

Penndel Borough Council Meeting Minutes

July 5, 2022

Council Vice President Gary Nickerson called the meeting to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the meeting

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

Also present at the meeting

Chief Sean Perry  
Marie Serota, Secretary/Treasurer  
Dave Truelove, Solicitor, Hill Wallack

Council or Borough Announcements

Joe Dudash thanked the mayor and their maintenance engineer Lou and the chief when a tractor trailer tore down a stop sign at Tummy Yummies. The Chief called the mayor and told him a truck ran over it and they were there in a couple of minutes fixing it. Joe said great work.

Joe Adams said he came home after a 4th of July dinner with the family and his neighbor's window air conditioner unit was on the ground. They called the non-emergency number and one of the officers was on scene very quickly. They appreciate their response, and he believes that Hulmeville came and assisted. The resident was able to get home and the officers went in and checked the house and everything was ok. It was definitely a bit of a scary moment, and it was nice to see how quick and professional the response was. He and his neighbors were very appreciative.

Public Comment on Agenda Items

**Mike Smith**, asked if there were any bills that were going to be paid tonight from Hill Wallack, other than what he sees. He asked if that is for the hearing. Dave Truelove said that wouldn't have been on this month's bill list because that would have just been received and hasn't gone out yet.

Consent Items

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE JUNE 20, 2022 COUNCIL MEETING AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF JUNE 2022:

General Fund	\$31,234.74
Refuse Fund	\$ 1,228.54
Sewer Fund	\$37,091.58
Capital Reserve Fund	\$ 2,054.00
Liquid Fuel Fund	\$ 6,750.41

<b>Escrow Fund</b>	<b>\$ 895.00</b>
<b>Payroll Fund</b>	<b>\$ 2,801.72</b>

**Payroll**

General Fund	\$28,202.95
Sewer Fund	\$ 3,090.12

<b>Total</b>	<b>\$31,293.07</b>
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**Escrow Fund Bills**

**Schoolhouse Court:**

Hill Wallack, LLP	\$519.00
Value Engineering	\$376.00

SECONDED BY JOE ADAMS. All ayes, motion carried.

***Reports:***

**Borough Manager's Report**

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

**Mayor's Report**

Mayor Sodano read his report which is attached.

**Police Chief's Report**

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

**Solicitor's Report**

Dave Truelove asked for a short 5-10 minute Executive Session to discuss a litigation matter after the meeting.

Joe Dudash said to Dave that they all went to court on the 16th or 18th of June and the judge said it was 20 days. According to his calculations, and he doesn't know if they count weekends, on the Berlin Wall, which is the Smith and Darnley fence, Tuesday was it. Dave said that's why they're having the Executive Session. Joe said, being that Madam President isn't here, he asked if Dave could enlighten them, because she said before July, she was going to have the results on what he calls the tunnel down there on Rumpf Ave. This was that house that was sinking. Dave said he has no idea what he's talking about. Joe said the second one that he wanted to know about, which Dave is involved because Beverly has had communications with his office, is the sidewalk and curbs over there at the Berlin Wall, which was patched. She said she would have a report in June and it's July. Dave said there are still code enforcement issues at that location. They haven't been given anything with which they can work. Somebody from code enforcement gave an approval although, it may have been an error for it to be done the way it was. Joe asked if this is turning into the Berlin Wall where the judge told them they should have been acting on that and this is the same deal. Dave said actually, the judge didn't say that. Joe said he has witnesses out there that can testify. Dave said he'll get the transcript of the hearing, but that's not what Judge Frick said. He said he didn't know that that would be the same result here. It possibly could but he would hope not. He knows there's an issue there but again, as they've said numerous times, the solicitor's office can't act without some underlying action that will provide them the basis for proceeding. That's not what any solicitor does, for a number of reasons. Mostly, there's got to be an underlying action by somebody from

the borough to initiate something that they then will help enforce if that's the path they're supposed to go. Joe said they should be initiating something. Dave said he doesn't know where the communications between the borough manager and code enforcement are right now. Joe said just alone with this month's bill, just with the Berlin Wall, there were \$1,216.20 in legal fees. He'll have to ask Madam President when she comes back about the curb and sidewalk issue. Dave said he doesn't know what the internal information is on that. It may be a violation but again they haven't been provided with anything that they can actually enforce. Joe said his other question spans what the Zoning Hearing Board litigated on for 40 Bellevue Ave. He sees a lot of costs there. He saw Sally's report that she discussed the issue with Geoff Thompson, the complaints regarding the outdoor storage of parts, etc., and trailers parking in the RC zoning district. She said that she didn't see any violations the couple times she was out at the site and will keep an eye on it and she will send a letter to the borough that she has been receiving complaints. Joe said it seems like he's had a lot of contact with the trucking company. He asked if that was what it's been over. Dave said he doesn't think their office has had any contact with the trucking company. Joe said it says 40 Bellevue Ave. Dave asked what the entry says. Joe said 40 Bellevue Ave. Dave asked what the description says in the entry. There has to be a description that goes with it. It doesn't mean that they have had contact with the people there. Maybe somebody from the borough, Mr. Thompson or somebody else, may have contacted their office about what the latest is. He can't tell from sitting here right now what that is. He knows that they've had very little if any contact directly with the property owner. They may have had some contact with their attorney on some questions but it was very minimal, so he really can't tell him right now. Joe said and then Madam President was going to get back to them in July and he was involved in this, and he asked how it was going with Schoolhouse Ct. because he sees charges on there. Dave said their HOA is just about completed but there's still a lot of punch list work. Ms. Schuehler is not here tonight to talk about that, but they are not going to get all their approvals until a lot of the punch list items and everything else has been completed. Most of the issues are going to be between the residents and the developer. They can enforce what they can enforce either through the development agreement or through the limited public safety issues that they have, which would be the fire hydrants and those types of issues. They're aware of that so certainly they will enforce any of those kinds of things but most of the issues ultimately will be between the HOA and the developer. They're monitoring it. He and Ms. Schuehler have communicated about that. She communicated with his colleague Ms. Dombrowski about that. That's the latest at that location. Joe asked about the house in question that is higher than everybody else's is. Dave said that's an engineering issue. He has no idea. Joe asked if that has been turned over to legal or anything as far as no occupancy but, yet, there's a sale sign and they just did the driveway. Dave said he doesn't have any idea. Joe asked if he's been involved, because he's seen bits and pieces in all these reports and he doesn't know why Geoff gave this piece of paper that doesn't tell him anything. But it seems like Sally, and he imagines Dave has maybe been involved over at the Permabilt building. He doesn't know anything about negotiations. Dave said they have not been involved in anything.

#### Zoning/Code Enforcement Report

Gary Nickerson said that everyone on council received a copy.

#### **COMMITTEE BUSINESS:**

#### Building & Maintenance

Gary Nickerson said the front door project was Beverly's project. Dave said it was just informational.

## Finance

Gary said the general discussion on the Earned Income Tax should wait because not all of council is here and we need to get this data from Keystone. Both Laura and Bev had points they wanted to raise. Joe Dudash said to Dave that he was going to check into how we take the half a percent back. Dave said they started looking at that but haven't completed all of that because he thinks they're still waiting to hear from some of the other data. There may be some ways to do it but there are not a lot of options. He's going to talk to Mr. Hauser in the next couple of days and find out what the latest is on that.

## NEW BUSINESS

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

**Waste Management** Invoice #0002682-2448-2 dated 6/1/22 in the amount of \$17,431.50 for May service  
**Penndel Memorial Parade Committee** invoice dated 6/8/22 in the amount of \$1,100.00 for annual contribution  
**Comcast** invoice dated 6/2/22 in the amount of \$189.89 for internet at 790 Neshaminy St.  
**Deer Park** Invoice #02E0431953892 dated 6/2/22 in the amount of \$30 for spring water  
**Gettysburg Benefits Administrators, Inc.** invoice dated 5/31/22 in the amount of \$169.59 for dental insurance installment  
**Independence Blue Cross** Invoice #220607361417 in the amount of \$5,821.18 for medical insurance installment  
**PECO Payment Processing** invoice dated 6/14/22 in the amount of \$1,632.53 for street light electric  
**Philadelphia Insurance Companies** Invoice #2004497123 in the amount of \$336.38 for volunteer accident insurance  
**Selective Insurance Co. of America** invoice dated 6/10/22 in the amount of \$3,686.00 for commercial package and workers' compensation insurance installment  
**Office of Labor & Industry/SWIF** dated 6/1/22 in the amount of \$1,449.00 for fire department workers' compensation insurance installment

SECONDED BY JOE ADAMS. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE CHANGE ORDER #1 THE EXTENSION OF TIME FOR THE MEMORIAL PARK RESTROOM ADA IMPROVEMENTS PFOJECT BY THREE WEEKS, CONCLUDING ON JULY 21, 2022. SECONDED BY JOHN STRATZ. John Stratz explained that there are a few things missing like the toilet paper holder because shipping is horrendous. All ayes, motion carried.

MOTION BY JOE ADAMS TO ADOPT RESOLUTION #2022-10 THE 2021 HAZARD MITIGATION PLAN UPDATE. SECONDED BY BARBARA HEFFELFINGER. Gary explained that this is necessary for them to basically approve the Bucks County plan which enables them to receive federal relief if there is some sort of disaster. All ayes, motion carried.

## Public Comment

***Mike Smith***, said what he has to say probably has something to do with the Executive Session that they are going into. He and his attorney made an offer to sit down in a room with all parties to finally end this. Not one response came back from anybody. Dave said that's not true. He responded to it. Mike asked when he responded. Dave said maybe today. They offered to

host it. Mike said he asked him for the survey that he had. His attorney went out of his way to get that, and nothing was done. Dave said they need all three parties to do that. Mike said he yelled at him in the courtroom. Dave said because he asked for a survey, and he told him he didn't have one. Mike said it isn't his responsibility to have a survey. Dave said they're just trying to find a solution. Mike said they're going to hash this over again. He had the opportunity to go to the Darnley's and get his survey. It's his fence. Dave said they offered to host the meeting. Mike said he will make sure Jason knows that tonight. Dave said he thinks it was his e-mail and it was within a couple of days. He's not sure because Blackburn or others may have emailed as well. Dave said he did respond and say that they would host it. Mike said he will find out but up until today, nothing else has been said and nothing else has been done. He asked if they didn't think they spent a lot of money on this. And what Mr. Truelove is going to offer tonight is to extend it. More money. Mike said he'll say sorry to everybody sitting back there that he's spent their money. It is absolutely not what he wanted to do. It's just getting dragged out and it's got to end. If it takes them 10 hours sitting in one room, he'll do it. The borough needs to push this. The last that he heard in court was that they were waiting to hear who's going to pay for it. Dave said that was one of the issues, but they still need a resolution first. They have to have a meeting of the minds to do it, which means we have to meet. Mike said Mr. Darnley's attorney said they want to bring it into code compliance, and they want to know who is going to pay for it. Every meeting is safety, safety, safety. He asked why the borough doesn't just get it done and pay for it and go after Barry Isett and Associates, but they keep dragging their feet. They've extended the opportunity to meet. Mike said but nothing happens unless they push it. Dave said they can't push anything if the other side doesn't agree to it. The other thing is if the other side decides they don't want to push it and they wait and the judge issues a decision in their favor, which is a possibility, they're back to square one and they're trying to avoid having that happen. Mike said they already got the paperwork signed for that 607, or whatever it was. If that happens, it will be filed the next day. Dave said if he has the opinion done. His guess is he hasn't written the opinion yet, but who knows. Mike said he hasn't written opinion yet, that they know of, and it's not listed in the prothonotary. Dave said he won't unless there is a firm decision to say they're not going to have further discussions, then he'll write his opinion but he's not going to have his clerk write an opinion if it's not necessary. Mike said it's going on way too long. Dave said he doesn't disagree with that at all. Mike said he could push the issue to make it go away. Dave said he can't push the other side to meet when they haven't indicated they're going to. Mike said if they're pushing it, and he's pushing it and they're not willing, he thinks the judge will look at it and go, well, we've got two parties interested. Dave said if that's the case after tomorrow and if that's indicated to them by Mr. Blackburn and Mr. Tager, then that's where they are. They'll know within the next day or two and that's why they have to have that discussion tonight. Mike said it doesn't matter if he agrees with an extension or not. Nothing is being hidden behind closed doors. Gary interrupted and said if they want to have this discussion afterwards on an e-mail or phone call, that's fine. He asked for his next public comment. Mike said he was having a discussion. Gary said he was having a discussion, and this is public comment. Mike said they've been pushing against having a survey done for fences. A prime example is he wanted a survey to make sure that everything was done right, so stop pushing against the survey. They're going to cause this problem all over.

**Dave Cahill**, asked if there was a judgment at court in Doylestown. Dave Truelove said there was no judgement. Dave Cahill asked what the judge said. Dave Truelove said he urged the parties to have a discussion and gave them an extension of up to 20 days. Dave Cahill said that ran out. Dave Truelove said the can still extend it if they have that agreement. Dave Cahill asked if the judge said that it could be extended. Dave Truelove said he didn't say it couldn't but knowing Judge Frich, he would not be opposed to that. Dave Cahill said there's a rumor

going around town this morning that there were two house break in's last night and asked if the chief could comment on either one of the break ins. Gary said they're not going to have a Q&A with the police chief tonight. Dave said the rumor is that there was a break in on Hulmeville Ave. around 11:30 last night and the woman was smacked around and there were two women in the house. He asked if they should feel unsafe and was the subject caught or is he still on the run. He thinks the borough residents should know whether or not they're safe. Chief Perry answered the question, but his microphone was not working, and his answer could not be heard on the recording. Dave said he believes there was another incident on Neshaminy St. that Joe Adams was looking at. Chief Perry said that was not a break in.

#### Council Members to be Heard

John Stratz said he was just going to say a few words about the break in but also, he would like to say it's been determined that it's a young person between the ages 17 and 22. They have a few young people that like to play on the wild side around here so he would just like to urge the residents to keep their eyes open. And if anybody looks suspicious, please let them know. Dave Cahill spoke up, but it was inaudible. Gary said they are not doing a Q&A tonight. He already provided his public comment. The chief went out of his way to provide some extra context, so they are not doing a Q&A tonight.

Joe Dudash asked Mayor Sodano how they are doing with the police roof. Mayor Sodano said that was one of the things that he was going to try to discuss with Geoff earlier today and when he came in, he found out that he wasn't back yet. It is on the list of things that they'll be discussing with him tomorrow.

Joe Adams asked if there was an update on the Civil Service Commission and where they are in the process. Dave said the proposed ordinance has been provided to the mayor and others and there's still some back and forth on that. He also submitted a proposed MOU with the PBA regarding the sergeant position, so they're trying to pursue both of those in the same track. He would think by the next meeting they should have the MOU in final form if the council wants to approve it as far as the Civil Service. They're probably getting within a couple of meetings he thinks, provided there's enough comment, and would think that they will have something ready for the council to consider enactment.

Mayor Sodano said he appreciates the job that the Police Department did this year on fireworks. He doesn't know if anybody else noticed, although, they did have some incidents this year, there were much less than they've had in the past few years and it's because they had people on and they patrolled. He says that collectively, that when they could, they talked to people who were launching what was unsafe. They can't catch them all. It's very difficult because they stop and go behind their homes or whatever and they don't see them all, but it was much less than it's been the past couple of years, and he appreciates the job that the police department did on that. Gary Nickerson said he would add that in previous years, it was a little scary driving around in Pennel. It wasn't too bad last night, so great work. Mayor Sodano said he can't expect perfection, but it was an improvement and that's all you can ask. Joe Dudash said he went and bought sparklers at Pennel's fireworks store, and it was packed. He said to the guy when he checked out to keep up the mercantile tax. Those people were buying like \$500.00 worth of fireworks. There were New York and New Jersey license plates. It was crazy there but the security they had was good. They had two inside and one outside.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 8:07 P.M.  
SECONDED BY JOE ADAMS. All ayes, motion carried.

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