

Penndel Borough Council Meeting Minutes

September 6, 2022

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

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 - absent
- Mayor Tom Sodano

Also present at the meeting

- Geoff Thompson, Borough Manager
- Marie Serota, Secretary/Treasurer
- Ben Hauser, Solicitor, Hill Wallack

Annual Pension Meeting

Beverly Wolfe stated that the annual pension plan is as follows for 2023: Minimum municipal obligation on the police pension plan is a total of \$8,970.00 and the minimum municipal obligation employees' pension plan is \$16,257.00, certified by the borough secretary.

Council or Borough Announcements

Beverly Wolfe asked that no one speak without speaking into a microphone. There is too much inaudible coming out on the minutes.

Barbara Heffelfinger said that the annual senior's birthday dinner is the last Sunday in September for those over 75. They provide dinner, goodie bags and sometimes entertainment. If they are over seventy-five and haven't gotten an invitation, please let her know.

Consent Items

Mayor Sodano said he was misquoted in the minutes. It says he thinks that any member of a voting municipality who wants to take the temperature and what he actually said was any voting member of a municipality. The difference being he's not discussing that the municipality can vote but rather he was defining council persons.

MOTION BY JOHN STRATZ TO APPROVE THE AMENDED MINUTES OF THE AUGUST 15, 2022, COUNCIL MEETING AND TO APPROVE THE FOLLOWING BILLS FOR THE MONTH OF AUGUST 2022:

General Fund	\$40,352.69
Fire Tax Fund	\$ 39.60
Refuse Fund	\$ 128.92
Sewer Fund	\$33,384.84
Capital Reserve Fund	\$ 2,426.46
Liquid Fuel Fund	\$ 374.34
Escrow Fund	\$ 2,177.00

Payroll Fund	\$ 2,301.72
Police Pension Fund	\$ 2,575.00
Non-Uniform Pension Fund	\$ 2,575.00

Payroll

General Fund	\$24,456.41
Sewer Fund	\$ 3,233.67
Total	\$27,690.08

Escrow Fund Bills

Schoolhouse Court:

Hill Wallack, LLP	\$ 1,640.00
Value Engineering	\$ 537.00

SECONDED BY GARY NICKERSON. 5 yes, 1 abstention (Barbara Heffelfinger), motion carried.

Reports:

Borough Manager's Report

Geoff Thompson said that council has his report. Council should probably by tomorrow be getting an e-mail regarding the 2023 budget. He'll be asking them for anything they want included in the budget. He is also asking each committee for a list of projects that they would like to see completed in 2023. Projects could be anything like the server upgraded or whatever, to give staff a little bit more direction. If they could get that back to him within a week or two it would be appreciated.

Dave Cahill yelled out asking why Geoff was not reading his report. He would like to hear his report. Beverly said it was not time for public comment. She asked Geoff for his permission to read his report for Mr. Cahill. She read the report which is on file in the secretary's office.

Joe Dudash asked Geoff to elaborate on the emails and phone discussions with potential developers. Geoff said he had a couple of calls about the furniture warehouse which were basic zoning type questions. Joe asked if they are looking for storage. Geoff said it was actually from a church and they wanted to know the zoning of the property. They didn't elaborate on what they were actually looking for. Joe asked if there were any other meetings with anybody else on the property. Geoff said no. Joe asked how he was doing on the permit fee schedule. Geoff said he completed the whole thing, looked through everything and actually what he brought to the council's attention, and he believes it was almost a year ago, was regarding the building permits. That was the only fee that he saw that was way out of line. Everything else was surprisingly very good. Joe said the planning committee has been waiting for, which he was supposedly working on, was for fences, pools, etc. Geoff said he didn't recall that. Ben Hauser said that's partially his mistake. His understanding was Mr. Thompson was looking at the fee schedule as a whole and it must have slipped his mind that he had completed the entire review of it. Mr. Thompson representing that the fee schedule review is complete, the fee schedule is complete. It's obvious that those changes he recommended with respect to a couple of the building permits have been done by resolution if his recollection serves him correctly. Geoff said that was regarding building permit fees. Ben apologized for that for the lack of clarity. It does appear that the fee schedule review has been completed and there's nothing further there for now unless the council believes that those fees need to be revisited for some other reasons. Joe said he thought that the planning committee was asking for those fees. Ben said the

amended fees are publicly available in the fee schedule. Ben asked what exactly they were looking for. Joe said there was some bantering going back and forth that the pool permits were outrageous, and the fence permits were outrageous so what he was told was that Geoff was supposed to be bringing the committee the updates. Geoff said he didn't recall that. Ben said there was a miscommunication. It was his understanding at one point that Mr. Thompson was reviewing the fee schedule as a whole. He understood that some of the changes that he had made were the most important ones to be made. He had not realized that the whole review had been completed. Ben asked Geoff if it was his representation to them that the fee schedule, aside from the changes that he recommended to the council a number of months ago that were done by resolution, that the rest of the fee schedule is as he said, in line relatively speaking with other municipalities. Geoff said yes, very much so. Joe said but he thinks the planning committee was arguing over like a blow-up pool for a \$350.00 permit. Ben said he thinks some of that was related to changes that may be or may not be occurring to the ordinance and the Planning Commission has a number of changes to the draft ordinance which it has not been formally issued. At the moment he doesn't have the precise answer for him. He will send Ms. Dudash the amendment and current fee schedule as it stands. Whether the planning commission likes the fees as they are stated, that's not entirely germane to whether the ordinance amendment should be adopted but certainly they should have that. Joe asked Geoff how his communications are with the BIU hierarchy like the vice president. Geoff asked in with regard to what. Joe asked if he has a normal relationship with him as far as communication if he needs information. He asked if he feels that he's not providing information. Geoff said he's talked to the president. Joe asked if that is Paul. Geoff said yes. Joe asked when the last time was, he talked to him. Geoff said about two weeks ago. Joe asked how they were doing with him as far as he was supposed to get them an answer back to the sidewalks and the curbs over at the Berlin Wall. Geoff said he wasn't involved in that. Beverly said he knows she was involved. She said she told him that he was going to be talking to Paul and everybody else. Joe said but this has been going on for six months. Beverly said she has a report on it. She just needs to review it with the solicitors and then she will have an answer for him. Joe said at the last meeting she said that he's been procrastinating. Beverly said he finally did contact her. Joe asked when they as a council will get an answer. Beverly said probably by the workshop. Joe said he doesn't want this turning into the Berlin Wall. Beverly said they should be able to easily resolve it. Joe asked Geoff if he could explain the expenditure preview. Geoff said he doesn't do that. Joe asked Marie, for the borough expenditure report, under vendor 712, Hamburg, Ruben, Mullin, Maxwell, for the Berlin Wall, Smith, 127 Dehaven zoning application, what that was and they're just getting charged for that now, \$48.00. Marie said she didn't think this was specifically for a hearing, but it was something for that matter. She doesn't know exactly what it was. Joe said to Ben that this would be part of him. Under the expenditures, it was the EIT research reduction rebate for \$761.80. He hasn't seen a report. Ben explained that sometimes there is research done and not everything done generates a report. He doesn't have the invoices and he doesn't issue the invoices himself and may be better directed to his employer. There were questions arising over the summer about the process to change the EIT process. Sometimes those things move off the back burner for various different reasons. There was a very robust discussion at the July work session and after that, that issue seemed to move lower down in precedence, but there were inquiries and research done as to what the process would be. He doesn't have the invoice in front of him and obviously he doesn't have a crystal ball to know which questions he's going to ask and when about if the borough were so inclined to move in a direction, to lower the EIT and what that process would look like. Joe asked if Ben was going to give him a report on that because he was the one that asked about it. Ben said he believes it was Dave Truelove, so he doesn't have an answer for him on that because he doesn't know what was asked and answered at the time. Beverly said he was going to research it and they can find out and send him a copy of the process. Joe asked Marie about \$96.00

and asked if they're getting sued or something with Taddei Woods. Beverly said it's for Hill Wallack and Marie said it is work being done on Spring Street and Beverly added to determine what their rights were onto the easement by the deeds. Joe asked Geoff about the email Sally sent about the trucking company and it went to Karen and back to him and it said to speak with Karen Diaz to get the ball rolling on the complaint. He asked how they were proceeding on that. He said it looked like a court action. Geoff said it doesn't look like it has been officially filed yet. There are two sections of the action they have to take. One is a zoning matter the other is a code enforcement matter so at this time he's not positive anything's been filed yet but it's in process.

Mayor's Report

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

Ben Hauser reported that the fence ordinance is still going through the Planning Commission. They will be meeting later this month. The decision came down on the zoning appeal regarding 411 Hulmeville Ave. The zoning hearing board's decision was declared void ab initio. His office is evaluating the decision and they are advising council and will hold an executive session sometime within the next week or so as schedules permit to decide the boroughs next steps. Mayor Sodano asked Ben when something is declared such, is he correct in that means it never happened. Ben said without getting too deep into the litigation and because it's still pending because the court order is still appealable for 30 days, a very general answer he'll give is the court determined that the hearing before the zoning hearing board had no effect. Joe asked if he thought they should have an executive meeting right now because this is to answer a safety issue and an emergency. Ben said his office is evaluating and there will be an executive session as we have an opportunity to evaluate the options available to the borough they were outlined in the confidential communication. The options were presented by e-mail previously and they will be presented at the executive session. Joe said so let's have an emergency executive session now. Ben said that is not the advice of his office. Joe asked why it wouldn't be advised if a child gets run over or a senior citizen. This has been going on for two years and it's not looking good for the borough public relations wise. Ben said it is again the opinion of his office that the executive session can and should be held within the next seven days. Beverly said they could do it via zoom. Joe said it's an executive session. While they're here, they might as well have it now. His professional law enforcement thing says that they need an emergency executive meeting to protect the citizens of Penn del from being injured. Beverly asked Joe, by having an emergency executive session right now to discuss what apparently is still being reviewed a bit, what changes would they be able to make or be able to do at that executive session to prevent what he's talking about. Joe said he gave them options in the email. He wants to discuss the court case because he's really ticked off. Beverly asked how that would resolve the issue right. Joe said because they have the three issues to prevent a senior citizen or a citizen of Penn del from being run over. Beverly asked again what action they could take right now to prevent that. Joe asked if she wanted him to tell the options. Beverly said, no, what she is saying is that there would be no instant gratification. It's not like she can run over there right now and start ripping this thing out. Joe said they can file a violation notice which they should have done in the beginning of this thing. Beverly said then she will poll council and see what council thinks if they should just go ahead and have this executive session and or if they should just wait for a few days so they can have an executive session where they have all the options in front of them and that it's been looked at thoroughly. Ben said the last

thing he will say on this is the order is still appealable for 30 days because the case is still open. There is no need to talk about pending public litigation at this time, in this forum, on this date. His anticipation is that the executive session will be held at the earliest possible convenience for the members of council and other members of his office. They're reviewing this decision. Beverly said since he said this is appealable for 30 days, that basically they have to wait 30 days before an action is taken. Ben said that is correct. That is why he's consulted with the appellate division attorney in his office. Beverly said there is a 30-day appeal. Ben said they did not receive the opinion until late Friday afternoon going into Labor Day weekend and did not have the opportunity to outline the options. They are working on that. Joe said so what he's telling them is that either party can appeal it within 30 days. Ben said there are four parties involved with the appeal. The borough, the borough zoning hearing board and Mr. Smith are all in more or less on one side and then the residents at 411 Hulmeville Ave. Obviously, the result of that opinion is that party will not be appealing that. Joe said he doesn't think it'll be appealed either. Ben said he will leave it to the gentleman's prerogative. But what action the borough wants to take will be discussed in depth with council at an executive session within the next seven days as schedules allow. Joe said he wants to vote on whether to have the emergency executive session. Beverly said to keep in mind there's a 30-day appeal. Joe said this thing is going on for two years. Mr. Smith is not going to appeal. Darnley's not going to appeal, and the borough is not going to appeal. They should have sent a notice right away and they didn't. Beverly said Mr. Dudash is calling for an emergency executive session with I hate even using that word to discuss the opinion that came down. Joe Dudash, yes. Gary Nickerson is going with the solicitor's advice, Beverly Wolfe, will go with the solicitor's advice as well, Barbara Heffelfinger, no, Laura Germain, no, John Stratz, read the solicitors e-mail a few days ago and he can wait for an executive session to have all the facts as presented when they are ready. He does not feel they're ready, no. Beverly said she will be contacting them when they have a date, but it will be very shortly. Dave Cahill yelled out asking if this was on the agenda. Beverly said it's part of the solicitor's report. She is not taking public comment right now. Dave said this is absolutely wrong. She's violating their rights. He asked how they were supposed to know this was going to come up. Beverly said it was part of the solicitor's report and he will have a chance to comment in short order if he would let them continue.

Zoning/Code Enforcement Report

On file in the secretary's office.

Committee Business:

Public Safety

MOTION BY BARBARA HEFFELFINGER TO REINSTATE ESTELLA KRISTINIAK AS A SUBSTITUTE CROSSING GUARD AS RECOMMENDED BY CHIEF PERRY. SECONDED BY JOHN STRATZ. All ayes, motion carried.

New Business

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

Comcast invoice dated 7/26/22 in the amount of \$236.69 for police department internet and voice services

Comcast invoice dated 7/26/22 in the amount of \$196.28 for borough hall internet and voice services

Gettysburg Benefits Administrators, Inc. invoice dated 7/29/22 in the amount of \$169.59 for dental insurance installment

The Hartford invoice dated 8/1/22 in the amount of \$801.37 for life insurance premium

Comcast invoice dated 8/1/22 in the amount of \$517.64 for business voice edge service

Deer Park invoice dated 8/2/22 in the amount of \$98.95 for spring water

State Workers' Insurance Fund invoice dated 8/1/22 in the amount of \$1,449.00 for fire department workers' compensation insurance installment

WM Corporate Services, Inc. Invoice #0003076-2448-6 dated 8/1/22 in the amount of \$17,431.50 for July service

Comcast invoice dated 8/2/22 in the amount of \$189.89 for internet at 790 Neshaminy Street

Independence Blue Cross Invoice #220808423522 in the amount of \$5,821.18 for medical insurance premium

PECO invoice dated 8/8/22 in the amount of \$38.66 for outdoor lighting at 790 Neshaminy Street

Mark R. Schroeder invoice dated 5/18/22 in the amount of \$3,038.14 for painting borough hall

Selective Insurance invoice dated 8/12/22 in the amount of \$3,770.00 for commercial package and workers' compensation insurance installment

PECO invoice dated 8/12/22 in the amount of \$1,687.58 for streetlights' electric

SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Beverly said she will fill in for Carol. Council has a copy of the bid packet for Oak and Holly along with Carol's recommendation. There was only one bid received for the project titled Cape Seal. It was electronically opened on August 25th, 2022. The bid prices and related documents have been reviewed and tabulated. The bidder is Asphalt Maintenance Solutions, LLC (AMS) with a total bid of \$85,462.50 and the tabulation is attached. The recommendation of the engineer is to award this.

MOTION BY BARBARA HEFFELFINGER TO AWARD THE BID FOR THE CAPE SEAL PROJECT ON OAK AND HOLLY AVENUES. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Beverly said for the next motion she won't be able to answer any of the questions and she thinks she has some herself. She would like to table the motion. Ben said he doesn't see the specific recommendation. He said Carol outlined that they could reject, accept the bid, table it for consideration or postpone it for reconsideration. His recommendation would be a motion to table consideration of the bid for the Memorial Park bleachers project until September 19th, 2022.

MOTION BY GARY NICKERSON TO TABLE CONSIDERATION OF THE BID FOR THE MEMORIAL PARK BLEACHERS PROJECT UNTIL SEPTEMBER 19, 2022. SECONDED BY JOHN STRATZ. Barbara asked if it's rescheduled for September 19th, will Carol still have time. Laura Germain said Carol gave them to table it as an option. If they needed it today, she thinks she would have told them. Beverly said Laura's right. On page two of her letter, it says if this option is exercised, announcement should be made at the September 6th council meeting that consideration of a bid award is rescheduled for September 19th. All ayes, motion carried. Gary Nickerson said it looks like there is a request-to-request additional funding to cover the gap. He asked if that has been submitted. Geoff Thompson said she did submit a request for additional funding. Beverly said it says that they will submit a request to the County Office of Community Development Housing and Community Development for additional project funding under the CDBG program.

Public Comment

Lloyd Patton said they all know that there was a home invasion back in July and that's pretty serious in law enforcement terms. The woman was assaulted, there was an illegal entry. A Penn del officer was not available due to another call. The Pennsylvania State Police did an excellent job, but you have to remember the Pennsylvania State Police are not our Police Department. They are not a proactive department; they are reactive meaning they react to crimes in a borough or municipality where there's no officers available. He's looking at the timing and he's wondering with this agreement that they have with mutual assistance, where was Langhorne? Where was Langhorne Manor? Where was Hulmeville? He has it on good authority that Middletown Township would respond. They would not deny any police action in Penn del Borough. As a matter of fact, Middletown is right across the street. Chief Sciscio at the time was telling people that Middletown would never get here. Well, it's right across the street. There are houses down by the rec field, there's houses that they used to go through. He can accept the officer was tied up and he doesn't know who 5506 is, with another call until the end close to 11:00 o'clock. He asked why he would respond to the call 11:00 o'clock and he signed out over there at 11:04. He's there for 10 minutes. The state police have already conducted the investigation and they're going door to door the next day. There were all sorts of people there and why didn't the 11 – 7 take over the investigation. He'll tell you why. This is the 11:00 o'clock officer. There's nothing in the radio logs for Penn del police. Procedure is when an officer goes on duty, they sign in. His call was 4410 and he used to sign in with 4410 Bucks County Officer Patton. He doesn't see anything of this. When you go out for a lunch break, just sign out and just sign back in. When you go off duty you say 4410 out of service. There's nothing because there was no officer there and you people have told them time and time again that they have coverage for 24/7. We don't. He had a lot of questions for the police chief, but the main thing is they are taxing them for 24 hours a day seven days a week police coverage. There was no police coverage in Penn del Borough that entire night after the state police left. Mayor Sodano said that is incorrect. Lloyd told him to take a look. Mayor Sodano said when he said that he said that they told him badge number 5506, that was the response. Lloyd said it's right there, read it. 5506. He doesn't know who 5506 is nor does he care. Mayor Sodano said he also said that when this badge number was done with his shift, he would have to radio that. Lloyd said correct. Mayor Sodano asked where on here does it say he cleared his shift. Lloyd said he didn't. There's no sign in for him either at 3:00 o'clock. He or she didn't sign in or sign out. Nobody does. The next day on the fifth at 7:00 AM you would expect to see 55C to Bucks County Sean Perry on duty. Mayor Sodano asked if he expects to see it, or it's required. Lloyd said it's required. Mayor Sodano asked if every time someone in the county goes on and off shift. Lloyd said that's correct. That's how they know people are out there. It's just common sense. And it's required. Beverly asked if this is the radio room log. Lloyd said yes. Lloyd said they keep telling them that they have 24/7 police coverage. Mayor Sodano asked if there is a requirement that all of the shifts must begin and end at the numbers he gave, 3 and 11, etc. Lloyd said or 4 to 12. Mayor Sodano asked if they're required to be specific times. Lloyd said they're usually 8 hours shifts. Mayor Sodano said he didn't ask him usually. He asked if it is required to be specific times. Lloyd said he would assume so. Mayor Sodano said, and he would assume not which is why he authorized staggered shifts. Lloyd asked where the staggered shift is. Mayor Sodano said he's not required to give that information publicly. In an emergency like that when someone calls that would be the county radio and they choose who they're going to call if Penn del does not respond. We don't get to choose who the next call goes to. They didn't ask them to call the state police to cover. Lloyd said he's not concerned about that. Mayor Sodano said he brought up why Middletown wasn't called. That's their responsibility not ours. Lloyd said nobody called Middletown. Mayor Sodano said it's not our responsibility if our man cannot respond. They make the call on who they call next, not us. That is the way it works. Lloyd said he didn't know that he was a law enforcement officer.

Mayor Sodano said he's not a law enforcement officer. Lloyd said police officers work 4-hour shifts, 8-hour shifts, 12 hours shifts. Mayor Sodano said full time guys always do that sort of thing but when you're in a borough like Penndel, a municipality like theirs and you don't always have access to 8 hour shifts but you can bring people in on three hour shifts or 4 hour shifts or five hour shifts, you do so in order to make sure that they have the coverage that he's discussing and he authorized that to happen. Lloyd asked if it was prior to 4th of July. Mayor Sodano said absolutely. The day he took office he informed the chief that whatever was necessary. Lloyd asked if it was in writing or verbally. Mayor Sodano said verbally. They are responsible, he and the chief, to follow procedure and stay within budget as absolutely much as they can which they've done. As a matter of fact, they're under budget considerably. Lloyd said he's worried about budgets. Mayor Sodano said they have given 24/7 coverage. They had coverage that day. Lloyd asked what time to what time. Mayor Sodano said 24/7 that day. Lloyd said they did not. Mayor Sodano said absolutely and please do not call him a liar. Lloyd said it's not on there and he's not calling him a liar because he doesn't have any background in law enforcement. Mayor Sodano said he did not say he did, but he has plenty of background in running businesses which is why he knows exactly how they're maintaining the coverage that they have. He can't answer where the guy was at any given time because it's illegal for a mayor to monitor and encrypted transmissions which they use so unless you have clearance, you can't listen to police radio. That's illegal right now in the state of Pennsylvania. It's encrypted. Lloyd said everybody in his time, his career had scanners at home. Mayor Sodano said today's scanners are not supposed to pick up encrypted radio. They listen to fire transmissions. Lloyd said getting back to there's no radio transmissions after 23:14. That's 11:14 PM. There's no transmissions and the reason they're not getting radio or a transcript, and the mayor can say what he wants, there's nothing in Bucks County radio communication record. They've been selling them for years that they have 24-hour coverage. They are shortchanging the taxpayers. They're placing him and his family and everybody else's family in jeopardy. Middletown will come and bail you out if they had contracted to them. They would have saved hundreds of thousands of dollars, and they would have been here with a superior officer. He asked where their superior officer was. Beverly said they honestly can't speak to the events of that day because it's an ongoing investigation. Lloyd said Penndel is not investigating it. The state police are. It's a separate agency. There just wasn't anybody on duty. Mayor Sodano said yes there was. Beverly told Lloyd Patton that she has what he said written down and it's on the recording. They will take a look at it because it's a very serious allegation. Lloyd said he would be back next month.

Dave Cahill asked Beverly if she had something for him. She was looking for him at the last meeting. Bev said she was, but she can't find part of the information. Dave said she can't find it. That's always the answer. Beverly said here it is. Dave said, Tom, there were no radio communications by any Penndel officer from 11:00 PM July 4th, 2022, until 7:00 AM July 5th. Mayor Sodano said to Dave, first off, in this venue during a meeting, he's Mr. Mayor to him. He has no idea because as he said, it would be illegal for him to actually be able to listen to them, so he has no idea. Dave said but he's willing to admit that they had an officer on. Mayor Sodano said he knows they had an officer on. Dave said there were no calls and no radio communications. Mayor Sodano said he doesn't know that. He is not privy to those. He's not allowed to know those radio communications. Dave said the chief has a take home car. He asked for what reason. He asked why he didn't respond back into town for that home invasion when he knew there were all these problems. Mayor Sodano said so he's saying that the chief should never have a personal life. That he should be 24/7 365 available with no personal life. So, on the 4th of July that's what you expect. Dave said he believes that the chief responded to the shooting on Cynthia Ave. on November 8th. The chief came in for that one. That was a big one. He said that that was his crime scene. It wasn't his crime scene. That was the county's

