider discussing it publicly based on how long it takes council members to review some of the information that was presented.

Beverly said she has one item. It has been recommended by the Chief of Police that they hire as a substitute crossing guard, a former guard who was stricken with cancer and has recovered and would love to come back and work. She's already trained so there's minimal there and Sean has recommended her. Beverly said she would like to entertain a motion to do that. Ben Hauser said Act 65 of 2021 amended the Sunshine Act and requires as a general rule, that any public action be placed on the agenda at least 24 hours in advance of the meeting. However, under section 712.1, council must make a motion to amend the agenda to include that motion if she will restate it. Ben asked what the basis and rationale is for this. Beverly said that the police have been covering because of the lack of a crossing guard. That means that they're pulling an officer off to cover the crossing guards' hours when needed. They don't have somebody out patrolling, which is in her mind, unacceptable and is to the Chief of Police as well which prompted him to ask her to do this this evening. Ben asked if it is fair to characterize this clear danger to the safety of the people. Beverly said absolutely. Ben said he believes that falls under the exception be emergency business. Should council have a majority in favor of amending the agenda if it goes through, he would instruct the secretary to amend the agenda with the motion to amend and then put the next motion under it and then when this is all concluded, redo the agenda and place it in public view by the close of business tomorrow. He realizes this is a bit difficult, but it is state policy now not to have sudden agenda changes, so they are going to have a motion to amend the agenda assuming it's seconded. The rationale is it's a public safety matter and see how many numbers of votes of council places on it assuming it gets that far. They'll take public comment and then they'll have the actual motion before the council. Those two motions should be placed on this agenda and the agenda republished in place by tomorrow just under new business, first and second items.

MOTION BY BEVERLY WOLFE TO AMEND THE AGENDA TO ALLOW FOR THIS EMERGENCY SUBSTITUTE CROSSING GUARD HIRE. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BEVERLY WOLFE TO HIRE PATRICIA HILLER AS A SUBSTITUTE CROSSING GUARD EFFECTIVE IMMEDIATELY. SECONDED BY JOE ADAMS. Mayor Sodano said to reiterate, they are in a very uncomfortable position as a borough to constantly, on a daily basis because they happen to have come up short handed, to commit an officer. And he doesn't want

to ever compromise the safety of these children. But if it's a day when they only have one person on, they are committed to a lot of hours of the day when that officer isn't available should a call come in, so they do need to work on this as quickly as possible. Ben asked the mayor if he believes that diverting that officer for the children would create a clear danger to the rest of the community. Mayor Sodano said absolutely. Joe Adams said it seems like any reasonable person acting in good faith would understand that pulling cops off of cop duty and putting them into traffic duty, although they very much care about the safety of the children, they find this to be an emergency situation. All ayes, motion carried.

Mayor Sodano said that seeing the emergency need for this and anticipating that hopefully all would agree as they just did, earlier today he swore her in. He took the liberty to anticipate that and if there's a question of the legality, he will redo it tomorrow. Ben said he doesn't believe this is an issue, but you know what, belts and suspenders. Beverly said that means just covering everything.

New Business

Beverly Wolfe said they had a discussion about opposing the sale of BCW&SA to a private company when Mr. Tosti made the presentation. She said everyone should have read the materials. John Stratz said a few months ago, he recalls a warning sent out and many residents called here asking if they were under that issue. He said Aqua put out the warning to residents to boil their water. That was in Bensalem and around, but Penndel did not have that problem because we have Bucks County Water and Sewer. Beverly said they can prepare the resolution for next meeting then.

Engineer's Report

Carol Schuehler said they might recall to August of last year, in the fall she had sent a record of the meeting to council where the borough manager, Councilman Stratz and she visited 217 Rumpf Ave. because Mr. Schoch had written to the borough about a soil depression in his yard that was impacting his property. They researched records and this is back in her memo from August. There's a 42-inch concrete culvert that traverses the property and a 20-foot-wide easement and the easement dates back to the 1970's. During the visit they did note some depression which might suggest a problem with the pipe. It could be a joint separation or a material failure if there's a problem going on, but the actual problem and its location can't be determined from the surface. She noted in that memo that the borough could have the 42-inch pipe video inspected to better evaluate the condition of the pipe and the location of any possible pipe failure. She noted that there is a manhole on the Schoch property that could be used for access. She also stated there's a small chance that the Bucks County Water and Sewer Authority might do them a big favor by coming to video inspect the pipe if their schedule permits. They tried and tried and asked a lot. So, she contacted, and this is also in her memo, Copperhead Custom which is a local company that does video inspection work and the price she got from them to video that pipe was \$1,575.00 which is a good bit of money. She tried to negotiate. She also mentioned that maybe the cost of an excavator to uncover the pipe if they're going to spend \$1,600.00 to video, maybe they just get an excavator out there. As they talked about earlier, they had a pre bid meeting last week for the pavement repairs and one of the bidders that was coming is familiar to the borough, a local contractor for paving and landscaping that's done other work in the borough. Kevin Haines from Haines Paving and Landscaping went with her to visit the Schoch property and look at the situation and have this discussion. She emailed Mr. Schoch on Friday to let him know they were stopping out and he contacted her and said that's funny, he just sent a letter this morning to the borough. She told him they would be out, and they haven't forgotten him. She did go out there Monday a week ago with Mr. Haines and they kept brainstorming if there is some way, they can get this

inspected. She thought of another company she knows called SWERP, which stands for sewer water evaluation and rehabilitation procedures which is in Bristol. She called them and they gave her a price to video inspect of \$1,050.00 which is a little more palatable. They wrote the proposal to her at Value Engineering but if this suits council, she can ask them to redraft it to Pennel Borough so that they can take action on it at the next council meeting. Beverly said she is going to video this line right but not have an excavator with her. Carol said no, the idea is to video the line and see if there is a problem. They know that in the 70's a lot of fill was placed out there so they don't know if things are just settling. They don't know if there is a problem in the pipe. The problem isn't necessarily right where the dirt settled. Rather than just throwing an excavator at it, she'd like to investigate and see what's going on with that pipe. Is there really a problem and if there is, where is it and how are they going to come up with a plan. The \$1,000.00 she thinks would be relatively well spent and it's a little more reasonable than the \$1,600.00 she got before. Joe Adams asked what the potential impact is if there is a problem with this pipe. He asked if they are looking at it being a significant financial investment to repair, what problems could it be causing and how hefty is this solution potentially going to be. Carol said if we send a camera up there and find a break or damage to the pipe, the good news is it's in somebody's yard and not under a building. There was a tree there but it's since been taken down so it's not even under a tree. She would anticipate it would be one day of an excavator to dig it up, do whatever repair needs to be done and then fill it back in, seed and mulch it. She doesn't see this as one of their bigger expenses although any expense to the borough budget is painful. She said let's find out what's going on out there and then she can give a better report. Mayor Sodano said she mentioned a manhole. He asked if that goes directly into the pipe itself or is it some sort of an auxiliary offshoot. Carol said she brought down a tool on Monday, so they lifted the lid of the manhole and she got pictures, but it is right in line with the pipe. John said it is an incredibly deep hole. Carol said it was a big manhole. John said the pipes are so far down they're looking at each other saying I'm not going down there. Tom said thinking back to childhood, they could just stick a GoPro on a kids head and send him down there. They were down there many times as kids. Carol said with the company like the one she talked to, they have the right equipment to do it and you're going to get a good enough image to see what's really happening down there. A few months back she was thinking what if she rents a camera from Home Depot, but she'd rather do it right and know that they're going to get an image that's useful then throw money at it and not come up with that. Joe Adams said if they're going to be spending taxpayer money on this potentially, he'd rather spend a little bit up front to get the professional's estimate and figure out what's actually going on. \$1,000.00 is a lot of money but it does not seem prohibitive. Tom asked if the damage from something like that would be extensive enough for what Mr. Schoch seems to think. Carol said he noted in his letter that he sent on March 11th that he's having some settlement problems in his house or in his basement area. The pipe is pretty far from the house. On that memo that she prepared back in August; she actually showed the easement overlaid on the property. She told him his house is built on a lot of fill and she doesn't know what the foundation work was because that's not her area but it's not the pipe. Joe Dudash mentioned by the old mill is where they used to crawl through if she needs to run the camera. Carol said she knows where it comes out but it's going to be up to SWERP how they want to do it, but they'll want to be able to get close enough to the entrance point with their truck and generator. It's probably going to be easier for them to go in on the Schoch property and then run it down but that'll be up to them.

Public Comment

Mike Smith, said maybe they remember but that pipe only went just past Hulmeville Ave. It was a gully, and it was filled in. Joe Dudash said he was amazed when Stevie Mellor bought it and he asked him how he got that thing. Mike said he thinks somebody put that pipe in there in the 70's and filled it in. Carol said it's in borough records and they have a borough easement

over the Schoch property. From the Schoch property through the next property, she hasn't seen any records of that. She doesn't know who did that or if any easement was created. That would take more research but under the Schoch property there is a borough easement, so they do have some responsibility towards it. Mike said the borough had nothing to do with it. Carol said the borough had an engineer write about it. There's a letter from Anthony Poplawski. Mike said ironically today he was backing out of his driveway, and he wants Mr. Hauser to take notice of this, he almost hit his neighbor's wife and her newborn child. It's getting closer. He knows they're in the midst of all this of the back and forth with the attorneys but it's getting closer.

Council Members to be Heard

Joe Dudash asked if the tunnel project can be voted on at the next session. Beverly said absolutely they can.

MOTION BY JOE ADAMS TO ADJOURN THE MEETING AT 9:08 P.M. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer