

## Penndel Borough Council Meeting Minutes

June 6, 2022

Council President Beverly Wolfe called the meeting to order at 7:38 p.m. with the Pledge of Allegiance.

Dave Truelove reported that there was an executive meeting prior to this meeting. In attendance was President Beverly Wolfe, Vice President Gary Nickerson, Laura Germain, Barbara Heffelfinger, John Stratz, Geoff Thompson, Mayor Tom Sodano and him. The meeting was regarding collective bargaining.

Beverly Wolfe stated since they started so late, they don't need the roll call for the audio recording. The borough secretary has it noted. Joe Adams will be here via telecommunications. Dave Truelove said that is permitted in the borough code as long as they have a quorum physically present in the borough hall.

### Present at the meeting

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

### Also present at the meeting

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

### PECO Green Region Grant Check Presentation by Theodore D. Dorand, External Affairs Manager and Edward Savaria, Jr.

Ted Dorand said this is a great opportunity to publicly acknowledge the borough's efforts related to their Green Region Program and the application that was submitted. He knows they received the check back in April but is here tonight to publicly acknowledge the efforts of the borough and those who have long been involved in preservation of open space and creating parks and other facilities here in the borough. It's not an easy task for a small borough with limited geography but they have done a great job over the years preserving open space and creating recreation and other opportunities in the borough and they're pleased to be able to appear here tonight with a fake check for photographs. PECO began the Green Region Program back in 2004. They wanted to provide the opportunity for municipalities to have a vehicle to apply to PECO for funds in support of open space preservation and conservation and Parks and Recreation facilities. Up through this year, they have provided \$2.6 million in grants to municipalities and nonprofit organizations in their service territory. They've preserved through local efforts, 400 acres of open space. They've created 50 miles of trails with the good work of municipalities such as Penndel and they've planted more than 14,000 trees. These are things that local governments have been able to accomplish with what they recognize for the most part as small

amounts of money but nevertheless some money towards their efforts. It's a great accomplishment and he thanked them for participating. Hopefully, they'll participate again in the coming years and hopefully they'll be back here with another check presentation.

Proclamation by Mayor Tom Sodano for Constable Dan Cahill.

Mayor Tom Sodano presented Penndel Constable Dan Cahill with a proclamation. Mayor Sodano said quite some time ago, Dan was recognized by a lot of people for something that he did that was without a doubt heroic. Dan won't say so, but he will. For whatever reason, it slipped through the cracks, and this is late but nonetheless, heartfelt. Tom read the proclamation which is attached.

Council or Borough Announcements

Beverly announced that today is the anniversary of D-Day in remembrance of all those fine people who made our freedom possible.

Beverly thanked Mayor Sodano for the annual car show. She also thanked him for Community Day. She said that everybody is reporting what a wonderful time it was.

Laura Germain reminded everyone about the summer party on Sunday, June 26th from 1:00pm – 3:00pm. For those of them on council not helping her run it, she'll ask if they can come and kind of man the "Meet Your Representative" booth.

Public Comment on Agenda Items

**Terry McIntyre**, asked if Dan Cahill carries Narcan now because everybody needs to carry it. If they can't get it, there's ways of getting it to these people that are in that particular field such as law enforcement. Mayor Sodano said the constables, just like the police officers, are required to carry Narcan.

Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE MAY 2, 2022 COUNCIL MEETING. SECONDED BY BARBARA HEFFELFINGER. Joe Dudash said there was a mistake with the vote for the marijuana motion. It should be corrected that Barbara Heffelfinger was a no vote.

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE MAY 2, 2022 COUNCIL MEETING WITH THE CORRECTION ON PAGE 11 OF MRS. HEFFELFINGER'S VOTE OF A YES TO A NO. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE FOLLOWING BILLS FOR THE MONTH OF MAY 2022:

General Fund	\$34,367.95
Fire Tax Fund	\$28,982.86
Refuse Fund	\$ 133.51
Sewer Fund	\$37,666.04
Capital Reserve Fund	\$ 7,849.29
Liquid Fuel Fund	\$ 1,288.15
Escrow Fund	\$ 8,171.30
Payroll Fund	\$ 2,295.78

**Payroll**

General Fund	\$32,402.44
Sewer Fund	\$ 3,137.55
<b>Total</b>	<b>\$35,539.99</b>

**Escrow Fund Bills**

Schoolhouse Court:

Hill Wallack, LLP	\$ 1,826.55
Value Engineering	\$ 1,184.00

PECO (road opening escrow release) \$ 5,160.75

SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

***Reports:***

**President's Report**

Beverly Wolfe said she will be able to discuss this better at the workshop about the PSAB conference that they just attended out in Hershey. She doesn't think she's ever attended a conference that had so much information that will be helpful to this borough. She will have a report and handouts for council at a later date. It was a really good informative educational time.

**Borough Manager's Report**

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

Joe Dudash asked Geoff what the status of the curbs was because they were supposed to be torn up. Geoff said at this point, he would recommend council not to do anything with that. Joe said the neighbors are going to have a stroke. An 80-year-old man is leaving here because of the curbs and sidewalks. Geoff said he looked back into the history of these sidewalks on that road and apparently a lot of people weren't required to build at some point back in 2017 when they did the road. Joe said one lady had to cash in her pension on it. He asked what the outcome is between him and the solicitor. Geoff said in his opinion, he doesn't think they should be required to do anything at this point just based upon the past history. Beverly said they are going to have a discussion on it. They have little choice but to do so. She understands and respects the borough manager's opinion on it with his 30 something years of experience but they are going to have a discussion on the curbs. She, the solicitor and whoever else is going to be involved. She can't promise it's going to happen before the next workshop, but it will happen before the July meeting. Joe said there is an email on 5/24/22 from Sally regarding 50 Hulmeville Ave. which is the old Perma-Bilt. He asked what the proposed development is. Geoff said they were supposed to have a meeting this evening and it was cancelled. Joe asked what they want to put in there. Geoff said he didn't know. The meeting was cancelled. He thinks they were going to discuss some possible alternatives. Joe asked if they are talking about the senior citizen place. Beverly said they don't know what they wanted to do. It's mind boggling to her what is permitted on that property. If they read the TOD ordinances properly, they'll see what's permitted, but they don't know yet. They'll let him know. Joe asked what the deal is with the water on Bellevue Ave between the doctor's office and the photographer and from the old drugstore. There has to be an issue. Even during a dry period, there's water coming from the alley, and everybody has pictures of between the doctor's office and the

photographer and the second is between the old rehab place. Beverly asked if they received a violation notice. Geoff said he wasn't sure, and he discussed it with code enforcement and will check up on that. Joe said in the winter it's ice. Joe asked what the gross amount is that they got from the 2020 EIT. He knows they were waiting for late payments back in April and some of it should have been here by now. Geoff said he doesn't have the numbers in front of him. He can get it for him. He asked where the money is. He heard they were investing some of the EIT money into a consortium by the state. At the last meeting they had, the solicitor, and it's in the minutes, that they were putting it in a consortium. Dave said he didn't say that. He said if they did, then his understanding would be, for example, an entity that allows certain kinds of investments, if it's done that way, it's legal. Gary Nickerson asked Joe what he's fishing for. Joe said he wants to see the amount of money that's in there. Gary told him to just email Marie for the line. Joe said he's been asking five times. Gary asked if he emailed her and asked for the line. Joe said he's been asking every day. Gary told him to ask her for the specific line. Geoff said what they received last year and this year, the fifth quarter, into the Capital Reserve account. Joe said that's what he was after. He asked if they know what's in there yet. Geoff said he would get him the number. Joe said to Geoff he had a meeting on 5/25/22 with the solicitor and the solicitor's assistant and Madam President. He asked if he could enlighten the rest of them what it was about. Gary asked Joe what is going on. He doesn't understand this grandstanding and grilling them. Joe said he has everybody to grill. Schoolhouse Lane, the whole works. Gary said it would be more beneficial if he actually emailed someone instead of grandstanding. Joe said he tried that. They have removed him from every committee from his voters and he can't get a straight answer. Gary said he can have a discussion with someone. Joe said he's tried. Unless he wants him to go through him and maybe he can get the information. Gary said he burns all his bridges on council. Joe asked if it was because he spoke up for the taxpayer of Pennel. Gary said it's a simple email. If he wants a number about the budget, he can just email. He asked why it is every time they're up here he does this. Joe asked if he is afraid for him to ask in front of the public. Gary said he's just showing that he doesn't know what's going on. If he has a question, he will just call Geoff and ask what's going on. Joe said he doesn't know some of this stuff that's going on. Gary said give the man a chance if he's going to ambush somebody at a public meeting. Joe said he isn't ambushing. Gary said he has a list. Joe said this is why these meetings take until 11:00 o'clock at night. They repeat the same thing with the sidewalks and the curbs. Gary asked what he's done. All he does is come here and complain. Joe said they haven't done anything with The Berlin Wall or Schoolhouse Court. It's the same crap around here. Nothing is done and then he gets pissed off. Beverly said if he doesn't stop, she will call a recess. She appreciates having a discussion here but they're going to be here until midnight. They answer every question, particularly those that they know about so they can get the information before they get here. If these people want to ask questions, please do. They're up here representing the borough and could sure use some feedback.

### Mayor's Report

Mayor Sodano said before he begins his report, he'd like to take a moment to say a special thank you. As most of everyone knows, at least the residents do, this weekend was Pennel Community Day. The weather was absolutely splendid, and the event was terrific. He would be remiss if he did not mention and thank two people: Councilwoman Barbara Heffelfinger and Borough Secretary Karen Kondrk. Without their tireless efforts, and he emphasizes on their own time, this event would not have happened. On behalf of himself and the residents who thoroughly enjoyed the day, thank you. He would also like to thank Councilman John Stratz. Whether he's personally involved or not, John always makes the time to stop by every event to say hello to the residents. These are the people that elected all of them and they noticed that John stops by and they appreciate it. Mayor Sodano read his report which is attached.

### Police Chief's Report

Mayor Sodano read Chief Perry's report which is on file in the secretary's office.

### Solicitor's Report

Dave Truelove had no report.

Joe Dudash said he understands they don't have any towing service. Mayor Sodano said the actual answer to that question is they are currently using two local businesses for towing. The company that they were using has gone out of business. Council could pass a resolution for that. He doesn't know how the ordinance got changed or specifies that the chief is responsible to direct towing operations. He's discussed this with the chief of adopting an ordinance similar to all the other local municipalities. For instance, like what Hulmeville, Langhorne and Middletown did. They actually have an ordinance that spells out a duty to roster and most of them do require that anyone who they do pick be able to store within their boundaries. They are not without the ability to tow. The chief made sure that they had two local towing companies temporarily until they get this fixed. Joe said he's recommending making a motion tonight. He did talk to Mr. Truelove and when they were working on that, there was a copy of the Lower Makefield one which he really likes, and he thinks they should make a motion tonight just to get it started. Mayor Sodano said he doesn't know that they can do that since it wasn't on the agenda, but it could certainly be put on the workshop. Joe said it's an emergency and anything with public safety they can do. Dave said the entire council could vote to authorize that to be placed on the agenda tonight and then vote from there for an exception to the current law. They can pass it as a council resolution. Mayor Sodano said he doesn't see how they can really do that without anyone else on council having read what it is. Dave said he would suggest what they do is to have the resolution running for the next workshop meeting for that purpose but also authorize the solicitor to draft an ordinance for this purpose. They can advertise it and then they can have it enacted in July. But in the meantime, they can just maintain what they have. Mayor Sodano said he would like to get at least a resolution so that it's on paper. Beverly asked Tom if he thought it was an emergency right now or if he thought he has it covered with these other two local businesses. Tom said he has spoken personally to both of the businesses since this all came to light and they're comfortable with the current situation. They're comfortable with going for the next couple of weeks exactly like it is until they get it. And he told them he would prefer the resolutions so that they've got it covered for now and then work on an ordinance. Dave said the resolution would be to authorize their continued retention until they pass that. They have access to one ordinance at least that has a pretty good format but there may be other things that they can look at. Joe Adams said he couldn't hear everything on what Joe Dudash was talking about with the towing issues. Dave explained that both the mayor and Mr. Dudash were speaking about this issue because the current authorized towing company is out of business. The chief and mayor needed to get something in place in the interim until somebody else could be appointed. There are two companies that are currently at work and the mayor would like a resolution to authorize them to continue pending an ordinance that's drafted to kind of be updated for purposes of how an actual towing company or companies would be selected. They're recommending a resolution next meeting that would authorize the retention of the two companies and then authorizing the advertisement of an ordinance updating it so that the towing companies can be selected in a more proper manner going forward. Joe Dudash asked if they should just make a motion for that resolution and get it over with. Beverly said they have to write it first. Dave said he will prepare it. He asked the mayor to send him the names of the two companies, so they have that for the resolution. Joe Dudash said there's a pending sale sign on the problem child house. Dave said that doesn't mean they can't sell it. It means it can't be occupied. He did leave with all council members and the mayor last time they

proposed the HOA documents. Joe said they're putting siding up and everything else, but the second problem is with that driveway. He asked if there was an engineer's report on that. He said if someone moves in, what if they sink. Dave said it can't be occupied without the U&O. Joe said he doesn't want them to get into lawsuits with all they have going on. Dave said they have two lawsuits. Joe said Holly Ave. Beverly said that's not a lawsuit. Joe said it's still costing them money. Joe said for Schoolhouse Court, he's puzzled because when he looks at the drawings, he asked if there is 20 to 25 feet from the back of the house to Sara's sister's house because it looks like it shrunk, and the trees still haven't been moved from the storm water issue. Dave said he couldn't answer that question. Joe said for the trucking company and what they settled on at the Zoning Hearing, they are parking trucks all the way up to the jeweler and then there are scrap trucks there. Beverly asked if they are parking beyond the line. They will have to have code enforcement or zoning go look at it. Joe said they used to hide the scrap truck where they put those steel doors, which he doesn't think they got permits for. Beverly asked if there are any photographs. Mayor Sodano said he sent some to Karen Diaz at Dave's office last week. Beverly said that would still have to go to code enforcement in order to verify that. Tom said he also supplied them to Mr. Thompson. Beverly said Dave's office can't issue the violation, the borough has to that they're not abiding by the zoning. Joe asked if there was anything new with the Berlin Wall. Dave said the oral argument is next Thursday before judge Rich. Joe asked if it is going to be in open court. Dave said yes. It's at the new Justice Center, room 260 at 9:30.

#### Zoning/Code Enforcement Report

On file in the secretary's office.

#### Engineer's Report

Carol Schuehler read her report which is attached.

Beverly said with this leak and its proximity to Mill Creek and also the fact that it is coming up through a heavily traveled highway, they must take every step necessary to get to the source of this and stop it. It doesn't matter if it's one part per million or 1,000 parts per million. It's necessary to find the source and stop it. Dave said it looks like it is on the agenda under the fourth motion to approve laterals' inspection. Mayor Sodano said that's where they did that repair last year as Carol mentioned. He asked in the event that it turns out that there's a correlation, is there a warranty situation in place on the work that they had done. Carol said the repair rerouted the sewer, so the force main is actually in a different location now. The old force main was drained and packed. It just so happens that they just finished video inspecting all the sewer mains leaving pump station two, so she's pleased to be able to say it's not the borough sewer main and it's not the borough force main at this point. Tom said so it would be a warranty situation.

Tom said on the 217 Rumpf Ave. situation, the water that flows through there originates in that Spring St. swale and comes under Hulmeville Ave. and travels alongside the house that the side of it is on Spring St. and goes around the back of that property and goes around the back of 541 Hulmeville beside Vibrant Finish and then goes under Hulmeville. He asked if there is a correlation with the fact that for 30, 40, 50 years, that house at 217 Rumpf was built in late sixties, early seventies, this problem never happened until the flow of water was increased by the addition of that house. The new house has a big seepage pit that empties someplace. Carol said this is completely down the road and across the street, so she doesn't see a correlation. Tom said the house is adding to the water in that same drain swale and one drain and it all ends up in that same place. He asked if that flow were increased, could it have been part of the reason that suddenly after all these years, there is a sinkhole. Carol said she doesn't

think so. She thinks this is a matter of, just like all the ringlet structures in the borough, they've talked about the mortar coming out from between the bricks. She thinks the same thing has happened here. It's not a structural collapse. They have weeping through the joints in that older brick man-made structure and it's not a clean geometrically shaped structure. She respects his consideration, but she doesn't honestly believe there's any correlation between the new home and the issue. And when she talked to the property owner, she thinks they had the sinkhole actually start before that Hulmeville Ave. house was built. She thinks it's really a matter of an odd handmade junction box. Tom said they'll be increasing the water more because there will be even more impervious surface added in that group of homes. That's a little better than a 2% grade on that road as she's aware Hulmeville Rd. going down there where those houses are, so you have to assume that the ground is at least a 2% grade and if we add more impervious surface, we're going to be adding more hard run water with every rain into that swale. He asked if they are going to exacerbate the problem that way. Carol said when the building permit application was submitted for that new house on Hulmeville, they were required to comply with the borough stormwater management ordinance. They did implement an infiltration pit which is quite deep because they have to get to the point where the soil is infiltrating, have to go deep enough. Tom said but if they add impervious surface and it's between the home and the pit and they're on a 2% grade, it stands to reason that water is going to run across that impervious surface and into the adjoining property long before it flows laterally across the hill and into the seepage pit. Carol said the roof drains are piped directly to the pit. She asked if he was talking about a patio out back or something. Tom said he's talking hypothetically about a pool. He asked if they were to add that much impervious surface, are they creating a problem at that seepage pit. The surrounding litigation problem processes that had them put in to build a home are they going to exacerbate the situation to the point that they overwhelm what was there. It wasn't designed for the amount of impervious surfaces. Even if the impervious surface falls within their parameters, he asked how they address making sure that any changes still comply with whatever storm water management they need to ensure. Carol said unfortunately that project is not fresh in her memory, and it has been some time since she reviewed it. The two things she would go back and look at is, number one, was the infiltration based on maximum allowable impervious for that lot or the actual impervious proposed. The second is the configuration of that. She thought that the backyard area was draining towards that dip which would then capture the additional area he's talking about. She will have to go back and look at that. Tom asked Geoff if he understood the direction of his questions. Beverly said just to be clear, 217 Rumpf Ave. has the problem. Apparently, there's a pipe that they know about. Somebody put in a handmade brick and mortar structure in there and the water is leaking through that masonry which is the potential cause of the reported groundwater. And no one knows about handmade brick and mortar, whatever you want to call it. She asked Carol if that was correct. Carol said yes. She will try to give a visual. There is a large concrete pipe that comes off of Hulmeville Ave. under the property at 217 Hulmeville Ave. on an angle and points down basically parallel to the side property line towards the direction of the creek. On the plan that she saw for that pipe and that easement, it stopped at the point still within the property of 217 Hulmeville Ave. Beverly asked if it was capped off. Carol said no, there was an added wall, and it was then the creek got it. It looks to her, without knowing the details, the next property owner down likely said Well, I'd like to fill in the ditch behind my house. She wasn't there but maybe in the early 80's, they said all right, my place will go a little different than that angle so I'll make this crazy junction box with pipe and take it the rest of the way down and the creek will start on the other side of my property instead of the creek running through my property. If it was properly engineered, there would have been a junction box there like a precast concrete manhole which they're familiar with and with the angled point and transferred down but that's not what happened. There was nothing located in the property records for the next property down except for one letter with somebody saying what's going on. Beverly said

she couldn't imagine that they would have authorized something like that. Tom asked what about the next property down on Hulmeville Ave. It's a little duplex they had a hard fall off at one time on that property and there was backfill done on that side and if she says this was approximately 1982, do they know who the inspector was at the time. Perhaps they would have recollection. Carol said she was still in high school. Tom said there are people here that have memories and history of the borough and whoever was the code inspector, then may well still live in the borough. Beverly said it seems to her that the problem at 217 Rumpf Ave. is this poorly constructed collapsing thing. Gary asked if the lateral along Route 1 was still leaking. The one with the wet spot. Carol said yes. It just started up again. This problem just became apparent on Memorial Day. The observant police reached out and said there is a problem. She is on top of it trying to gather information on it and hopes to have answers soon.

MOTION BY BARBARA HEFFELFINGER TO PAY P.A.R.K./O'ROURKE ASSOCIATES FOR WORK COMPLETED TO DATE ON THE MEMORIAL PARK RESTROOM ADA IMPROVEMENTS FOR THE AMOUNT OF \$64,804.50. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO PAY HAINES PAVING AND LANDSCAPING INC. \$34,597.79 FOR COMPLETED REPAIRS ON OAK AND HOLLY AVENUES AND OTHER LOCATIONS AS DIRECTED BY BOROUGH ENGINEER AFTER CONSULTATION WITH THE STREETS COMMITTEE CHAIR. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

MOTION BY JOHN STRATZ TO AUTHORIZE VALUE ENGINEERING TO PREPARE BID DOCUMENTS FOR CAPE SEAL ON OAK AND HOLLY AND ADVERTISE FOR BID. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE LATERAL INSPECTIONS NECESSARY TO DETECT THE SOURCE OF THE RECENTLY DISCOVERED LEAK ON LINCOLN HWY. BY PUMP STATION 2 PREAUTHORIZED. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Mayor Sodano asked if there is a rough idea what that might cost. Carol said what she asked for in the quotes is to first flush the line and then video inspect it so it's a good clean image. They are running in the range of about \$1,000.00 a property. Gary asked if they find something anything, who is liable for these repairs. Carol said the property owner. The code is very specific that if they find a problem, they can direct the property to do it. Beverly said since it's something that can't wait, they can authorize the repair and they'll pay the borough.

#### Committee Business

Beverly asked Joe Dudash how they are doing with the Cares Act. He will present it at the workshop.

#### Public Works

John Stratz reported that they recently completed a major repair of the underground streets by Haines Paving and have authorized paying them. They did an incredible job and he'd like to thank them publicly. A special thanks to Pennel Police who had to help at the last section of this repair behind Tummy Yummies at rush hour. It was extremely dangerous. They were all amazed at how unconcerned people were even though they had the one section completely coned off. There were people that were veering into it without any consideration of the cones in front of the street with people working. John said he was able to get the cooperation of two of Pennel's finest to help and they had to actually write a couple tickets because people were so

inconsiderate and just oblivious. For the past two months, they have had the white lines painted on where they were going to make these repairs and he's been speaking about it for two months. There were two residents who lived on one of those streets that came out and yelled at them on Thursday. He wasn't there because he had a family funeral to attend. And of course, this resident takes that time that he wasn't able to be there to protest the contractors to come scream at him and he stepped in front of his moving equipment to prevent him from doing his job. This cape seal that they've discussed is going to go curb to curb without activating the curbs and sidewalk ordinance. This was the intention they could not put down a cape seal without repairing the extreme deficits in the underground which have now been done. The cape seal will now fill all of the cracks that were not deemed necessary to mill up. It will be looking like a brand-new street without the residents who would have to put in curbs and sidewalks otherwise. Joe Dudash said he can tell him why people on Oak were upset. They have photographs and nothing has been done. It's still full of water down there and Patty still has water. Beverly said the patching wasn't supposed to solve water issues it was to solve the issue on the road. Joe said the boss on the diggers said that they should have done more because they're just going to be paving over it. Beverly said she would like his name because she would like to talk to him. Pat Dicken said she is still pumping water, thank you Taddei Woods. The ground is dry but not where she's at and she has no relief. The only place she can put it is where it's going now, which is out into the street. She has brick and a two-car garage so there's no other way to run that pipe out into the yard. Joe said Cliff's driveway is just a swamp and he has photos of it. And the problems with sidewalks and curbs are because they have no ordinance, which they proved. This is why people are all upset over like at Mike's area with that one house. Joe said you think there's a storm with Oak and Holly. Beverly said there is no storm with Oak and Holly. Joe said he's talking about Dehaven and stuff they've done. They're going to be busy legally. John Stratz said to Joe, he was talking about the one resident who got in front of the machine and screamed at him. That resident is damn lucky that Haines looked, or he would have been run over. John said to Joe, he knows what he's talking about. Beverly said she got the same report. Joe Dudash asked if they were talking about him. John said yes. Joe said he didn't scream, he just asked, and they could testify. He asked who the supervisor was, and everybody played dumb and then he finally said I am the supervisor. He asked him if they are digging because it looked like they were going to dig the whole street up. That's why they were having a stroke. He was doing work in the backyard, and he had five neighbors on his back. They said this is a shitshow, so he went over and asked the guy and he's the one who told him that it's incorrectly done, and they were all witnesses. Cliff the cop was supposed to be here. Joe said so don't even give him that because there was a cop there and he was in full battle gear. Beverly said she was told the same thing that John was told and that there was somebody who stood there in front of one of the diggers. Joe said to Patty, she and two cops were there. He asked if they are telling him that the Bensalem cops are a bunch of liars. John said the people picked that time that he had to be at a family funeral to start this. Beverly asked if he is denying that he stood in front of the machinery. Joe said when they started the machine, he asked him what the deal here is. He asked if they were tearing the whole street up. Beverly asked why he didn't just trust them to do the job. Joe said because they came to him. Beverly said he should have let the contractor do his job. Joe said the problem was the residents didn't know what was going on. Beverly said they sent them notices and told everybody they were going to patch seal first and then come back and do the other cape seal. Pat Dicken said they changed the pitch of the road so the water would run down and now it ran all of it into Cliff's yard and into his driveway. Beverly asked if he launched a complaint. Joe said they called Carol. John said they came back and took care of it. Joe said he just admitted it. Beverly said she didn't hear him. John said they took care of the problem. They put an entire layer of stuff right in front of his driveway so that there is not going to be any runoff down there. Haines came back the second day, as requested. Beverly asked Carol if

she received a complaint from this property owner about this at all. Carol said there was a phone message from the property owner and the inspector got involved directly and they asked Haines Paving to go back there the second day and make sure that the patch in front of that property owners' driveway was addressed even though it wasn't marked out initially. As they explained to the property owner, they weren't there to solve the drainage problems but if there was a hole right in front of this driveway, they wanted to make sure it was done. Again, they were out there doing only what was in the contract and was authorized as it was described. They were only doing patching. They weren't solving drainage problems. They were solving base repair problems with cape seal later. The next step is going to be cape seal which is a surface seal of chip seal and slurry. It's not pavement. It's not as thick as pavement and it doesn't have the structure of pavement. It's a way to seal off the top of the road so that no water gets in within the next few years. It preserves the pavement that is there today and gives it more lifespan. It won't be as smooth and pristine. It won't look like pavement, but it will be prettier than it is today. She doesn't want everybody to expect finish wearing corset pavement because that's not what this is. Beverly asked if this homeowner has contacted her again since that first initial contact. Carol said she has not gotten another call back. She has talked to them on previous occasions about the drainage problems out there. Beverly said but they have not called her back regarding this issue. Carol said no. Beverly said then the issue must be resolved. Carol said the contractor went back out there the second day to address it but since the homeowner himself has not called back, they are assuming that his repairs were successful and if it's not, he needs to report it. John said he knocked on the door twice on two separate occasions to check up on it and no one answered. Beverly said so they did follow up. Mayor Sodano said he is thinking about what was said earlier about the pricing etc., of oil and he was one of the people talking about the oil prices and trying to tie a project like this into it. He didn't think they would be looking at next spring, which is something said earlier. He asked if it would be prudent, given that they do have some extra money at this point that doesn't have an actual earmark already with the EIT funds, would it be prudent to use some of those to get those roads sealed before they get into cold weather. There are still a lot of smaller cracks because they said they fixed all the major stuff. He asked if they wouldn't stand a good chance of getting water and then freezing and becoming bigger by the time they got to next spring and have to go through this whole process again. Carol said she agrees the sooner they get a shield with that and then the base repair patches, it's not a wearing course, it's a larger grade asphalt so it's got a little more void space in it. In an ideal world, she'd like to see it a little sooner rather than later and they'll set up the contract so that that could happen. But in her experience over the years, if they bid out sealing or surface treatments in April, they get great prices. If they bid them out in July, they get hurt. That's just been her experience because if they're bidding in July and they're awarding in August or September, they've only got like a month left in the year to get that done and they're trying to get everybody's projects done in that month. If they don't get on their schedule early, the price is really going up. If there's some crazy thing going on this year and the contractors have easier schedules, great. They have a one-year window, and they'd love to get it in now, but she just worries that they will pay double to try and get that in before the end of the season, which she thinks is October 1<sup>st</sup>. John said Liquid Fuels refuses to pay for anything past that date. Beverly said this project is done from Liquid Fuels.

#### New Business

MOTION BY BARBARA HEFFELFINGER TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

Langhorne Postmaster invoice dated 4/4/22 in the amount of \$269.60 for quarterly sewer/refuse billing postage

**Langhorne Postmaster** invoice 4/29/22 in the amount of \$246.45 for the summer newsletter postage  
**AT&T Mobility** invoice dated 4/18/22 in the amount of \$156.18 for police department wireless service  
**BCW&SA** invoice dated 4/22/22 in the amount of \$59.90 for water service account balances  
**Comcast** invoice dated 4/26/22 in the amount of \$205.25 for internet & voice services at 300 Bellevue Ave.  
**The Hartford** Invoice #357522870209 in the amount of \$1,475.42 for two months' life insurance installment payment  
**Waste Corporate Services** Invoice #0002489-2448-2 in the amount of \$17,431.50 for April trash service  
**Comcast** invoice dated 5/2/22 in the amount of \$189.89 for internet service at 790 Neshaminy Street  
**Deer Park** invoice dated 5/3/22 in the amount of \$110.95 for spring water  
**Gettysburg Benefits Administrators, Inc.** invoice dated 4/29/22 in the amount of \$169.59 for dental premium installment  
**State Workers Insurance Fund** invoice dated 5/4/22 in the amount of 4,830.00 for fire department workers' compensation insurance installment  
**Independence Blue Cross** invoice dated 5/6/22 in the amount of \$5,821.18 for medical insurance installment  
**Selective Insurance** invoice dated 5/12/22 in the amount of \$,686.00 for workers' compensation and commercial package installment payment  
**Comcast** invoice dated 4/26/22 in the amount of \$235.56 for internet & voice services at 37 W. Woodland Ave.  
**PECO** invoice dated 5/13/22 in the amount of \$1,514.83 for street light electric

SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE AND SIGN THE SUB-RECIPIENT AGREEMENT WITH BUCKS COUNTY DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT FOR THE MEMORIAL PARK ADA BLEACHER INSTALLATION; PROJECT #B-22-18 NOT TO EXCEED \$117,000.00. SECONDED BY GARY NICKERSON. All ayes, motion carried.

#### PSAB Updates

Beverly asked John if he had updates on the PSAB conference. She said she will give updates at the next meeting. John said he will expand next meeting as well but one thing that was really interesting to him was the police section of one of their conferences. It was discussed and polled throughout the conference that the three-minute rule for public comment is universally accepted. This has been instituted for the benefit of all citizens attending the meetings so that the meetings don't run for three hours. This not only applies to residents at the meeting but the council members as well. So, filibusters are done for. This is a directive from the Pennsylvania State Association of Boroughs. Also, they reminded them that each council member has exactly one seventh of the vote. No one is an individual with any power. It takes a motion, a second and majority vote. Nothing less than this is accepted. He will expand on more things later. Joe Dudash said under the Solicitor's Handbook under the Sunshine Act, it's a little off because it states in the Solicitor's Handbook within the State of Pennsylvania, the public must be allowed reasonable participation in public meetings and residents must be provided reasonable opportunities to speak and comment on matters and concerns and matters before the board of the council. Residents' pursuit to 1998 amendments to the act are entitled the speak prior to official action being taken as well as during designated public comment. Dave Truelove said they are both right. John said an extension can be granted by the president.

Dave said three minutes does not violate the Sunshine Act or any other act in Pennsylvania. It's actually commonly used as a guideline, but it has to be handled uniformly and if there are circumstances that allow the person running the meeting to extend it into maybe a debate, it can be extended so they are both correct.

### Public Comment

Jim Fogarty, Schoolhouse Court, said they were recently contacted by their builder in regard to a punch list. He emailed everyone for their punch lists. He does have a lot of communal issues. There are unfortunately more code inspection issues. Today when he was taking pictures, some of the residents asked him to check some things out for them. He did find more code issues. He wishes the code inspector was here because he'd love to have a conversation about basic building things that have been missed. Last month he spoke of the rear decks and how they weren't done up to code. The front decks are not complete on the unoccupied houses so you're able to actually get underneath and look at them. They actually carry more of a hazard than those little rear steps. They carry the front porch load, which is the roof and the two posts, and they are not up to normal building standards. You can just stick your head in and it's plainly obvious. He has plenty of larger pictures this time and they can give them to the building inspector. On the street, there are three out of four drains are completely clogged. After each storm, they will last that way for days. The backyard drains that go on the left side between the units that were done four years prior, are all filled with construction debris, dust, dirt and trash. They are clogged and there's grass growing out of them, so he doesn't think they're doing much as far as drainage. Also, blacktop work that was completed up at the entrance, which is the south side of the complex, there is what he calls the perma puddle. It could be 100 degrees and this puddle will be there for days after a rainstorm and is going to cause a lot of road issues. As a community, they have said they are not taking over responsibility from this builder as far as their association until things are done correctly, meaning the drains. He knows they are responsible for maintaining drains and roadways. This roadway, typical asphalt, you'll get some time out of asphalt. The first hot day and he has many pictures, it looks like someone was doing donuts, but nobody does donuts in there. It started pooling up on the first hot day. He wasn't there when the asphalt was laid. He doesn't remember the exact temperature but there are reasons, and it comes down to shoddy workmanship and him not being held accountable. Ninety-five percent of the stuff he sees is just shoddy workmanship from him. Jim showed pictures of the beams of the decks. His unit is closed up and he can't see but could remove the boards and crawl under, but these pictures are in one of the four units that are not closed up. They backed up to the old houses that were done four years ago. It should just typically be a solid four by six or six by four and he doesn't even think they're nailed together and there's a crack there. He hasn't done really anything except for walk around the new ones but comparative to the houses that were done four years ago, he did crawl under his deck with permission from the resident because walking by you do see an issue and his eye catches these things. Bolting to the house was done properly on this one but his post, which is usually a level post it sits on as you know in four years that's the angle and it's moving forward. He spoke with the residents about this today and they said they had the same problems contacting the builder. So bolted to the house properly, yes. The post because it's moving, isn't done properly. It's better than his or better than a lot of them but still not what you would call up to code. Dave said and it also doesn't bode well for the future, four years from now. Jim said you have max two half foot posts move like that. Joe Dudash said an inspector approved that. Jim said an inspector would have to approve decks and framing for a U&O inspection. Beverly asked how you would see that because four years ago it would have looked fine. Jim said right, but four years ago if you look at this the way the post was cut, it wasn't going to survive. It was not done the proper way. There's too much weight on this little shim and there's no brace or brackets. The neighbors have shown him and talked about some of their punch lists. Some of

them are very minor and nothing really crazy but this is the stuff that's been ignored up until recently which probably has a lot to do with that, he knows that he came here. He was assessed extra money and was given a cease and desist and he knows he paid that, and he knows he's back to work. He has no kickplate under the sliding glass door, which is more cosmetic than anything but none of the houses have them so that he didn't complete that, and a lot of the decks aren't completed. The first four are more complete than the rest but none of them would pass any code inspection. Something he brought up to him very early on, which is pretty important is the smoke alarm constantly went off. He has a baby and kids and he's not going to listen to that. They are plug ins and are probably defective. He paid for a house, it got inspected and everything should be good. There is a home warranty, but he hasn't signed yet because his house is not complete. He doesn't know how every other resident handled this. The kitchen cabinets are sort of coming off the wall a little bit meaning they're just real loose, but the on-site superintendent gave them his reasons. Once again, it's quality control. Screw it tighter until it sits on the wall, and it won't pull off. Stuff like this he has not really tackled because they're waiting on him to do it right. There are a lot of complaints and a lot of problems. His biggest fear is he sells his last two houses and gets a U&O and he's gone, and he will fix nothing, and they will be fighting to get it done. He knows they have to put money away for maintenance but at the rate the streets going, they're going to be replacing it very quickly. Beverly said he's got quite a punch list left to do with the borough. Dave said he has a maintenance bond. Carol said she can't help with the house itself because that's not her department. As far as the site, she's aware of the puddles and they alerted the builder of that and started showing up as soon as the pavement was placed. The project is not complete. They haven't even done their walkthrough yet. There's some landscaping to be done. They have to look at all the grading that's been done. As far as the inlets, they are required to keep filter fabric in those inlets until everything contributing to them is stabilized so that's part of the reason that it looks like they're not draining. Jim said the filter fabrics, a lot of them have fallen in and they have filled with even more trash and debris, and they are clogged. Some of them are still on top but if you walk in, you'll see in on the left-hand side that one is falling down, and he would say the filter fabric was put in after a lot of trash got in. Carol said after every extreme rainfall event, she has an inspector go out and check the sites as part of their MPDS permit requirements, so they are looking at that after every heavy rainfall event. Because of his escrow problems and because he's just been working on these houses, they haven't been out there, but she'll put it on her inspector's list to get out there and take a look at this to see what's going on. There is still escrow and they haven't had a punch list and they haven't accepted the improvements in this development, so she hopes it's not as over as he thinks it is. Jim said one of the problems that he's mentioned briefly about the weird decks were an issue, but code enforcement is really lacking now that he finds what's holding the porches up. Carol said that's outside her department. She can't help with that with code enforcement. Jim said these are very simple things that are done through a process. This isn't like major engineering or major work. It's just laziness and if somebody doesn't look. Beverly asked if he had a punch list for each property. In order to send out code enforcement we need to know by address what the complaints are. Jim said they can check the decks. Unfortunately, four of them are closed up but he has no problem opening his. Beverly said for each address they assume that all of the decks are not installed properly. Jim said on the rear, all that he's seen and, on the front, four out of eight. Beverly asked if the property owners would be agreeable to at least send them their lists. Jim said his wife is part of the new elected board. They have at least four punch lists and have two of them. Beverly said because if there are some with really blatant code violations, they need them. Mayor Sodano said he has a concern about what they're saying. Their current code enforcement officer was the building inspector who inspected unit 1, which is the one he talked about that's four years old when it was built, and he inspected unit 3 and unit 6. He was the building inspector for those. Beverly asked if he was sure about that. Tom said

because Italia and Halbom did four and five and then they got booted out of here. Joe Dudash said Charlie was prior. Tom said and then he came back in, and he covered building after they threw them out. So, he had to be the building inspector on units three and six. Unit one A and B faces Woodland. Unit 2 is the house that's too tall. Unit 3A and B is directly behind the Woodland Ave one and six is across the street from it. Jim lives in 4B. Jim's house and the one that is adjoining and the one next to him, which is unit 5 A and B that would be directly north of Jim, were inspected by Italia and Halbom. Charlie did 1, 3 and 6 and Russ is doing 2 and 7. Tom asked if they send a code inspector over there and Jim says the porches are wrong and he was the building inspector, what's he going to find. Beverly said she wants copies of the inspection reports for each property so she can see who inspected it. Tom said to Jim, with his background, unit 2 being too tall and from discussing it with their current building inspector, apparently, they lowered the floor over a weekend, and he was not aware it got cut out, broken, removed and replaced. He came back the next week to find it done. Tom asked, if he has looked at that one in the garage. Jim said he hasn't really gone through and looked at the garage, but he knows what he's talking about how it's way taller than the neighbors. Tom said you can see that floor in that garage has been lowered about a foot and you can see where the former rebar that supported the floor was cut off. Tom said he's curious on his take on it because if it weren't inspected and they don't have an engineering report on it, he asked if there was a way, they would know whether or not it was actually supported correctly. Jim said you can get it x-rayed like they do at hospitals to see the engineering of the flooring. Jim said they would need to be drilled into the next section of that foundation of six inches and put it in with an epoxy resin and while it's inspected, that sets up and then you can pour. They are also missing some streetlights. Carol said that's something left on the checklist. Beverly said that is supposed to be there. It's in the HOA. Jim told Carol which ones were working and which ones were missing. The HOA was supposed to be \$350.00 and he's doubling it and that may be because costs of things are more these days. Once they find out how much everything really costs for these inspections, they'll have a better idea. Joe Dudash asked Jim about the fire alarm if it was electric or battery. Jim said he still has it downstairs. It's just a defective unit which he has to replace, and he's known about it for 7-8 months. He told them it was because of the new stove. He told him it would eventually work. Beverly said they would get together with them to go over the punch list stuff for each property and figure out what they can do. Mike Smith said there should be an engineering report with pictures. If there is not, the borough should have the right to make him tear it out and redo it. Beverly said there's no proof of what he did. Tom asked Beverly why she thinks the house is two feet too tall. He said it was built over the heater. He said what do you think broke a 14-ton backhoe. Something broke it and it took them two and a half days to fix it when they couldn't pull out whatever was in that hole.

**Terry McIntyre**, asked Dave Truelove if they got a signed agreement back from the Zoning Hearing Board's decision. Dave said he believes they did but he will check. Terry said if they have the signed agreement, then go after them because there have been some shenanigans since day one. They haven't complied one bit and the trucks that are parked, they're actually in the retail commercial part and they're not supposed to be. At one point, there were probably five trucks and he has some pictures on his phone. He was going to ask Bernadette because they have a meeting the end of the month. Once they have it, they can then go ahead and do an inspection. Some of the business owners, especially the jeweler, are upset. Dave said one of the issues is people who would testify. Those people have to be willing to come forward. Others have made statements and it was helpful but others who are right there in the proximity on what's ongoing, need to help.

Council Members to be Heard

Beverly said there were some snickers and giggles earlier about them not being transparent or that they don't represent the resident's needs, whatever was said. Anyone who thinks that this council is not transparent, she invites to go onto the website and go back in time and read some of the minutes from meetings past and to see how business of this borough was conducted throughout time and then think about how they're doing it now. All of the minutes are online and it's like reading a novel every time. Some of them are funny and some of them are maddening but everything they do and everything they say is posted for public consumption. The budget is out there for anyone to take a look at any time. That wasn't done before. If they are lacking in anything, please tell them or else they will just keep doing what they're doing and think they're doing OK.

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

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