crime scene not his. The county came in and took over and did the investigation, not him. They were security guards in front of 435 Cynthia Ave. Mayor Sodano asked what that had to do with the 4th of July. Dave said he came in for that. He asked why he couldn't come in for this one. He asked how long this woman had to wait for the state police. She called 911 twice according to that printout. She called twice because the police didn't show up. She wanted to know what was going on. He asked if that's what they're getting for \$700,000.00 a year for the police budget. Mayor Sodano said that's not a correct number. Dave said that's a lot of money for this woman not getting what she pays for 24/7 365. That's a joke. Dave asked Ben if the judge ruled that that zoning hearing board was illegal. He asked if that was the ruling by the judge because he went through that really quick. Ben said he will say two things. He will respond to the comment just to clarify. The judge basically said by the nature of the procedural background, the hearing held had no effect and that's all he will say on the matter on the record. Dave said this is the same zoning hearing board if he remembers hearing it right, that he believes David Truelove was the one that told Mike Smith to appeal the fence permit. He thinks Dave Truelove told him to appeal the permit that he had and that any neighbor could appeal any permit as long as it was within a certain amount of time. But he thinks they all found out through the course of the whole thing that that complaint was made too late, so he doesn't even understand why this all went on and why all this money was spent. Dave said one more thing because he's sure that his time is running out. The basketball nets that are sitting at the curbs on the grass are now creeping out into the street. He asked if the borough is going to be responsible for the damage for the cars that hit the basketball nets because they're in the street. He asked if the basketball hoops belong in the street. Beverly asked what the ordinance says. Dave said he believes that there's a 14-foot height requirement that makes them all illegal so that the fire trucks in the trash trucks can go up and down the street. When the basketball hoops are hanging out over the curb at 10 feet, it's not 14 and that means they are illegal. He asked who's responsible for patrolling the streets. Mayor Sodano said the police department. Dave asked if somebody drags a basketball net into the street are the police going to try and find the homeowner and have it removed. He asked if the chief is telling the officers to ignore this kind of stuff because he sees boat trailers and jet ski trailers and wave runner trailers with wave runners on them and jet skis on the jet ski trailers parked in the street not attached to a vehicle. He asked if they are supposed to be there or not. He believes they're not supposed to be there. He said either the officers are not patrolling the streets like they should be or they're just driving with their eyes closed. He asked how they are not wrecking the police vehicles if they're driving around with their eyes closed. He said to Mayor Sodano that he has to fix it. He said it's sad. It is really sad what's going on in that building over there and he expects better for his tax money. Barbara Heffelfinger told Dave the next time he comes up, to lower his voice. Dave yelled out fuck you Barb, fuck you. Barbara said there's no reason for that. Dave said shut your face. Beverly said to Dave that he doesn't have to be disrespectful. Dave said they are pathetic. They are all freaking pathetic. Every one of them. Dave yelled just do them a favor and hand them over to Middletown. Let Middletown take them because this is a joke.

Mike Smith, said since Ben will not speak on what went on, he doesn't have a problem saying what went on. Ben missed out on a few things. Mr. Truelove screwed up. It's written in the judge's orders. He wants them all to read what was written. They will find out that Mr. Truelove cost him \$875.00 and cost the borough residents over \$30,000.00. He doesn't know how much the new fence ordinance is costing them but that gets added on to it because that's why they're changing the fence ordinance that they have now because of what went on here. He asked Ben, who he's pretty sure won't answer this, but at the Planning Commission meeting he asked a very specific question. It was what would happen if something were built in the right of way and his answer was immediately a notice of violation would go out and it should be removed. That's what he said to him. He asked why this fence has not been removed from the right of

way. There was never a notice of violation sent. He's been asking this council to send that notice of violation for at least a year and a half. His attorney came here and asked them all the same thing. They have wasted two years of everybody's time and the borough resident's money along with his own. It's time to send a notice of violation. That is what the judge said for them to do. It needs to be done. He thinks that's why Joe may have wanted the executive session. They all got this, so he has to assume that's why he was asking for it. This is crazy. Mr. Truelove owes this borough a lot of money. He asked if he has errors and omissions on his insurance because he screwed up. He had him go after the determination which was a report and that's written in here. He's not going to go through and read it all because it's boring as all hell, but Dave Truelove owes him money and he owes these people a lot of money. He would hope that Dave Truelove never comes back here, and he hopes this council decides to get rid of him.

MOTION BY JOHN STRATZ TO ADJOURN THE MEETING AT 8:40 P.M. SECONDED BY BARBRA HEFFELFINGER. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer