

Penndel Borough Council Workshop Minutes

September 19, 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 - arrived at 7:40 pm
Councilman Joe Dudash
Councilwoman Laura Germain - absent
Councilman John Stratz
Councilman Joe Adams - absent
Mayor Tom Sodano

Also present at the meeting

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

Council or Borough Announcements

Ben Hauser reported that on Tuesday, September 13th, council met in an Executive Session to discuss litigation concerning 411 Hulmeville Ave. The attendees were Mrs. Wolfe, Mr. Nickerson, Mrs. Heffelfinger, Mr. Stratz, the Mayor, Mr. Truelove and himself. The Executive Session began shortly after seven and concluded just before 8:00 pm.

Public Comment on Agenda Items

Dave Cahill, said to Ben that he brought up at the last meeting about this public comment for agenda items only that they are kind of left in the dark because of the committee reports and stuff that they don't know anything about that are going to be read. He made him aware at a meeting prior about the \$300,000.00 settlement involving the Pennsbury School District and them limiting free speech at their meetings. This public comment is limiting their speech. They're keeping them quiet, and they're not allowed to do that. He called the group that represented the people that were at that meeting and the group said that they'd be more than happy to represent him. If they want, they will put a suit together and they'll find out whether this is right or wrong. He asked Ben if he wants to cost the borough another great deal of money. He said Ben gets paid just to sit there. Beverly Wolfe said that it's public comment. He doesn't have to answer. Dave said he's looking for an answer on the lawsuit that was filed against the Pennsbury School Board. He said it looks like they want one too. So, that's how they're going to handle themselves. Beverly said they'll have an answer for him at the next meeting. Dave said he has a question under the agenda items for public comment only under the inspector's report. Beverly said they don't have one because this is a workshop. They only have it at the monthly meeting.

Reports:

President's Report

Beverly Wolfe said she is going to table the council meeting guidelines and the Penndel Borough Complaint form.

Consent Items

MOTION BY GARY NICKERSON TO APPROVE THE MINUTES OF THE SEPTEMBER 6, 2022 COUNCIL MEETING. SECONDED BY JOHN STRATZ. Joe Dudash said on page 3 where it says Ben said he believes it was Dave Truelove, it was on the EIT research, right in there is when his fellow council woman Barb Heffelfinger said she would like to see the detail on the research. Beverly said they have not received that yet, but she will follow up on that and have it for him shortly. All ayes, motion carried.

Joe said under her presidential report, she had said she possibly could get back to them on the sidewalk and curb issue. Beverly said she did not have a response yet.

Engineer's Report

Carol Schuehler read her report which is attached.

MOTION BY GARY NICKERSON TO AWARD THE BID FOR THE MEMORIAL PARK BLEACHERS' PROJECT TO PREMIER BUILDERS AT A COST OF \$168,990.00. SECONDED BY JOHN STRATZ. All ayes, motion carried. John Stratz said for those who are going to be reading about this on the internet, this is not costing the taxpayer one dime thanks to their engineer. Beverly said this is the 4th CDBG grant they've received this year. Joe Dudash thanked Carol and Barb with the Taddei Woods. They know how that drives him nuts. It's a step forward. Joe asked, with the MS-4 with the ordinance, could she give an example. He asked if the whole thing needs to be done or is it to show what they've done. Carol said there are clauses that need to be in the ordinance to update it and what she had sent out and she'll resend it, is the actual ordinance and then red line the changes that need to be made to bring it up to date. In other municipalities she's served, sometimes they've taken that as an opportunity to add this and this and this. She doesn't know that Penndel will want to do that. The first step is to get them the ordinance with the minimum required changes to meet the DEP mandate. She will resend that out and the Ordinance Committee which she knows Gary is on. She understands they have been busy last year, and this year and she respects that, but she wanted to let them know they are starting to bump up against that deadline. Joe said with the environmental discussion they've had, in the last meeting, 50 Hulmeville Ave., she said there is that history book he was reading, and she said there was a full environmental study there and she was going to try to find it. Carol said she thought she forwarded that to somebody. She remembered she sent it to Joe Adams who asked about that, and she forwarded it directly to him and copied Marie. Beverly asked her to send it to all of them.

Gary Nickerson asked Carol about the Green Grants. He loves the idea of planting trees. He asked if they were talking about planting trees within Taddei Woods or planting trees around the borough. Carol said what they had actually talked about was that with so many trees dying in Taddei Woods, which she's heard about from Joe for two years now, with so many trees dying because they're drowning, her first thought was the PECO grant. It's \$10,000.00 with a \$10,000.00 match, which is a lot of money but it's not a lot of money to get a lot done. And it's really only through the generosity of some of their contractors that they're getting something this

substantial done this year. Her initial thought was to plant trees in there that are water tolerant and that are more inclined to soak up that moisture rather than drown in it. The Weeping Willow comes to all our minds as a first example of the type of tree that might go in there and appreciate that water as opposed to drowning in it as the trees are today. They also lost trees to the Emerald Ash Borer and other things. Kory pointed out to her that they need to also make sure they remove the invasives out of there and some of the dead woods so that those trees can thrive. That's a good idea and they ought to wrap that altogether and plan for an application for a grant for the next season for the next cycle of this grant. Gary said he's been kicking around the idea of just planting more trees around town. They have lost so many trees just around the borough. A lot of these houses were constructed in the late 40s early 50s and they're kind of reaching their end of life. Looking at Google Street View on his street on Holly, it's crazy the amount of trees that have been taken down just because of the Emerald Ash Borer. He had two ash trees in his yard that had to be taken down. His neighbor had to take down a red maple and during Hurricane Irene, he had a large black walnut that got blown over. Also, thinking about controlling some of the speeding around town. He would love to see them plant trees in and around the borough, particularly in the right of ways that can sometimes have a calming effect when you have trees that are lining the streets. Just to do anything that they could to help soak up some of the water. Anytime it rains around here, the runoff goes right into the street. They can encourage people to plant trees, and he doesn't know what their rights are with planting trees within right of ways, but he would love to see something like that happen just to help soak up some of the water and kind of replace a lot of the trees that they've lost in the last 10-20 years. Beverly said in the borough code it allows them to create a Shade Tree Commission. Gary said maybe they can get a grant to help plant trees around town. They can get a Shade Tree Commission started again but it's hard to get people. That's the problem. They need more people to get involved. So maybe getting a grant to planting them in equal parts around the town or seeing if people are interested in accepting a tree and possibly planting them to replace some would probably help with the MS4 and they might get some credits for planting trees. It would help soak up some of the water. He walks around Taddei Woods a lot and things are changing back there. It's still pretty green but it's just completely overgrown. The Emerald Ash Borer took a lot of trees down and you know it does seem to be changing hydrology back in there just because so much water flows in there when it rains but it's just something else to think about. Beverly said if you have a Shade Tree Commission you can actually have tax money used for it so just something to think about.

Committee Business:

Public Safety

Mayor Sodano said he assumes everyone has at this point received copies of the civil service draft. They were sent out to everybody in their packets. Also, they've been having this discussion for the last almost four months now. At this point, they have enough applications to sift through and that's going to take some time. But what we need to do before they can do that is they need to pass a resolution adopting the civil service rules and regulations and he wanted to open it up for a discussion now on the assumption that people have read them. If anyone has questions, let's get them worked out. Between him and the solicitor, they should be able to answer any questions. It is comprehensive and it's predominantly copied from current civil service that is in effect in approximately 70 to 80% of the municipalities in Pennsylvania that are similar to them in size and population and have pretty much the same civil service rules and regulations. There are a couple of them that have a few area specific guidelines. Some of the more rural areas have difficulty recruiting. So, some of them have relaxed their rules. They

didn't choose to go in that direction and relax their rules in this region of Pennsylvania. He thinks they can get plenty of good candidates without having to eliminate some of their rules and regulations. Joe Dudash asked if they are still going with the theory of having a representative from council on this seat. Mayor Sodano said that would be up to council, once this is adopted. It's council who reviews the applications and yes, council can still add a councilperson. There's no reason they can't. It's allowed. His personal opinion is that they have some really good candidates, so he thinks they should look at all of them with eyes wide open before they make a definitive decision. But the answer basically is yes, they can choose to do that. He doesn't get to vote. Joe said his fear with this is, and he doesn't have any problems with the candidates like he said, and he imagines they could get qualified people, but his fear is because of this borough, and getting a council person in there sitting, it's going to get politicized. Everything they touched becomes political and it becomes dysfunctional and that's his biggest fear with this. His second fear is he really doesn't think they should be even talking about this stuff and adding a full-time police officer because Chairman Powell just told all of them on TV of the Fed, they better get ready for some pain in December and January. The recession is coming. So, now is not the time to be hiring a full-time officer. He still doesn't understand the concept, but they went through this before and they're going to lose four officers for one full time officer. He doesn't understand. Beverly said it doesn't have to be that way. This is just the rules and regulations. Joe said he understands that, but this is all connected. In my opinion, he's worried about they're going into a recession, bad one and they're spending money. Just this commission is going to be at least \$10,000.00. Beverly asked how he figures that. Joe said because Ben told him that in an e-mail about a year ago when they were discussing this, and he has the e-mail. It's more than just saying they're going to have this commission. He thinks they're moving too fast. They ought to back off a bit, stop and see how things play out. December is right here, and they don't even have their budget ready yet. It's not just the civil service thing, it's a combination of things that are connected to this that he's fearing, and he would hope they would become financially responsible to the taxpayer because it's coming down. Look at your retirement investments. Everything is going down. You might get a raise but it's not keeping up with inflation. They are not Bensalem or Middletown. They are a part time police department. They are not going to compete. They already lost an officer and there are two more he's hearing they might lose. This sergeant thing isn't keeping them staying around here. If they hire a 30-year-old sergeant and another is 20 something years old, do you think they're going to sit here and wait for this 30-year-old to get done. They either have to die here or the guy has to move on, so he doesn't quite understand this whole theory of this thing with the sergeant. Beverly said this is really not tied to that. This is a civil service commission. Joe said it was brought up in that context. He understands what they're trying to do but he's just worried that they're spending money here and these guys here and us are losing money daily right and left. Let's take a breather here. He keeps hearing they have to get this thing through. He asked why they have to get this thing through. They don't. They're still a part time police department. Beverly said they did adopt the ordinance. Joe said he knows council did and he was against it. He just wanted to express it again tonight to his fellow council people that this is his fear. Let's take a breather here. They don't have to get it through. They don't have a crystal ball on what's going to happen in December. His fear is that they're moving too fast. He understands they have one officer here that they want to hire tonight. He's for the blue. He doesn't want to be short. The whole concept of this he doesn't understand. He thinks they're moving this thing too fast and they're not sitting back and really digesting what this thing entails, the whole combination of things and the impact it's going to have on the taxpayer. Mayor Sodano said he feels the opposite. This subject of another full-time officer has been discussed

almost every year for the last three or four years and hasn't come to fruition. And while he would like to see that happen, the civil service agreement doesn't necessarily tie directly into that because they are in a situation between the police and the fire, within a very short period of time as Councilman Stratz pointed out, they're going to be having to make a contribution to full time firefighters. They're not going to have to hire an entire fire company, but they are going to have to make a contribution. So, from that standpoint, they do have to have a civil service agreement in effect. Joe said he talked to Rich Schramm, and he says that's incorrect. Penndel would not. Their civil service would not have any influence over their fire department because it's going to be Middletown Township and Middletown will be the civil service. Mayor Sodano said he's talking strictly on the hiring. Joe said he's talking about the firemen. These taxpayers will be paying Middletown, so it has nothing to do with civil service. Mayor Sodano said it does. Joe said it doesn't with the borough. Mayor Sodano said it does from a liability standpoint. Joe said no it doesn't because Middletown Township will own the fire department. Mayor Sodano said that is correct. Joe said Middletown has a civil service. All they are doing is renting that fire equipment and firemen. He asked then why they need a civil service. Mayor Sodano said their contribution is effectively rent. Joe said but they don't need a civil service. Mayor Sodano said they can be sued. Joe said they can't be sued because Middletown is handling the fire department. That is what Rich Schramm told him. Mayor Sodano said he is not going to debate it with him because neither himself, Joe or Mr. Schramm are attorneys. Joe said this is why we keep moving so fast on things. Mayor Sodano said they don't move fast. Everything in this borough moves so slow. Joe said he's trying to push this through tonight. Mayor Sodano said he doesn't need it to go through tonight. He thinks it's the right thing to do. The ordinance got passed by council that said they could hire. Joe said he didn't. Mayor Sodano said the council et al passed an ordinance that says they can hire a full-time guy. Technically, the borough doesn't need this to be in place and could actually go out and hire a full-time guy. Joe asked then why they need it. Mayor Sodano said because this is the right thing to do legally. Joe said he just made a contradiction statement. Mayor Sodano said no he didn't. This is not about hiring. This is about covering themselves legally. Joe said he's not going to get into a battle with him over this because he respects him as the mayor. He's just expressing his views. Mayor Sodano said he thinks it's the right thing to do legally. Joe said his main concern is the taxpayer as he is always concerned about and he's saying let's sit back a little bit and watch this because they're all getting affected here. The Federal Reserve Chairman said pain is coming. Let's say they get this going and they hire and then they have to lay people off. Mayor Sodano said this is not an instrument to hire. This is a legal instrument. Joe said not to twist the words. Mayor Sodano said he's not twisting. He's saying they're ready to hire and they're discussing a civil service agreement. Joe said this will cost \$10,000.00 a year. He asked if he is going to tell the taxpayer they're going to pay the \$10,000.00. Mayor Sodano said so, he's saying that he doesn't want to move ahead on something like this. He'd rather roll the dice no matter what happens, he'd rather roll the dice legally. Joe said it's not legally. Mayor Sodano said it is. Joe said it's not. They haven't had one for how many years. Mayor Sodano said they've had a civil service ordinance in there all along. Joe said the guts of it. Mayor Sodano said that's not his fault. Joe said they're going over semantics here with words. Ben said he understands councilmember Dudash's position. He vaguely recalls whether it was himself or Mr. Truelove that said that \$10,000.00 number. That was a ballpark estimate should counsel have to be employed on a regular basis. They may not have to meet at all. There's a couple of things that have come out in the last couple of years that have pushed this, and he believes the PSAB even has an article in one of their recent, last couple of years, what happens when you don't have a Civil Service Commission. If they terminate an

officer, they can run into an issue. When you're trying to hire an officer, they can run into an issue. He doesn't want to get too deep into that point on the public record tonight. He'd be more than happy to have that discussion with him. The civil service rules and regulations will be involved should the borough decide to get a full-time officer. However, having the rules and regulations doesn't mean they get a full-time officer. They need the one for the other, but you don't have to have the other to have this. He can't speak for how the borough has done hiring in the past. Obviously, the general rule was you had to have three full time officers, but the law seems to be changing where it's just a raw number of officers part time or full time. Joe said to correct him if he's wrong, from what he fed them in the past and not him alone, Tina Davis and everything else. The whole bill up there in Harrisburg is so screwed up nobody can decipher what it really means. Ben said he wasn't quite sure which bill he was referring to at the moment. They can have the one with this part time and full time. It's not even that it's not even the bill. It's what our courts have been doing that the courts have now at least at bare minimum have required civil service at least to be around for a discharge of an officer. There are alternative processes but if you don't have the civil service, you can get yourself trouble. Joe asked how all these boroughs have been doing it. Ben said he hates to use the phrase but maybe by the grace of God. Beverly said she wanted to tell him why she's for this. First off, the commission is three people, three citizens. When they take over, control will be in their hands. They have to have public meetings where they have an agenda and they hear the cases, give their reports and have to keep minutes and records of everything. That's the law and the other thing it clearly maps out in this what is the procedure for hiring an officer. A written exam before the commission with a passing score of 70%, an oral exam and they get veteran's preference, which she's all for. The commission will designate who the examiner is, so it's keeping it separate. They'll get their candidate list, but it will all be by the book. It'll all be by the rules in here saying that this is what they have to do. The written exam, oral exam then there has to be the MPOETC stuff, the physical exam and there are also rules on people they won't hire, which she really doesn't think that they've ever hired anybody that they want. They prepare the eligibility list and by the time that eligibility list gets to them, they know what they've had to go through to get to them. Right now, they do it a different way, but she likes the structure of this. She likes the structure of physical and psychological exams that have to be done and also have a probationary period built in there which she doesn't think is something that that have now. Marie said they do have a 12-month probationary period. Beverly said if there's any grounds for discipline or reduction, it's all spelled out so that they can follow it and protect themselves legally. She doesn't see that it's a gateway to go out hiring. Joe said he keeps praising the Gettysburg one because that goes really into depth. If she can guarantee and if she can put in there that no council member would be on this committee, that would be good. Beverly said they can't do that because it's in the borough code. Joe said take it out. Beverly said it's in the state borough code. Joe said he's read some of the state stuff and they can put in there no representative on it. Beverly said she will have to look at that because it's in the borough code. Joe said everything becomes politicalized. Beverly said that a council member would be an applicant just like anybody else with all those other people. Joe said for example, say he puts in an application for it, he would beat everybody in this town for that position. He asked if she really thought these people would elect him. Beverly said if he were the best candidate, why not. Joe said be honest. Beverly said probably not. Joe said she just proved what he's saying and that's the problem. It's this town. It's like a cancer with this town. Politics gets into everything they have and that's why he thinks half this stuff doesn't move. Beverly said there was only one council member who did apply. He's not here this evening. Other than that, all the other candidates are all residents. They did their discussion and he's

fine with it. Beverly said if he's telling her that the Gettysburg civil service agreement has that you cannot have a council member in it, she wants to see it. Joe said for tonight's purposes, he just wanted to say his peace and she let him say it and he appreciates it. Beverly said this was just a discussion in preparation for possible consideration to approve it at the next meeting. Ben said he and Joe have disagreed about the authorization in the borough code allowed for a member of council to serve. He understands his political concern certainly, however, in a town this small, he doesn't think it necessarily hurts to at least have that open as an option. Whether council actually appoints one of its own to that, that body is a separate problem and that could be vehemently debated if that appointment wherever to be made or at least put on the floor. He and the mayor wanted to have this open so they could have this vehement debate and see if there were any other concerns with the rules because he doesn't think his honor, and while they want to move expeditiously, they don't want to run so fast. Given his experience, if he would want to take a look at the rules and has questions about this, they can have that discussion. He's sure the mayor would be happy to have that discussion. They did not want to have it on the table for actual enactment tonight but depending on some of the questions he may have, they would like to see it get enacted if council agrees at the next meeting. But if he has concerns with what's in front of him beyond that particular component, he thinks his experience would be valuable. Joe said it's whatever council wants to do to move on. It's almost like the fence. They beat it to death. Beverly said everybody should read it again and at the next meeting they can discuss, remove, make changes or whatever. She wants to see the Gettysburg one. I know I can tell you I've looked at budgets for other municipalities and they're not as forthcoming with posting their actual figures as we are. Dave Cahill asked how the fire company is involved in this. Ben said under the borough code if the borough has fire apparatus operators they fall under civil service. They do not currently but if they were to ever have something come up, they would be covered statutorily. Dave Cahill said just so everybody knows before they start paying volunteers because they have a shortage before they start paying firefighters here in Pennel Borough, they're going to start consolidating fire companies first. And Pennel is going to be finished. William Penn is about a mile from them and they're going to get Pennel's trucks and guys and Pennel Fire Company will be shut down in a heartbeat. William Penn has two stations, don't forget and they can handle all the apparatus Pennel has. If the Pennel Fire Company loses the funding from Middletown, they're done. They can't afford to operate. They don't get enough money for the operating budget from Pennel Borough. You cannot control that fire company by yourself. Gary Nickerson said he read it and thought it was detailed and in depth. He can see where Councilman Dudash is coming from but it's exciting that there's a lot of people that are applying for this but that might not always be the case and if they're in a situation where they need to hire someone, he would echo sentiments that the solicitor said. Sometimes they might need to put a council person in there to form a commission but hopefully they have robust applications, and they can put the best candidate in. Ben said he would prefer that they didn't have a member of council on the commission unless they absolutely had to because the commission, if it's called upon, will have to make a recommendation to council. The state law allows for them to have a member of council, but he thinks that's an option of not last resort but secondary resort. Mayor Sodano said in this matter he agrees with both the solicitor and Councilman Dudash on that particular issue and while he upset someone at a meeting with how he phrased his opinion on this the last time he said, he thinks it's important to have people that don't have previous experience and agendas within the political sphere of the borough on the commission. He doesn't think the civil service commission should be a political entity which is obviously Joe's main concern as it can

start to lean political, and he agrees that way, so he thinks that's also a consideration when they get to that point of looking at people. He thinks they should stay away from politics.

Discussion of snow parking

Mayor Sodano said he would like to discuss their Snow Parking Ordinance §350.27.2. The reason he wanted to bring this up tonight is they're getting very close to that time of year where they're going to have to be putting out for bid for a snow contractor. He has concerns. Last year there were a lot of people in the borough that were complaining about parking on the streets during snowstorms and justifiably so. One of the snowstorms in particular, not even the big one that they had, the one after that which was only a few inches. He counted and he purposely left out the 300 block of Woodland Ave., which is a known problem. Without that one, he counted 40 cars on the streets in the borough, which makes it pretty difficult for the snowplow operator. He's got to worry about hitting cars. He's out there while it's still snowing trying to help them out, trying to get ahead of it and there are cars on the street. Sometimes there are trailers on the street and that should never be and especially they shouldn't be left out there when they have a storm. On top of that, if those cars were there the next day, that whole neighborhood where that is and it's the council president's street, Walker Ave., was one he counted seven cars just on Walker Ave. When you drove down, you literally were in what would seem to be a slalom going side to side because people had been parked on both sides. They also have to consider the fact that the three major thoroughfare streets, Woodland, Crescent and DeHaven, which are snow emergency routes. That means if they have a snow emergency and he did declare at least one last year because they were predicting that they were going to have an immense storm, in theory, there should be no vehicles at all on those streets including the 300 block of Woodland. That's a snow emergency route and there isn't any place for those people to park those cars.

All of that said, his biggest issue is one of the major things that he and Chief Perry worked on this year, which is community policing. He's talked about it with the chief and they have worked very hard on it. He does not believe that it's the job of the borough Police Department to be code enforcement. They have a borough code. When they ask the police to do code enforcement, they're putting them in a precarious situation and they're also creating a problem that goes back to what Councilman Dudash was saying. That means they have to think every time it snows, they have to make sure they have two guys on because if one of them had to go around banging on doors at 5:00 o'clock in the morning, he or she can't be the only person on because if there's an accident, they need to have personnel there. They can't do both. He doesn't think they should be the ones that are forced to do it. He would like to hear council's ideas on how they want to enforce this parking ordinance. He asked if they want to just go ticket everybody and have them towed. He doesn't believe that's the right thing to do to the taxpayers. They try never to do that even now with other issues. He asked when they have the snow problem, are they going to go after the people if they ticket them or if they tow them after these people show up in court if they contest, which some of them may because for years, they haven't really enforced this. He doesn't want to be in that situation either. He'd really like to hear their feedback on how they want them to approach this and what would they like to see so that they can get to some sort of a resolution to get these cars off the streets boroughwide. He asked if they do everybody odd side, even side. He asked how they want them to approach this and then his suggestion is going to be they let everybody know by putting something in with their sewer and refuse bill saying this is what the rules are, and they will be enforcing them this

year. You will really have to do that one time, but he wants an agreement or at least guidelines from everyone what they want to see done because they may have to ensure that they have two people out there to make this happen. They're talking over time in a snowstorm just to get something that's been left to fester for years under control. Beverly said the ordinance reads snow emergency it shall be unlawful at any time to park a motor vehicle or allow the vehicle to be parked on any snow emergency route and they're listed. Borough police are hereby authorized to have any vehicle parked in violation of this section towed away at the expense of the owner of said vehicle. The signs were put up. Any person who violates or fails to comply it's a ticket in the amount of \$50.00. That's for a snow emergency. For a regular snowstorm, and it's the odd even thing and it's \$25.00 but it does say any police officer who finds a vehicle stopped or standing, it can be authorized to give them a violation or have them towed if he or she feels that it's a public nuisance. Mayor Sodano said on the odd, even thing, there's a problem that he ran into last year. He lives on the even side of the street and in the ordinance, it says they're going odd first even second. Not in one snowstorm, and he moved back into the borough in 2014, not in one snowstorm ever during that time has the odd side been the first side of the street to be plowed. What the snowplow guy did on his street is he always goes up the even side and back down the odd side and it was the same with Grimmer and it's the same with Seifert. They're going to have to decide whether it's even side first and they also need to let their contractor know how they expect that done. Beverly said she agrees with that. Mayor Sodano said her street was a mess last year. That last snowstorm there were so many cars on the street that he was worried for the kids because the kids were on the street as he was going down and he was driving slowly but when you're going down a hill with all of that going on and the kids are playing, it's a very dangerous situation. They need to address this and get an idea, and this doesn't have to happen tonight. He wanted it to be a discussion and they can finalize discussion if people want to think about how they would like to see this happen and finalize discussion on it at the next meeting. The weather is turning. This is the week that fall begins so they need to think about this and how they're going to enforce it and what they expect. He doesn't want to see the police be stuck in the middle of code enforcement. Twice in the last couple of weeks there were tractor trailers parked in residential areas of this borough. In both instances he knocked on the doors and he told the people the number of the ordinance and where they could look it up online and explained why they don't allow the trucks and asked them not to do it and, in both cases, he got positive results. He's OK with doing that because he doesn't think it's right that when somebody who may not really know that that's an ordinance and the first thing, they do to a taxpayer is knock on his door with a ticket for \$250.00 and that's what they're talking about on a tractor trailer, that's a \$250.00 ticket. He asked if that is the right thing to do to a taxpayer. He doesn't think it is. Dave Cahill yelled out that they don't have a problem doing that for the trucking company. Mayor Sodano said they don't normally do this, but the trucking company's attorney is the one who suggested the agreement that they said yes to. Dave Cahill yelled out something inaudible. Mayor Sodano said to him that that's the wrong thing to do. It's been allowed to fester, and he would like to give these people a chance and say this is how they're going to do it.

Mayor Sodano said as they may have seen on the agenda further back, they've lost another part time officer. That officer was hired full time in Yardley, so they need a part-time officer. As it turns out, Richard Tucker contacted them. He's a 30-year veteran of the Jenkintown PD and was a lieutenant. He's retired and he's decided that he needs to occupy himself a little bit in retirement and he can certainly agree with that sentiment, and he would like to pick up a couple of shifts a week as a patrol officer. He doesn't want the responsibility of 30 years of what being

a lieutenant has brought him. He did a short interview with the Safety Committee and his resume spoke for itself. He would recommend him from the standpoint of two things. First off, they need to replace someone and at this point they need to fill some shifts and secondly, this is a person unlike when they hire new graduates from the academy, will require an extensive training period. He was a trainer and all he wants is to be a patrol police officer again a couple shifts a week and he's open to days, night and weekends. So, he certainly fits the bill and he's ready to start in about 10 days.

MOTION BY BARBARA HEFFELFINGER TO HIRE RICHARD TUCKER AS A PART TIME POLICE OFFICER IN PENNDEL BOROUGH POLICE DEPARTMENT. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2022-14 APPLICATION FOR THE RDA GRANT PROJECT TO REPAIR THE POLICE DEPARTMENT ROOF. SECONDED BY JOHN STRATZ. All ayes, motion carried.

New Business

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE RESIGNATION OF PATROL OFFICER HEATHER CARNIVALE EFFECTIVE SEPTEMBER 14, 2022. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE RDA GRANT APPLICATION FOR MUNICIPAL BUILDING IMPROVEMENTS AND CREATION OF A RESOLUTION TO COMPLETE THE GRANT APPLICATION SUBMISSION. SECONDED BY GARY NICKERSON. Beverly said this is improvements to the municipal building. They're going to complete the front door project and also the back door to make it ADA compliant and also included in here is the electronic messaging sign from Costars. They're trying to get a grant for it as part of the overall reconstruction. It'll be a public safety feature too. If they are awarded the grant, it's going to cost them in architect design and planning about \$28,000.00, which is not that unheard of with these grants. The engineering firm is Gilmore and Associates. In their scope of service, they will do the application, engineers' opinion of probable cost, concept sketch plan, dissipated schedule, resolution, which is part of what the motion is and photographing existing conditions. So, it'll be the new front doorway entrance with accessible hardware, the beadboard ceiling and the replacement of the porch door trim, painting and installation of a new light LED light fixture on the porch, so they can see a little bit better in the dark and then some park benches out front and get rid of the old ones. The second scope of work is the rear entrance. Gary asked about the cost. Beverly said \$28,000.00 for the architect and engineering phase for the entire project. Marie will be sending out all these copies so they all can see them. The second scope of work is the engineering and architectural consulting to make the rear entrance ADA compliant. If they get the funding and it'll be for the design as well, the rear entrance with ADA compliant doors, ramps and handrails, the whole ramp will be redone, design and installation of a keyless lock system for the front and rear doors that was recommended by Chief Perry at one point and then of course the electronic messaging sign at the front. So, they're going to prepare all the documents, do the bid process and all of that. The fee that they're going to charge is \$28,270.00 and that does not include construction. The construction would be the grant. This is the engineering and architectural fees. Mayor Sodano asked what kind of money it would be, the grant looking to accomplish that much. Beverly said she didn't have the paperwork with her. But she said it is in the neighborhood of \$175,000.00.

They've gotten grants in that amount before. Mayor Sodano said the reason he asks is because there will be people not happy, and the police roof is a priority. They're talking a lot of money, probably a number in that neighborhood for the police roof. He asked if they lessen their chances by appearing greedy and asking for too much. The reason he asked is that most of the boroughs around them usually don't over ask. They hit strong on one item. Beverly said that they get substantially more than Pennel does, so she doesn't agree with that. She thinks Langhorne Manor Borough in the last two cycles has asked for in an excess of half a million for projects up there like including, she thinks roadways and their storm sewer clean out, which have nothing to do with Parx Casino and they got the money anyway. They will not jeopardize the police department roof in any way. As a matter of fact, on last year's grant, they only got a small portion of what they asked for, but the police got everything they asked for. She thinks the RDA prioritizes that kind of a situation. Mayor Sodano said he doesn't want to be put in a predicament where they get shuffled off. Beverly said the RDA did contact them last go around and asked them to prioritize the projects. They put them in a priority order. Mayor Sodano said that makes a difference then. Beverly said Joe Hogan contacted them, so they put them in priority and other folks got their full amount and borough hall project got less than half. It's not the intention to take anything away from the police department. Mayor Sodano said he wasn't saying about taking away, he doesn't want it to appear that they're greedy because they are people in that structure of that group that have their favorites and he doesn't think they're often one of them. Beverly said in previous years they got everything they asked for. Last year was the one year that they didn't get exactly everything they asked for in the amounts they asked for. She thinks that was all tied into what happened during the interview process where they shortchanged them and asked them to run over at the last possible minute and they only gave them ten minutes if even that much because Sean Schaefer needed to be somewhere. Dave Cahill yelled out that that was a lie. Barbara said she got caught behind the bus. Tell the truth. Beverly told Dave to please stop calling out. Dave said don't make up a story. She knows what happened. Beverly said she is not going to engage him with this. She knows what happened because she was there. Joe asked to clarify, with the building here, if they get the grants, do they need three contractors. Beverly said Gilmore and Associates will take care of all of that. They will have to put it out to bid. Ben said he's not sure what the number will be next year, but the number has been around \$20,000.00 and is probably north of \$22,000.00 coming next year that they're going to do the full advertised bidding. The three quotes come in at an intermediate level but normally once you get above \$20,000.00 or so, they have to go through full advertised bidding, which is what Ms. Schuehler went through. That large product had one person reply back to that one project she went for a full process. Carol said they went through more than a full process. They saw her letter to the county. They actually had it out to bid longer than usual and advertising extra time and they still only got one bidder. Beverly said Gilmore & Associates are very good. They have architects that they have on staff and that they use. They got the same architect that did the front project and the landscaping, all that. They have the resources that they need for a project like this. Marie will be sending a copy of this out to all of them. All ayes, motion carried.

Beverly said the Pennel Middletown Emergency Squad is asking to purchase these stair chairs which are used for getting people from an apartment with a lot of stairs. They want \$24,591.50 in this application process. Barbara said they flop this in front of them at the last minute and Marie has to do it because she's the only one on the portal. Beverly said they will make sure that it's handled. They have a week and a half. She's pretty sure Geoff was informed about this

too and she thinks he wants to help which he should be helping. They don't want paper applications. They have to put them in on a portal. Joe asked if the fire department has their own portal. Beverly said the borough is sponsoring it. Mayor Sodano said the same thing with the fire department. Beverly said if there is a problem, she can actually come over and key them in.

MOTION BY JOHN STRATZ TO APPROVE THE RDA GRANT APPLICATION FOR PENNDEL MIDDLETOWN EMERGENCY SQUAD FOR THE PURCHASE OF FIVE STAIR CHAIRS AND CREATION OF A RESOLUTION TO COMPLETE THE GRANT APPLICATION SUBMISSION. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Beverly said the total project cost they're looking for is \$97,500.00 to complete the electrical which she thinks it was last year or the year before they did phase one of that electrical panel with an RDA grant and this is pretty close to the same amount.

MOTION BY JOE DUDASH TO APPROVE THE RDA GRANT APPLICATION FOR PHASE 2 OF THE FIRE STATION ELECTRICAL PANEL AND CIRCUIT BREAKER REPLACEMENT PROJECT AND CREATION OF A RESOLUTION TO COMPLETE THE GRANT APPLICATION SUBMISSION. SECONDED BY JOHN STRATZ. Joe said that Rich Schramm said he was going to send a message to change this. He thinks they were going to go for the roof. Beverly said they have all the letters. Joe said he was talking to him today. Beverly said he said phase two they were going for. Joe said he was going to send her a message. Maybe he changed his mind. Beverly said they have the documentation, contractor estimates, all of it. Joe asked if that helps Marie put this stuff in the portal. Beverly said she would have to have all that data, but she has to put that data in for all of it. All ayes, motion carried.

Public Comment

Terry McIntyre, asked on the bleachers project if they have any idea what the warranty is on those bleachers. Beverly said she's looking for it. Terry asked Mayor Sodano if, in the future, if a full-time officer is hired does that mean more police on the streets at any given time or does that just mean less call outs and more coverage. Mayor Sodano said initially, less call outs and more coverage. He said he doesn't know if they've noticed but they have made a concerted effort recently to try to have extra people on for rush hours especially with the traffic that had happened with the railroad and the bridge and everything like that. The difficult part is staying within budget. They're currently under budget for the year still and he doesn't want to change that but moving forward eventually that is what they want to do. They want to as often as possible, have extra hands for rush hours and then also long term what would be considered the last call hours. They're working to try to add people there. That's a harder one because getting extra hands over that shift isn't always easy but that is our long-term goal. Carol said for the bleachers, five years. The product shall be guaranteed for a period of five years after completion against defective materials, three years on workmanship, the installation, all aluminum seats and foot board members warrantied for five years against loss of strength or failure of the finish. So, five years. Terry said that's good because bleachers will take a licking and they beat the daylight out of these bleachers. Everybody does. Terry said not to disagree with the mayor, but he thinks the tickets given out during a snow emergency or a snowstorm is the job of the Police Department. They give out tickets all the time on every other side street, so he thinks that that's part of their job and if \$50.00 isn't enough, then raise it to \$150.00. People

have to get their cars off the street so they can get these streets clear for safety and emergency vehicles and anybody else. If they raise that up to \$150.00, they will have a lot of people moving their cars a lot faster. He lives on a street where you don't dare park on a state road during a snow emergency or car will be buried or pushed into the curb, so you learn pretty quick.

Dave Cahill, asked if it was true that the chairman of the Zoning Hearing Board Rich Keller got a cease and desist on his deck work over at the twin on Woodland Ave. Beverly said she didn't know. Dave said just so they know, he talked to him today and he confirmed that he got a cease and desist to stop because he had no permit. He just can't believe that this happens in the borough, that people just keep continuing to do things without permits and the chairman of the Zoning Hearing Board, that's amazing. Dave asked Ben if the fence thing is finally over. Ben said no, and that's all he'll say about that. Dave asked the mayor if he saw the chief working on Saturday. Mayor Sodano said I don't know, did you? Dave said he thinks he did. Mayor Sodano said are you asking him did he see him or was he asking if he was on duty. Dave asked if he was working. Mayor Sodano said yes, he was. Dave said that's all he needed to know. He said he has a couple of right to know requests here. He has one for a copy of cell phone call data and text messages from 55C and 5506 on July 4, 2022, and he has another right to know request for review of Carol Schuehler and or Value Engineering's billing for the first phase of the LED light replacement at the Pennel Memorial field. He asked if he should give them to Marie. He said he's been noticing a little bit of favoritism going on around the borough. As everyone knows, his mother moved out of the borough in 2015 and she was required to do a chimney liner. He believes they have a chimney cert here in the borough as part of the ordinance and his mother did a chimney liner and he noticed that there are no chimney liners at the old Sue and Jim Anderson residence or their daughter who moved who he believes both have oil heat. He believes that this could be a very big issue down the road. He's curious why they don't have liners and why his mother was forced to do a liner when she moved. There are fumes that if the chimney is leaking and fumes get into the house the fumes are a killer and somebody could die from this and he's just kind of curious who made the call for no chimney liners at these two residents on Cynthia Ave. Beverly said she has no idea where their daughter lived. She asked what the address was. Dave said the one address is 482 and he'll have to get her the daughter's address. He believes it's the 500 block. He's just a little curious on why the borough would stick their neck out to do somebody a favor for something that's required and then later down the line if somebody dies there could possibly be murder charges from this. It's really sad that after all these years that he's noticed this kind of stuff. He let his neighbor put his fence up. The six-foot privacy fence and he asked if she has the information for him that she supposedly had last meeting. Beverly said he left. Dave said no, she told him that she didn't have it. Beverly said she held up the map that she drew. Dave said she drew a map. He thought that was just a joke. He asked if that is his report. He said he's not messing around with this and they're going to get a letter from his lawyer and also for what they're doing to them in the beginning of the meetings with this public comment for agenda items only. She needs to let them ask questions. She knows how this works. Beverly said she knows how it works. Beverly said she would make a copy of the picture. Dave asked if there is a report or is it just a picture. Beverly said she's just a layperson. Dave said so, she doesn't know who to give this problem to so he's going to have to get a lawyer. Beverly said anybody who would absolutely just look at the very basic information about what he said yes, that water is running uphill and flooding his driveway. Dave said he did not say that. Beverly said he told them the water was backing up. Dave said he didn't tell them the water was running uphill. The

water is backing up. Beverly asked backing up from where. Dave said he told them. He said they are absolutely pathetic. He'll go his route and they'll see how funny it is. Dave said to Mayor Sodano, hey Mr. Rat, he believes since he likes to take pictures of the trucking company and he sends them to Truelove's secretary, he asked if he sent any pictures to the chief for the basketball nets, trailers, wave runners and jet skis. He asked why they're still parked in the street. Mayor Sodano said he doesn't have any pictures of them. Dave said so, he drives around and takes pictures at a trucking company of their trailers and then you send the pictures to Truelove's secretary but he's saying he is not taking pictures of the of the trailers, jet skis and wave runners. Mayor Sodano said he doesn't remember taking any pictures of trailers. The police department can go move them off the streets.

Council Members to be Heard

Beverly said all this stuff about public comment, she started going back and reviewing all the public comment that they've had to listen to for the past few years and what she found are the same four or five people with the same things over and over again. She also wanted to point out what other municipalities do. Langhorne Borough has in the beginning one public comment. They're limited to three minutes, non-agenda items. Then there's a second public comment later on in the meeting where they're allowed public comment. Sounds eerily familiar doesn't it. In Langhorne Manor Borough, they need to fill out a form and submit it to do public comment in the beginning and if they don't fill out this form and they don't know about them, they're not going to let them talk. Then later down in the agenda towards the very end is a comment from residents and visitors section after all the business of the borough is done. She asked what they are doing different that other municipalities aren't doing. Nothing.

Terry McIntyre said historically before they would vote and take action, they would open it up for comments. Beverly said she did that for years that's why their meetings went to 11:00 o'clock. Dave Cahill said so it's a time thing. They don't want to be here that long. Beverly said to Dave this is her public comment time. Shut up please. She doesn't like what she hears from his, but she gives him the time to talk and the courtesy. She asked if she could have it back. Joe Dudash said he wanted to follow up with the EIT research. Ben said generally, there are two parts. When the subject came up and was researched and he had to make clarification it wasn't Mr. Truelove who did it, it was a colleague of his looking into it. That question isn't entirely closed. They're just trying to finalize an answer for him. He has the draft memo and can give it to him with the proviso that they still have one or two questions. Joe asked him to send a copy to Councilwoman Heffelfinger. Beverly said she thinks they should all see it.

MOTION BY JOHN STRATZ TO ADJOURN THE MEETING AT 9:10 P.M. SECONDED BY JOE DUDASH. All ayes, motion carried.

Submitted by: Marie Serota
Marie Serota, Secretary/Treasurer



September 19, 2022 Engineers Report

Penndel Borough, Bucks County

➤ CDBG contract for Bleachers

The Borough was awarded a Community Development Block Grant for replacing the largest set of bleachers at Memorial Park. Only one project Bid was received, and it was higher than anticipated.

The County has granted the Borough a contract amendment to fund the contract at the bid price. I recommend Council award the contract to Premier Builders Inc. at the bid price of \$168,990.

CDBG contract for Memorial Park Restroom ADA Improvements

A final inspection was performed Friday toward closing out the project. The work is substantially complete. Council should consider whether to keep this building moderately heated during this winter or drain all the plumbing fixtures to winterize the facilities after the Wildcats season is over and turn off the bathroom heaters.

CDBG contract for Phase 2 Lighting

The Borough was being awarded a Community Development Block Grant in the amount of \$150,000 for additional lighting at Memorial Park. The project is out for bids, and bids are due this week.

Pavement Surface Treatment

Cape Seal for Oak and Holly Avenues was awarded at the last Council meeting. Contractor AMS has prioritized the project for Penndel and was in the Borough today preparing the roads for treatment. They also put door hangers on resident's front doors to explain the process. A sample door hanger is attached.

PECO Green Region Grant – Spring Street

Tree removal is scheduled this week, and weather permitting you will have Haines Paving and Landscaping in shortly thereafter to perform drainage work.

PECO Green Region Grant – Next Application

Penndel Borough cannot apply for this year's PECO Green Region grant because you won a grant in 2021, but you can apply next year. I have been in communication with Councilwoman Heffelfinger and PC Chair Kreiseder about ideas for removal of invasive species in Taddei Woods and planting of trees that are tolerant of wet conditions. Between now and next year, the Borough may wish to formulate such a plan and seek funding for next year.

Penndel MS4 and Stormwater Ordinance Update

Annual MS4 reporting has been drafted for submission to DEP this month.

As a condition of the MS4 permit (PA130051) the Borough is required to update the stormwater ordinance to incorporate aspects of the DEP 2022 Model Ordinance. The revised ordinance must be in place prior to the permit renewal due date of September 30, 2023.

A draft ordinance was sent to the ordinance committee in October of 2021. The time has come to prioritize the ordinance revisions for timely implementation. I will be happy to resend the draft if that would be helpful to the committee.

Penndel Sewer System Reporting

The 2022 mid-year report on the Borough Collection system was prepared and sent to DEP and BCWSA in mid-August. The Borough is completing the tasks outlined in the Act 537 Plan on schedule thus far.

The report described work completed and listed detailed average daily flows to each pump station and leaving the Borough. The average flow rate leaving the Borough was slightly down compared to previous years.

Average daily flow for the first six months of:

2022	0.264 MGD
2021	0.290 MGD
2020	0.270 MGD
2019	0.320 MGD