

Penndel Borough Council Meeting Minutes

October 3, 2022

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

Present at the meeting

Council President Beverly Wolfe - absent  
Council Vice President Gary Nickerson  
Councilwoman Barbara Heffelfinger  
Councilman Joe Dudash  
Councilwoman Laura Germain - absent  
Councilman John Stratz  
Councilman Joe Adams – arrived at 7:35 p.m.  
Mayor Tom Sodano

Also present at the meeting

Geoff Thompson, Borough Manager  
Police Chief Sean Perry  
Marie Serota, Secretary/Treasurer  
Ben Hauser, Solicitor, Hill Wallack  
Carol Schuehler, Engineer

Presentation by Chief Perry & Mayor Sodano Chief Perry and Mayor Sodano presented a certificate of appreciation to Gerald McHugh for his generous donation to the police department to upgrade three computers. Gerald said this was on behalf of his family who have been part of the borough since the 1930's. They have always supported the borough and the fire company. He said this is a final farewell from the McHugh family as they sold their property a year and a half ago. He said they appreciate everything and wished everyone the best of luck. He said he hopes that the democrats and the republicans can get together and work together as a community and not as separate units. This is a community that needs to grow and not fight amongst each other. Gary Nickerson thanked Mr. McHugh for all his work and donations and his work towards good deeds for the borough.

Schoolhouse Court – Lot 2 waiver request copy attached.

Ben Hauser said they would move right to Schoolhouse Court. It is his understanding that Mr. Brydzinski and maybe Mr. McManus are in the audience. There was a request for waiver from the SALDO over respect to a driveway grading. However, it is his office's opinion that requires formal amendment of the application. However, his office has also been apprised that the prospective purchaser of the property is trying to lock in a mortgage with that interest in play. There was a motion placed on the agenda, which he will now read a suggested amendment to make sure it is more precise. Mayor Sodano objected. He said this council has been adamant in restricting that anyone in the audience can speak and they've only allowed two times regularly over the course of the past couple of years that would be public comment on agenda items, which this is an agenda item and they're proceeding with it without public comment. Ben said there will be public comment upon the vote on the motion. The Sunshine Act requires before council actually votes, to have taken official action that public comment be made. Mayor Sodano said so, he is saying that council, not having taken public comment before action votes for the past two years was in violation of the Sunshine Act. Ben asked the mayor to repeat the

question. Mayor Sodano asked if he is saying that when council voted without public comment on agenda items, etc., for the past two years, were they violating the Sunshine Act. Ben said no. Mayor Sodano asked why it changes for this. Ben said they'll notice that there are agenda items, and number three is a special agenda item, much like a land development. Six through nine is the regular agenda and this is a special item and there will be public comment allowed. The next item on the agenda will be public comment on the remainder of the agenda and then there will be a final public comment on the agenda. So, before council acts on #3, it will be given to the public for comment on that item only and that is permissible. Joe Dudash said he has to agree with the mayor. This is what the public's been screaming about. Ben said the public is going to get a moment to comment on this item and then comment on the rest of the agenda afterwards. Joe said it's after the fact. Gary said there's no action taken. They don't even have a motion on the floor. Ben said he will read the amended motion and if someone makes the motion and there's a second, there will be public comment. He suggests that council make a motion to amend what is listed as motion item number #3 and then, depending whether that motion carries or not, there will be public comment when there's discussion on the amended motion or the non-amended motion. Joe Adams asked Ben if the action of making the motion in itself is an official body action and they still haven't had public comment. Ben said the motion itself is not the official action. It is before council votes on the motion that is action.

**MOTION BY JOHN STRATZ TO AMEND THE SCHOOLHOUSE COURT PROJECT WAIVER ON THE AGENDA. SECONDED BY BARBARA HEFFELFINGER.**

Ben said if the motion does carry, the amended language would be placed in the agenda that would be posted publicly within 24 hours. The purpose of the amendment is to clarify the certain steps that the developer/applicant must take to satisfy the requirements of the motion. This was brought to their attention by the borough manager that perhaps, the previous language put the cart before the horse, so that was revised. It requires them to get the report to the borough code officer and apply for a subdivision and land development amendment because the item they seek to modify was not included in their original plans and they would have to go through the land development process as well.

**Mike Smith** said it seems to him that they have a problem here. They only enforce certain things. He has no problem with whatever they want to do over there. The problem he has is they've switched things around. Let's enforce it for Barbara. Gary's doing the same thing but they're going to let him do it. He asked when this council is going to get their heads out of their asses. This is crazy. Now they come up with this. Ask the guy to do something. He's sure he'll do it. They've been going round and round since he was on council. This is crazy. But the selective enforcement or the enforcement of, depending on who it is, leaves a lot to be desired. They're all obviously a part of this. Do what they're going to do because it's going to get worse.

**Jim Fogarty**, said he's spoken here a couple of times about this, and he will disagree and say if they ask them to do something, they will because they won't. It is now over a year since he moved in and knowing everybody's punch list the way he does, and something was wrong, his house was the easiest by far. His experience of 20 years in the field and all he's had done a little paint touch up. His kitchen cabinets are still not fixed, and he was told it was the supply chain, which he's well aware of the supply chain issues. He deals with supply chain issues every day at work. He is still renovating the entire floor of a hospital, so he knows how long it takes to get stuff. There are a lot more residents who haven't spoken tonight and they could probably tell them they have similar experiences, but he would ask not to give any U&O's until these lists are completed for all the people that have bought. He thinks everyone is there a year

now. His belief is they get these two houses done: they're going. His house is easiest. Other people's houses, they have a lot more issues.

Ben said he just wants to clarify one or two things. The question was raised about the asking of addresses. In reviewing certain case law in the last week or so, the courts in this district of federal courts does not require that the address of the speaker be given. He apologized to Mr. Smith that he did not interrupt him at that time. He believes his address is well known anyway. That being said, he will also note that the discussion is only on to amend the motion right now. The substantive motion, whether it's amended or not, will be up for discussion will be up for motion and discussion after that. The motion itself on the granting of a temporary U&O is still going to be discussed after this motion, if that makes sense. If they still wish to speak, they are free to come up and do so. Joe Adams asked if what he's saying is they're just voting on whether or not to put the red text in the black text but then coming up there's going to be another opportunity for the public to vote on this subject. Ben said yes.

**Jay Moser**, said temporary usage, as Mr. Smith spoke about, becomes permanent usage in this borough. He thinks solve the situation first and then let him sell the homes. Make them do it right the first time because it's not going to get done right. Things get pushed over and passed up even when they come to council. This matter is nothing different. Fix it first.

**Jill Glover** said she is from Schoolhouse Court. They have the same problems. They have a punch list that has not been done for over a year and they're going to be handed over to an HOA that they know nothing about. The streets are not in good working order. There are a lot of things wrong, and they'd like them fixed before they sell those two houses.

**Jesse Blucas**, said he also lives on Schoolhouse Court. One thing that might actually interest them is that he has a deck out back that is attached to his house. The hardware that supports the deck doesn't fully support the deck. It's not completely bearing on the concrete piers that are underneath the wood framing, so it could slip off of those at any point. He prevents children from using the deck as much as possible. It's a major concern. There are plenty of other things that he could go through. His basement has water leaking into it almost every time it rains. He has pictures from the last rainstorm. They have a drain in their backyard. For whatever reason, other houses have gutters that go directly into underground drains. He has a constant moat that surrounds his house that prevents his children from using the backyard, as they intended when they purchased the house. He can go through the full list if anybody would like to hear it. Joe Adams said he thinks they should wrap up on this to vote to move this. Joe said what he and the other residents have said, none of that's being lost on them. They're going through the formal procedures here but they're taking this into account. They'll be opening the mic back up again and it is totally OK if he comes back and says exactly what he said, if not more. Jesse said maybe he's just misunderstanding this. There's no decision being made before they get to speak on anything that has to do with Schoolhouse Court. Ben said that is correct. The only decision being made is the suggested amendment, which his office recommends the amendment to what was stated on the agenda paper. As for the actual motion, once that comes up, his office has no recommendations. Jesse said this is the first time that he's been to a meeting, and they are setting a horrible example, to be completely honest. This is why he stays out of politics. He's just here to make sure that his punch list gets done because he doesn't want to have to fork out the money himself for things that they should definitely be taken care of. There were things that he mentioned when they sat down to sign the paperwork that they acknowledged and didn't address. He saw Rich at Wawa a few months ago and his

response was send him an e-mail and they'll take care of it. He hasn't heard a word since. He doesn't understand why anybody would think if he goes and sells these houses that they're talking about, they're welcoming new people into their community knowing that the work that's promised to be finished isn't going to be finished. There are what, eight new residences on the street right now and he thinks all of them have unfinished punch lists, so why would they welcome new residents in. It just doesn't make sense. Joe Dudash said he doesn't even think they should be talking about this, as the residents have been saying. He doesn't agree with the amendment or anything. He and the mayor have been screaming about this one house. They grew up in this town and went to that school. They know what's under the ground. They've been screaming about it since they started laying concrete. This is ridiculous and then he listens to the residents. The one poor lady can't take a bath. They're not doing the stormwater right. They're not planting the trees right. They have followed nothing. This is a waste of the taxpayer's money that they're even looking at this. He's disgusted with the builder and everything else. It is just ridiculous that he has to sit here and spend tax dollars on this crap for shoddy work. Like he said, he and the mayor have been screaming about this one house from day one. When they laid that concrete, they knew it was too high. He's not even for this. He's with the residents and the taxpayers. Ben said he certainly understands his concerns and he believes that was part of the reason why this was tabled for tonight by Ms. Wolfe who, is not present. The simple thing is this is the motion to amend, and this makes them before they get anything, have to submit required reports to the officer and apply for an amendment to their land development application. That's the amendment which they would recommend the yes vote on. Then the next matter would be as it's amended, would they then approve under those conditions and he thinks if he's reading him correctly, his objections are not necessarily to the amendment. They are to ultimately the amended motion, either way they slice it. Joe said he thinks this is a waste of his time and the taxpayer's time and that he has to spend money for him to look over this thing when they know it's a disgrace how this whole operation has been handled. Ben said and he thinks that the individuals in the audience, both pro and con, are hearing that as he speaks. Joe said he's saying that he added word and legal verbiage in here and modified it. Ben said yes. Joe said his concern with this borough as the residents have said, every time they do something like this, either the residents get a bum deal out of it, or the borough does. Joe said so, what Ben is saying is they're just taking a vote tonight for the verbiage. Ben said they will be taking two votes. The first vote is on the verbiage and the second vote will be on the substantive issue on whether the council wishes to grant a temporary Use and Occupancy permit, subject to the conditions of the motion. Joe said so, on the second vote then they can have a substantive discussion. He thinks that's where the confusion is. Everybody is thinking this is a done deal and it's not. Ben said he will reiterate that they recommend adopting the amendment. Gary said after speaking with the solicitor, apparently this was prompted because there was a party that was interested in purchasing the house and with how interest rates are going up, and for one reason or another, this pretty much would be the last opportunity for them to purchase the house. They're essentially putting all of the pressure back onto the developer to get all of these things done. The person who's interested in buying the house, if they were to receive a temporary U&O pursuant to if the developer follows all these things, then they could in theory proceed with the purchase of the home. Ben said there is a request for a waiver and the way the waiver request was in of itself not in proper form, it should go through the land development process of the land development amendment. The consensus of his office, with the discussions that they had with the developer's council; this is more for the secondary motion. They were informed on Friday that there is a person who is

under an agreement of sale and who is locked into a good rate that they may not see for some time. It is really council's decision whether they want to do it. They are under no obligation to do so. In his view, the developer would have to go through the amendment process to have the grading of the driveway corrected and then if the building code officer is satisfied with other matters, and that's a separate matter, but if the developer is hearing some of the consternation from the crowd, that's a separate matter. Right now, what's right before council at this moment is just to adopt the recommended changes to the motion previously presented. Gary said item one, the submission of a development application for modification or waiver, that would have to be made by the developer with regards to the driveway and normal process that there will be a formal submission that would go to the Pennel Planning Commission and they would review it and they would make a recommendation to council and council would then act on that, however they decide. Item number two is the reports and he spoke to the borough manager about this regarding the building inspector. Apparently, there have been requests for an engineering report regarding the issues with the basement and the garage. This is the issue that Joe and Mayor Sodano have been talking about. Apparently, there's been a request for this, and the building inspector has requested this, and they have not received it. This would be requiring them to provide that, and it would have to be an engineer, would have to certify that that building would be safe and other issues he believes not limited to things that the building inspector would also require. So, it would simply enable them to have the authority to issue a temporary one if all of items are satisfied. Ben said it is his office's recommendation the amendment be adopted but then what they do after that, is very much their decision. A roll vote was taken. Joe Dudash, yes, Joe Adams, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. All ayes, motion carried. Ben said to Marie that she now has the amended motion. He recommends that the agenda with that amendment be placed within 24 hours of tonight's meeting on the borough website and available to the public.

**MOTION BY JOE ADAMS TO APPROVE THE GRANTING OF A TEMPORARY USE AND OCCUPANCY PERMIT FOR LOT 2 OF THE SCHOOLHOUSE COURT SUBDIVISION CONDITIONED UPON: 1) THE SUBMISSION OF A LAND DEVELOPMENT APPLICATION FOR MODIFICATION OR WAIVER WITH RESPECT TO THE DRIVEWAY AT LOT 2 OR ANY OTHER NON-COMPLIANCE WITH THE PREVIOUSLY APPROVED PLAN AND BOROUGH SALDO ("APPLICATION"); AND 2) THE SUBMISSION AND, WHERE REQUIRED, APPROVAL OF ANY AND ALL ENGINEERING REPORTS ("REPORTS"), INCLUDING, BUT NOT LIMITED TO, THE REPORT CONCERNING THE GARAGE FOR THE LOT 2 PROPERTY, REQUESTED BY THE BOROUGH BUILDING INSPECTOR AND CODE OFFICER OR ANY OTHER APPLICABLE OFFICIAL WITH RESPECT TO THE PROPERTY, WHICH HAVE NOT BEEN SATISFACTORILY PROVIDED. SAID APPLICATION AND REPORTS SHALL BE FILED WITHIN THIRTY (30) DAYS OF THE APPROVAL OF THIS MOTION AND SHALL SATISFY ALL APPLICABLE REQUIREMENTS GOVERNING LAND DEVELOPMENT WAIVER APPLICATIONS AND THE REPORTS SHALL SATISFY THE BOROUGH BUILDING INSPECTOR AND CODE OFFICER, OR ANY OTHER APPLICABLE OFFICIAL. IN THE EVENT DEVELOPER/APPLICANT FAILS TO COMPLY WITH ALL THE REQUIREMENTS OF THIS MOTION WITHIN THIRTY (30) DAYS OF APPROVAL OF THE MOTION BY COUNCIL, THE GRANT OF AUTHORITY UNDER THIS MOTION SHALL AUTOMATICALLY EXPIRE AND BE VOID. AS SUCH, UNTIL THESE CONDITIONS ARE SATISFIED, NO TEMPORARY USE AND OCCUPANCY PERMIT WILL BE ISSUED. IN APPROVING THE GRANT OF THE TEMPORARY USE AND OCCUPANCY PERMIT, THE BOROUGH DOES NOT CONFIRM, IN**

ANY CIRCUMSTANCE, THE FINAL INSPECTION OF THE PROPERTY SUBJECT TO THIS MOTION. SECONDED BY GARY NICKERSON.

**Jim Fogarty** said that Jesse spoke about his deck earlier and that has been an issue that he brought up multiple times in emails and even talked to their superintendent in person. He has 20 years' experience. This is simple, basic carpentry. Simple, safety and engineering of houses. He has gotten nowhere in getting these decks brought up to any form of code. Some of the newer ones were built better. He thinks they had a different contractor. The first four were particularly the worst. The next four that are sold, there's four decks up front and are not complete, as of yet. They've just been let go. He did crawl under there for a couple of neighbors just to check them out. Simple, safety and engineering issues are still present under them, so he wouldn't trust them to do it right because he's seen how they do it. This is not expensive stuff. This is lagging the deck to the house and not throwing a couple of framing nails in. Council has seen the pictures of how they laid their posts on the footings. In his personal opinion is they're running. They did a repair on the street for the internal puddle. The repair didn't work. It was laughable because if they go there right now, they're going to see the big swimming pool that's been there for a year plus. They're just not doing it. He said he emailed Rich McManus in January and he's still waiting for his reply. They're ten months in. His list was simple and everybody else is the same. He said they should not give any U&O. He has a mortgage, and he knows rates suck right now. But he also knows the real estate market and he would have no problem selling it once they finish the actual projects they started. There are a couple of the wives on the Association Board that he said they shouldn't be taking any more fees and paying anything until the project is actually done. He heard the rates are going up and he never got any kind of emails or any explanation of why. He's in construction and he's really reasonable. If they say XYZ is why they're charging them this amount and why they're reassessing them to \$700.00 from \$350.00, he'd probably be OK with it if it makes sense. Not just a message from an attorney with no paperwork behind it that says it's going to be \$700.00 a year now. The other residents have a lot to say. Council has heard from him many times. He'll let them speak.

**Jill Glover** said they have not had their punch list done and they have been waiting for over 10 months. If they let these people move in there, it's going to be the same situation. They're going to be waiting and waiting and waiting. It's not fair to the people that have been living there who don't have the work done. They're paying their rent, mortgage, all the bills and everything and they're not getting anything. She asked why they are not getting any answers. She asked why they allowed them to start those other two houses and not finish theirs. She said she doesn't understand why they are living with a trash compactor out front for a year. It's a health hazard and that's not fair to them.

**Jesse Lucas** said he just wanted to back up what Jim said. With the way the economy is right now, everybody knows that the real estate market it's on its way down. He feels that they're just trying to get these done and get out before people don't want to get a mortgage anymore. It was already mentioned the thing about the rate, and they feel that they're not going to get this rate for a long time. He completely agrees with that and again, those houses have sat there for he doesn't even know how long at this point. The properties have been under development for way before any of them have moved into them. It seems like it's been an extremely long, drawn out project and at this point, they're just trying to get these last two finished and get people in there. He guarantees if they go into those houses, there are just as many issues that they could bring up or that future homeowners would bring up on a punch list just like any of the other

existing homeowners would. He doesn't really think it affects any of council at the end of the day, but at the end of the day they're going to have new residents moving in. They are brand new homes. These aren't existing 10, 20, 30-year-old homes that people are just renting. They are brand new homes. He hasn't been doing it as long as Jim, but he's been doing it almost 10 years and he knows what things are supposed to look like when you purchase a new product and there are plenty of things that he hasn't mentioned that he would never be OK with quality wise. He's just trying to present the big issues here because these are things that never should have been looked over. His basement should not one time have had water leaking into it, let alone the multiple times that he's had it. He should be able to play with his kids in the backyard two days after it rains and he can't because again, that main storm drain that they have in the back, not only backs up on his side but it backs up on the opposite side. You can see it every single time it rains. It's literally a moat that goes from around the sides of the house to the main ones. All the other houses have gutters that go right in the drains. He doesn't understand why his weren't done like that. They all have the same house. They all have the same size house and they're made to look like each other. They're laid out the same way, they're the same house just in different spots on the property. He asked why things are different from one to another. He doesn't understand why things were built to a much less quality between some of them. It doesn't make any sense why those things aren't being addressed before they start building other new houses, let alone finishing them. So, again, they are just asking that they at least are held accountable to the things that they promised them would be finished. Rich told him to his face in the meeting when signing the paperwork that it would be finished. The superintendent that Jim mentioned that was running the job when he first moved in over a year ago. He had a chip in his brand-new bathtub. When he was at the property deciding if they wanted to sign the paperwork, and they mentioned to Rich in the meeting that there's a chip and he told him he was going to take care of it. Weeks later, he didn't hear a thing. So, he went to his superintendent on the job knowing again, being one, that's what you should just do. Go directly to the source. He's the one that should make the call to find a contractor to fix that for him because that was an issue before he even stepped foot in the house. The superintendent said don't have a bathtub guy. He said call your own bathtub guy. Jesse said they've got to be kidding him. If he can't fix a chip in a bathtub, how is he going to fix a leaking basement. Again, with all this stuff, he would ask them to actually think about if he truly is going to take care of the issues that are already there and then any other future issues that arise with these new people they're considering. Mayor Sodano said he had a few questions to ask Jesse for clarification. He asked Jesse if he recognizes him outside of this venue. They wave. They're neighbors. Jesses said that's correct. Mayor Sodano said the moat that he mentioned around his property, he asked him to describe where it is. Jesse said directly to the side of his house. Mayor Sodano asked if it is directly between his property and his own. Jesses said it is. Jesse said the water in his basement has led to some mold. He has three young children including a 3-month-old baby, and he has mold growing in his brand-new home in his basement because of water leaking through two different drainage spots. Mayor Sodano said he'd like to remind council that both of these items are items that he brought up prior to being elected when he was sitting in the audience over two years ago, that were problems during the construction phase that should have been addressed then. For whatever reason, it was chosen between council, the engineer and the developer to be ignored. Someone has created a problem two years down the road that needs to be addressed. Joe Adams said to Jesse that he made a statement where he said that this doesn't affect them directly, but he will tell him that he has to live here with him and this sucks. Legitimately, the reason he showed up here is not for the \$400.00 he's going to get at the end of the year, but because he doesn't want to see things like this happen. Showing up here and coming before the podium and he's seen Jim's face and other resident's

faces. It does matter and that does have an influence on what they do here. They're not here for the money, so he guarantees that they appreciate it. Make these comments, bother them, show up every time they have a meeting, that's fine. They have the right to speak on this and they are going to hear it and are going to listen. They are going to take action on that. Joe Dudash asked Jesse if they are supposed to put grass down, because it looks weird. Jesse said that's another thing. Recently, these last two houses, the yards were completely prepped. The first three or four times he cut his grass; he had rocks shooting out at his windows in his cars because they never laid any topsoil down. It's construction dirt. There are rocks on the top. Not only is it not that bright stuff that should have been laid down, another step that was skipped, but on top of that, the grass doesn't grow. They should be responsible for it, but he's had neighbors that have completely seeded their entire yard over and over again. One neighbor was down on his hands and knees picking weeds out of his dirt because it's, not again prepped how it should have been. Joe Adams asked Jesse, in his opinion, if they were to vote yes on this, not only would it be rewarding the previous sins. Jesse said it would be like a slap in the face for letting him do things with these new houses that he did not do with the eight other ones that are already there. It's a slap in the face to the people who have already paid for their houses.

**Laura Fogarty** said she's Jim's wife and she's been here before. She can't speak any professional, construction, inspection, or superintendent, but she can speak to the stress that they've dealt with. This was one of the most exciting times in their life. A year ago, they were buying a new house and they have their children and new neighbors. They love Penndel. They have friends that live in the borough. But it's been awful, and it's been a nightmare. She and her husband have been at the council meeting a few times. A lot of promises were made from the council and from the builders. They haven't seen a lot happen unfortunately, and it's just frustrating. Her big fear is to have to sit here and hear anything be given to these people that made promises. They've spent a lot of money. They've put their own money out to try and fix grass problems or this or that and they get absolutely nothing that was promised to them. She and Jim moved in over a year ago and the supposed warranties on the construction are expired at this time and their house hasn't even been finished and it's been a nightmare. The emails that say it will get done and they'll show up on site and are going to fix it and nothing ever happens, and it's just been becoming one of her biggest regrets moving into this house. It's sad because they have wonderful neighbors and the community of Penndel. She just would be sick if she didn't stand up and say something. Like she said, she can't tell them all the technical things that are wrong with her house, but hopefully they don't have to sit here and watch anything be granted to them. It would just be like a slap in the face.

**Lloyd Patton** said he went through this process with the borough when his house was rebuilt. He had to go through all sorts of inspections. These people don't have anything. Leaking basement and drainage problems. He didn't have that, thank God. Before he got an occupancy permit through his builder, that inspector was out, so somebody dropped the ball.

Ben said the borough has a building and code official that goes around to issue the U&O certificate and the U&O certificate has not been issued. That would be potentially approved, pending certain conditions. He asked Carol Schuehler if there was anything she wanted to speak to on certain engineering issues at the property that were raised tonight. Carol said they don't inspect the houses. That's the code enforcement and building inspector. They don't inspect the foundations. That's also the building inspector. They inspect the site work, and they communicate their concerns and issues with the developer. They have communicated a

number of issues and concerns with the developer and the response time is not always great. They started talking about this driveway issue back in February of 2022, so some of the things they get a response on, and some things take a long time. Tonight, they're talking about an issue that's been going on for a long time. There's still she believes, about \$120,000.00 or \$130,000.00 in escrow held for this project to warrant the improvements that are associated with site work. Unfortunately, that doesn't address some of the comments that were raised tonight about the homes themselves or the interiors of the homes. That's all she has to offer at this point, but she'll be happy to help further if she can. They've been talking about a puddle on the road for some time as well. She understands from what they're hearing tonight, that the builder tried to take some measures to address that, and it has not worked. So, that's still going to be addressed. Ben said that the weight of the comments tonight has been overwhelmingly he would say, against the project. He doesn't know if there's anybody who wants to come up and address as a proponent of the motion or to respond to the comments made. There is no obligation to do so.

(Inaudible) would like to know who once inspected his house. Gary said he didn't think they are prepared to answer that right now. He's not sure when his house was built or when it was constructed. He could e-mail the borough manager and then they can figure out who his inspector was.

John Stratz said he would like to send Building Inspection Underwriters out on a special assignment to evaluate the citizen's complaints and give them a full report. It would take a lot of work on their part but have them go out to each of these homeowners and have each homeowner give this guy their punch list and have him evaluate it. Council are not the professionals, they are.

Barbara Heffelfinger said she's sitting here thinking this is not good, which is a complete understatement. She does not think anything should be approved and no U&Os, nothing until every one of their complaints are taken care of and she thinks they should put a timeline on that. There should be a timeline on when he's going to get out and finish everything. In her opinion, no waivers, no nothing until everything is brought up to the satisfaction of the people that have bought these homes. It's moronic and it's horrible. She thinks this whole motion and everything about it, no, absolutely not, nothing until every house is up to snuff and every punch list is taken care of. She doesn't care if it costs him \$1,000,000.00. He better get it done.

Joe Adams said the gentleman that spoke about wanting the republicans and democrats to all work together, that's a cold day in hell he guesses, because he'd have to agree completely with Mrs. Heffelfinger on the other side of the table and he actually even really wants to hear more from John about his discussion that he made about sending someone out. If he's reading the table up here so far, it might be a slam dunk 5-0 on general opinion. He can't think about moving into a house and having these many problems. He just purchased a house and had to go through all these inspections and he's just dealing with all the money you have to spend the stuff you have to do and the people you have come through and have all this work getting done. He was renting off his in laws. He bought their house and it's a whole rigamarole just to get everything prepared and to think that if he had a deck that was coming off of his house or his kids couldn't play in the yard, so he has to agree with Mrs. Heffelfinger. The only thing they've heard tonight is the residents saying it seems like they would be rewarding the developer and

brushing over the past sins and slapping the face of people. He just has to echo what Mrs. Heffelfinger said and what Councilman Stratz said.

Mayor Sodano said to Councilman Adams' point, it was brought up that there is a mortgage possibly in question here. He doesn't see where that's a concern of council. He's not a voting member of council. This is strictly an opinion. They've all been down the road of mortgages and their responsibilities as a municipal government are not to let their heartstrings get tugged because somebody is struggling to have their mortgage approved. They need to address the issues. Going back, they all heard him the week of September of last year, September 13th through 17<sup>th</sup>, heard him complaining. That was the week that Mr. Brezinski's crew broke the backhoe and ultimately changed the elevation of the basement walls because of whatever happened in that hole. This should have been addressed then. It's not an emergency on their part to offer relief. Joe Adams said it's not just a cold day in hell, they're now exporting ice that he's agreeing with Tom Sodano, Barbara Heffelfinger and John Stratz. Their obligations are to the residents that are here rather than the pending or future residents. He would have to agree with the mayor that the matter of there's a mortgage pending should never outweigh the fact that they have residents present that have serious and real needs. He'd like to echo the opinions that the mayor made today. Ben said the mayor's point is extraordinarily well taken and not hearing any proponent tonight, from a legal perspective, it's his opinion that the borough is under no obligation to approve the motion. They heard no claim as to why they ought to, and the reason why it was brought up about the information they received from council for the developer was just that the borough is trying to be accommodating and hear people out. However, he does agree with the sentiment that frankly, this particular issue is not the boroughs to solve, and he will leave it at that. Joe Dudash said he has to agree with his colleagues. Like the mayor was saying, from day one when that basement was put in, they were screaming about why it's higher than the rest of them. He wants to know why that is higher plus, the stormwater issues there and the trees aren't planted right. They can go from A to Z. He can't get a fire truck down there. He has firemen out here now and they're probably shaking their heads because it would be a disaster for them to go in with a truck so, there's no safety conscious in the whole development. He's bought houses before, but this one takes the cake. Hats off to you people and he's sorry they have to put up with stuff like that as taxpayers and everything else. He thinks they've enlightened them over this whole process because they've seen things but them coming in has helped them. They didn't know it was that bad until they started to bring photographs in and stuff like that.

Gary Nickerson said he shares the sentiments of his fellow council members. He told the residents of Schoolhouse Court that it's important for them to relay their comments to council. They welcome any public comment at any meeting. It's always good to follow up or send comments to the manager who supervises the building inspector. It's important for them to put those comments in writing, so they can have a record of them. His heart goes out to everybody with these ongoing issues with the houses. He has similar issues with water in his basement, and it's rough. He doesn't know why they would allow basements. A roll call vote was taken. Joe Dudash, no, Joe Adams, no, Gary Nickerson, no, Barbara Heffelfinger, no, John Stratz, no. All nays, motion failed.

Barbara Heffelfinger asked if they are able to set a reasonable timeline on when these things have to be fixed. She asked is it legal and what the ramifications are. Gary said he thinks there

are a lot of issues that council can wade into. There are some things that obviously, council does not have any say over. This is an association, so it's a little bit different than the rest of the town. He understands some of the houses already had building inspections, so he thinks this is probably a good topic for one of their workshop sessions where they can find out what council can do and what is outside of their review. He agrees that anything with stormwater that causes flooding issues on adjacent properties, he thinks they have a pretty clear responsibility to probably do something on that especially, if it's not an agreement with existing approved development plans. He doesn't know how much leeway they have for the gentleman's bathtub if they've already issued a permit for that. He doesn't know what their ability is, but they could certainly find out. They can investigate and talk and see what their options are. Barbara said a timeline should be given that they fix it, or they don't do anything to any of those two properties until they fix everything. Gary said maybe the solicitor can prepare for their next workshop session. You can look into what the council's legal authority is for some of these issues. He thinks that could be helpful to understand how they can help. Joe Adams said this side of the table actually would be interested to hear more from Councilman Stratz. He asked if John could restate what he was talking about with inspections. He'd like a temperature on that. He asked if that is something they can actually do. Gary said they are getting a little bit off agenda. He thinks they should talk about this at a workshop session. Ben said he thinks they are wandering into things at this point that are not on the agenda, and it should probably be tabled for either the work session or the November meeting. Joe Adams asked if they couldn't argue that this is a safety concern now if they're dealing with issues of people's homes and they're dealing with their ability to keep their home safe and maintain a safe structure for the people living there especially, with the volume of evidence being brought forward this evening. Ben said it's probably best tabled for an agenda item at the work session or the November meeting. Depending on how extensive council would like to get, they can relay the request to the borough manager who can then filter it down to them. He thinks that's probably the best way to do it. Joe Adams said he respectfully disagrees but will yield to the solicitor's perspective. Joe Dudash said he would have to agree with Mr. Adams. He thinks this is a severe safety issue and when they had safety issues in the past, they confronted the issue right there. All they're asking is for John to explain what he stated, which he thinks is a good idea and then if they have to research it, they can. Ben said if Mr. Stratz wants to state what he would like to look into, that's not an official action, but that is just as long as they understand that caveat. John said Building Inspection Underwriters are their newest inspectors for building code. He'd like to get council's approval vote to send them out on a special project to go to each of these resident's houses and have each of these residents give the inspector their punch list and have him evaluate the complaints. He has no idea. His house is 60 years old, and he deals with dangerous stuff on a daily basis in that older house, so the inspector would be better than them to evaluate the complaints and say this is ultimately dangerous, this deck has to be fixed this week or anything like that. Joe Adams said there will be another opportunity for public comment at the end of this meeting and he would like to hear the residents' perspectives on if they feel like that would be a worthy time of the people and the staff that they have and if it would add value. Mayor Sodano said he agrees with Councilman Adams, and they may have to talk more with the solicitor because units four and five, which are the one that Jesse lives in and the Fogarty's live in were inspected by Barry Isett and not BIU. So, they will have to look at that with the solicitor.

#### Council or Borough Announcements

Barbara Heffelfinger said they will be having a Halloween parade for the kids with prizes. It is

Sunday, October 30<sup>th</sup>. It starts at noon. The kids should line up at the firehouse and they will parade over to borough hall for prizes and goodies. It's a fun event.

#### Public Comment on Agenda Items

**Jim Fogarty**, said the inspector idea will be good for structural and as far as draining issues, great and they'll definitely show all the issues with the decks that he has found. The repairs are not hard. It's pure laziness. As far as drainage, that's not really his area of expertise. He just sees the swimming pools, but he knows they're there. The cosmetic items he doesn't think they really need a township inspector for that. Just maybe someone to hold a thumb on them for that. It's just more of a structural safety issue. He doesn't think anyone has any electrical issues. For the decks, you don't want them to fall off and he knows most of the council has seen those pictures. Those decks are going to fall off and especially the front porch. The porch roof goes down to the piers and he knows most of the weight is on the piers, but there is an attachment to the house where it needs to be secured with more than just a couple of nails. There are ways you build this and it's not a hard fix, so this isn't going to cost him tens of thousands of dollars. He just needs to do it. Having the inspector check those sorts of structural and safety issues will be good but as far as an inspector going around for cosmetic stuff, he doesn't really think there's a need for that. He just needs to do it.

**Jesse Lucas**, said about the deck again, his concern is that again, having this be his full time job, he knows what things are supposed to look like and sometimes inspectors will have different opinions on things slightly, but the way that this deck specifically is done, he can't imagine that any inspector with 20 years or a year experience would have passed this. It is so blatantly obvious that this thing is not built as it should have been. It's beyond concerning that they would have just missed it, it's very odd. There are multiple other things in regard to the framing throughout the house specifically in the basement, because that's all still open and you can see it because there's no drywall on the ceiling or on the walls yet. There are things that he would point out to an inspector in regard to the structural integrity of the house that would be concerning to him and there are things that he has done already that he would point out and say he did this, but this was like this before, he made it better. He definitely thinks it would be worth the time, as Jim was saying. The cosmetic stuff no, but they should still be held accountable, and he doesn't really care how much these inspections cost because these are things that they shouldn't have had to address in the first place. Why would anybody be worried about how much the inspections were going to cost. If they were never skipped over and not done in the place, they wouldn't have to do it now.

**Laura Fogarty** said she does have pictures from today of the storm drain behind their houses and it's pretty bad. She has Mr. Thompson's e-mail and can send them. The storm drain is full, and it wasn't raining at the time. None of the streets had water because it had drained. It was just sitting in the back drain and not going anywhere. Gary said to please e-mail them to the manager. Joe Adams asked if they can be attached to the meeting notes that are published on the website when they get approved by council. He asked if that would be possible from a legal or a technical perspective. Joe said if it's technical, it can be solved. Ben asked Joe if he was asking that they be entered into the record. Joe said yes. Ben said he thinks that's appropriate. He asked if there was an objection by council to do that. Council said no. Joe said he'd like to put them on the record for tonight as a part of the packet that says that they got them, and they saw them.

Consent Items

MOTION BY JOE ADAMS TO APPROVE THE MINUTES OF THE SEPTEMBER 19, 2022 COUNCIL WORKSHOP AND THE FOLLOWING BILLS FOR THE MONTH OF SEPTEMBER 2022:

General Fund	\$43,621.91
Refuse Fund	\$ 38.23
Sewer Fund	\$23,164.15
Capital Reserve Fund	\$11,747.77
Liquid Fuel Fund	\$ 836.92
Escrow Fund	\$ 1,623.00
Payroll Fund	\$ 3,494.72

Payroll

General Fund	\$32,950.59
Sewer Fund	\$ 3,872.89

Total \$36,823.48

Escrow Fund Bills

Schoolhouse Court:

Hill Wallack, LLP	\$ 480.00
Value Engineering	\$1,143.00

SECONDED BY JOHN STRATZ. All ayes, motion carried.

**Reports:**

President's Report

Gary said he was not given one to read by President Wolfe. Joe Dudash said for the last couple of meetings and in the last meeting with Mr. Truelove, he's been asking for the curb and sidewalk report on as he calls it, the Berlin Wall and Madam President has been saying at first, she didn't have it. Then she said she has it and last time she said she has it, but she has to talk to the solicitor and then Dave says it's done. He asked how he can get this report. It seems like they're stonewalling. Ben said he will circle around his office. He said he knows that it's not the most satisfactory answer he's heard but he will circle around with his office and try to get him an answer in the most prompt fashion that he can, one way or another. That's all I can offer him at the present time. Joe said he appreciates it and Ben kind of got thrown in the middle of it. He was expecting to see Dave tonight if he could look into it, that would be great. Ben said he will do his best.

Borough Manager's Report

Geoff Thompson read his report which is on file in the secretary's office. Gary asked if Lou did the painting in this room. Geoff said not in here. They had a contractor do it. Lou did his office, the outside, the doors, the lobby and the bilco doors.

Joe Dudash asked Geoff how they're doing with the budget and if they're going to see it soon. Geoff said they have the draft pretty much done and they just have to get together for a Finance Committee meeting and go over the draft and council will have it at their November meeting.

Joe said he is requesting from him when he does the budget, for the contractors, if he could give him the totals of how much they've spent for the solicitor, BIU and the engineer for the year. He hates looking at the different sections and codes. He would like just the main figures. Geoff said he can't give the exact figures for this year. He can give projected figures because they're obviously not finished with the year yet. Geoff said he could probably come up with something although, it won't be exact, but it'll be close. Joe said he has a request for Nick for Fire Marshal. He has proven with the COVID crisis, that he's very valuable. He hopes to see that he is getting more budget money than \$100.00 because the man needs equipment. He said he hopes the Safety Committee is taking that into consideration this time. Geoff said he talked to Nick a couple times, and he'll reach out to him again to see if he needs anything. Joe asked what's going on with the trucking company. He said Sally's report says that there's some legality stuff going on. Geoff said the citation was delivered to the District Court today. Joe asked about 411 Hulmeville Ave. and how that is going. Geoff said Sally is currently working on that citation. Joe asked about 127 Dehaven Ave. and the fence being denied. She has that on her report. Geoff said he didn't know. Joe said Geoff gave him the figures for the EIT, which he appreciates. For 2022 they said \$300,000 right and they got \$248,646 so far. They're doing good. He asked about the EIT funds on March 11, 2022, \$127,677.06 was transferred from the General Fund to the Capital Reserve Fund. They've been discussing this whole capital reserve thing and he asked Geoff to educate him and asked if the PLIGIT account is where that money is going. Geoff said the only thing we have in the applicate account is Liquid Fuels Funds. Joe asked where the capital reserve is and what account is it in. Geoff said it's not in a special fund. The only thing they're required to keep in a separate interest-bearing account is Liquid Fuels Fund, which is a requirement from the state. Joe asked if the \$127,000.00 in the reserve fund is in a separate account. Geoff said on paper, they're in a different fund. They're not in a separate account. Liquid Fuels are in a separate account. Joe asked if he would be able to see a statement for this reserve fund for the EIT and where the money is and how much. Geoff said he could e-mail it to him. Joe asked if council gets that monthly. Geoff said council gets a budgets and balances, which Marie sends out. Joe said as far as this EIT reserve fund, he hasn't seen anything, unless he's missing it. Geoff said they can send him the statements. He asked with the EIT that's in the General Fund if that is just mixed in with everything else. Geoff said yes, the same with the real estate tax. Joe asked how he would know if that money were being spent where it should be spent. When they voted on the EIT with Mr. Moffa, that was strictly to be used for revitalization. Gary said that's not accurate. Joe said yes, it is because it was one of the talks they had. Gary said he doesn't believe he's accurate on that. Joe asked what they are supposed to use the money for. Gary said the money went into the General Fund. Joe asked if he is saying in other words, he needed a toilet so he can take out toilet money out of that. Gary said he thinks where he's going was that the intention for using some of the EIT money was to target projects that could help revitalize. He asked Joe if submitted any projects for revitalization. Joe said he took the one that Barb did on the baseball field and they all voted no. He did it for the museum and they all voted no. Gary said there are specific things that they want to do for some of the revitalization. Last year he put in the budget for the sign project. They talked about possibly doing things along Route 1, but he thinks it was difficult to do that without knowing what the projection was going to be and then this year some of them are excited to give this money back to the other municipalities. So, he thinks it's difficult to plan a large project. Joe asked if they are just taking this money and using it in the General Fund to balance the budget. Gary said the budget is built on the projected income. The whole budget process is how much did you make last year and take an educated guess of what they are going to pull in the following year and then you budget based on those numbers. That's what a budget is. Joe Adams said his comments about some of them are excited to give the money

back to other municipalities, if that reflects a desire to lower the EIT from 1% to half a percent. Gary said he's only stating that it's difficult to plan. He thinks previously, they had intentions of doing beautification or some sort of acquisition or something like that. He's not on the Finance Committee so he's not sure what the Finance Committee, is working on, and he doesn't know if the specific committees have made budgetary requests. The borough manager has requested that they make budgetary requests. Like they were on the electronics' committee. He hopes that he made some requests. He submitted a couple of requests and those are going to be used to formulate next year's budget. Joe said that one little sentence did bother him a little bit about some people are excited to give that money back. Gary said that's what this is all about. They spent the last 20 minutes hearing Mr. Dudash circle around the EIT. That's his issue and that's your issue. That's why he's here. Joe said it is very much so his issue, which is why he would rather phrase it directly as they were requesting the EIT be dropped a half a percent, not just giving it to other boroughs because it's not that way for everyone and not necessarily the case that that money goes to other boroughs. Gary said for 85% of residents, that's for people who already are paying it.

#### Mayor's Report

Mayor Sodano read his report which is attached.

#### Police Chief's Report

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

Joe Dudash asked how the maintenance is and if there are any problems with the vehicles.

Chief Perry said they've had to make some repairs to the vehicles recently. A couple of vehicles are getting to the point where they're reaching a mileage engine hour or age where they're no longer under warranty, so there has been some cost associated with that. But it's within the budget so far. They may go over a little in that budget line but they're necessary repairs to keep the vehicles running. Joe asked if they are missing vehicles, like instead of three on one night, or are they down the one. Chief Perry said they are down one vehicle. It is still at the repair location getting the repair. It's been there for a couple of days and they're hoping to have it back soon. They are putting some extra stress on the other vehicles while they're waiting for that to be done. Joe asked if the one car is rent to buy or did, they get rid of that one. Chief Perry said they have that one. It was actually a lease to purchase. He believes the last payment was made this year as well as the other two vehicles are also paid off.

#### Solicitor's Report

Ben Hauser had no report.

Mayor Sodano asked if he was aware that the mayor's office is the overseer of police personnel. Ben said correct. Mayor Sodano said he oversees the police department, as he understands it. Ben said yes, and generally to the chief of police who kind of has the day-to-day OPS, but the mayor is technically in charge of the police department. Mayor Sodano said he understands that members of Ben's office had direct contact and or conversations with personnel of the Pennel Police Department and the mayor's office was neither apprised nor included. Ben said unfortunately he personally can comment that he has no response to that. Mayor Sodano said he would rephrase that. Mayor Sodano said they did and since he has no knowledge and generally, in those situations, he informs him that he'll have to check with his office and or his boss. Ben said correct. Mayor Sodano said to please tell him tomorrow that he expects copies

of every e-mail and or letter correspondence and he wants transcripts of any phone calls with his police personnel during the month of September and expects it tomorrow.

#### Engineer's Report

Carol Schuehler read her report which is attached.

MOTION BY JOHN STRATZ TO AWARD THE PHASE 2 MEMORIAL PARK LIGHTING PROJECT TO MJF ELECTRICAL CONTRACTING, INC. WITH THE TOTAL BID OF \$65,600.00. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Carol said because of all the discussion tonight, she wanted to thank the residents that are sending images to the borough manager. She can't address what's inside the houses, but the drainage issues are of interest to her. She will be looking over those images. She knows there's still some landscaping to be done on the plan behind lots four and five that hasn't been completed. She knows there are still some filters in those inlets, which is probably slowing down drainage, but they will be out and will be evaluating those issues in coming weeks. Gary asked about the bathrooms down at the rec and what kind of heating system is there. Carol said she believes that would be an electric heater. Gary asked if there is any insulation at all. Carol said there is some insulation in the ceiling. She can get more information on that from the architect and the builder, if that would be helpful. Gary asked what kind of thermostats and if they are programmable. Carol said they actually are internal thermostats. She will get him more information on that because that's really for an architect. Gary said he wasn't sure if there was a program, so they can set it for a low temperature or if it's going to be utilized on Saturdays and Sundays and if they can even have it open for residents to use on the weekends. He asked if there was heat in them right now. Carol said she didn't know if those breakers have been flipped yet so she will check on that and get them some good information so they can make decisions. She believes there's a thermostat in the utility room that can be set low, but she will check on that.

#### Zoning/Code Enforcement Report

On file in the secretary's office.

#### ***Committee Business:***

#### Public Works

John Stratz reported that McIlvaine's was contracted to remove three trees in the swale. Scott McIlvaine noticed that the first tree as you get into the driveway was leaning extremely badly and threatening the business. Because of the borough being a new customer, Scott took that tree down for free. John wanted to publicly say thank you to McIlvaine's. For the road projects, they finished Oak and Holly and did a wonderful job. There were huge holes and washouts pretty much next to certain driveways and they took extra slurry and filled them. The streets look absolutely beautiful, and they can expect between 6 to 8 years before any kind of maintenance will be done with them. It was an experiment, and they will continue to monitor how well those streets work. It is a process that can bring years to some streets that are just borderline and have some cracks, maybe a pothole or two. Holly and Oak were some of the worst. He's hoping that either Carol or Jamie has some before and after pictures. It is an extreme improvement. It is also pothole season. He has already talked to Geoff, and he will give him Lou. It's been raining ever since. He is going to be doing a pothole survey when he

gets a nice dry day. Then next week he and Lou are going to go fill them in before winter sets in. An update on Bucks County Water and Sewer Authority sale, he is very happy to say that it has been squashed completely thanks to a lot of cooperation from the boroughs and townships. Pennel joined an alliance called Nope, Neighbors Opposing Privatization Efforts and through all the hard work from a lot of people, the commissioners came out against the sale which kind of forced Bucks County Water and Sewer Authority to decide they're not going to go through with the sale. The authority is going to start doing repairs and they see quite a few instances of those repairs right in the borough. This is much better than what they would have given the borough. Pennel would have been forced to make their own repairs and not give us any financial help because we were not an Aqua customer.

#### New Business

MOTION BY JOE ADAMS TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

**AT&T Mobility** Invoice #X08262022 dated 8/18/22 in the amount of \$156.34 for police dept. wireless internet  
**Comcast** invoice dated 8/26/22 in the amount of \$236.61 for internet and voice service at 37 W. Woodland Avenue  
**State Workers Insurance Fund** invoice dated 9/1/22 in the amount of \$1,449.00 for fire department workers' compensation insurance installment  
**Waste Management** Invoice #3276-2448-2 dated 9/1/22 in the amount of \$17,431.50 for August Service  
**Bucks County Boroughs Association** invoice dated 9/8/22 in the amount of \$37.00 for September dinner meeting (Wolfe)  
**Comcast** invoice dated 9/2/22 in the amount of \$179.89 for internet service at 790 Neshaminy Street  
**Comcast** invoice dated 9/1/22 in the amount of \$517.64 for business voice edge service  
**Gettysburg Benefit Administration** invoice dated 8/31/22 in the amount of \$169.59 for dental insurance installment  
**Independence Blue Cross** Invoice #220907205335 dated 9/7/22 in the amount of \$5,821.18 for medical insurance installment  
**Selective Insurance** invoice dated 9/11/22 in the amount of \$3,767.00 for commercial package and workers' compensation insurance installment  
**Bucks County Boroughs Association** invoice dated 9/19/22 in the amount of \$74.00 for September dinner meeting (Stratz, Heffelfinger)  
**Joseph McIlvaine Tree Service** Invoice #1422 dated 9/21/22 in the amount of \$3,050.00  
**PECO** invoice dated 9/13/22 in the amount of \$1,687.58 for street light electric

SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOE ADAMS TO ADOPT RESOLUTION #2022-18 THE DISPOSITION OF PUBLIC RECORDS. SECONDED BY JOE DUDASH. Barbara Heffelfinger said she'd like to look at a couple of the items that are being disposed of because she thinks they might be valuable for future use. Gary asked if they are required to dispose of these in a formal matter. Barbara said after seven years. Marie said it depends on the documents. Joe Adams if they are following a retention schedule. They are going off whatever the state's retention schedule is for records management. They've come up to their date and there's no need to keep them. He

asked if there was a way to maneuver this in which Councilman Heffelfinger can still look at them, but they still authorize the destruction tonight. Does that require that immediately they must be shredded, or a grace period be given. Barbara said she would work it out with Marie. Gary said this is a substantial list. Some of these go back to 1989 and 1980. There are a lot of projects in here that they simply do not have the ability to retain, and they're not legally required to. Barbara said she would just like to look at them before they are disposed of. John said they missed Tina's shredding event last weekend so they're just really waiting for the next shredding event, so she has time. Joe Adams said for clarification, this is the authorization for the shredding. This doesn't necessarily take action for the shredding itself. Gary asked if they are required to be shredded. Marie said yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO RATIFY RESOLUTION #'S 2022-15, 2022-16, 2022-17 APPROVING MUNICIPAL GRANT PROGRAM APPLICATIONS TO THE BUCKS COUNTY REDEVELOPMENT AUTHORITY FOR MUNICIPAL BUILDING IMPROVEMENTS, EQUIPMENT FOR THE PENNDel-MIDDLETOWN EMERGENCY SQUAD AND FIRE DEPARTMENT ELECTRICAL IMPROVEMENTS RESPECTIVELY. SECONDED BY JOE ADAMS. Joe Adams asked if these grants have already been submitted. Gary said they voted on these at the previous meeting because there was a deadline. These are just copies of the formal because he believes there's a resolution they had to make. This is a resolution that supports it, and he believes at the previous meeting they voted to make these applications. Joe Adams said he's trying to understand what was going on here. These have already been sent in and this is a motion to ratify those resolutions. There's one of them on here for municipal building improvements. He asked if they are adding a second floor onto the police building because the one says add a second floor onto the current police station. Barbara said that's the roof. Gary said this is more than that. Mayor Sodano said they asked for a roof, but Council President Wolfe put it through the same as last year when it was denied having a second floor. They need a roof and that's what he thought everyone had agreed on that they were going to apply for a roof. That's what he thought everybody said at the last meeting when it was voted on but what was submitted to the RDA was exactly what went in last year. He doesn't have his copy in front of him but it's around \$250,000.00 or something like that for a second floor, which personally he thinks is ludicrous. They need a roof. They could have gotten a roof and another police vehicle for that kind of money. Joe Adams said the reason he's bringing it up, is because he wasn't here for the past two meetings, which is his fault and he's just a little surprised. He doesn't remember how they got to the second floor. Mayor Sodano said they are ratifying it, but it already was submitted. Joe Dudash said so this is a little late. Joe Adams said this is procedural. Gary said they're required to do a resolution to support it. Joe Adams said so it's already submitted and in play. Barbara said they're doing it for procedure. Ben said his understanding was that the last meeting consideration of motion to adopt resolution 22-14 applications for RDA grant to repair a police department roof was adopted 5 to 0. That's how it was listed in the agenda on the workshop meeting of the 19th of September. Joe Dudash said it's in the minutes that she said she didn't have the paperwork, so they were assuming from the mayor and all that this was the A roof, not a second floor. The concern is they were denied the second floor the last time and they didn't get anything, and Langhorne Manor got a truck. Now he's worried about the police. He's got a car down and possibly another one they're going to shoot this down because they're thinking they're getting a little piggish here. They want to do here; they want to do a second floor and meanwhile they're not getting what they need here. In his opinion they were kind of put in the shadow of this. He didn't think it was a second floor. He would have voted no. They're doing the same thing they did last year and they're not going to

get anything for the police. They need a car and Nick needs a car. That poor man's been waiting for a car. They could have gotten a car. Everybody else is getting trucks and everything they're getting piggish because they want a second floor. He still doesn't understand why they need a second floor in the police department. Joe Adams said he remembers having the A-frame talk and they need a roof. He doesn't want water leaking on their cops. He feels

like they asked for way too much asking for a second floor. Unless the chief is coming to him and they're locking people up in a particular holding cell and they're running out of room to do it. He's afraid that they shot a big ask and it's going to get shot down again. John said he keeps seeing the words "police roof". Joe Adams said it says on the municipal grant application 2022 application for 2023 projects, project description Pennel proposes to add a second floor to the current police station. Mayor Sodano said that's right but what John is saying is in the minutes, it says "roof". That's what was discussed. In the workshop minutes as John just pointed out, it says "roof" multiple times. It does not say second floor. Joe Dudash said he thinks they got sold a bill of goods here. John said one of the sentences here clearly says they will not jeopardize the police department roof in any way. They're not talking about a second floor; they're talking about a roof. Joe Dudash asked if they got sloppy and just used last years to get it in on Friday. Joe Adams asked who was aware of this. Joe Dudash said he knows the manager has been asking for an A-frame and that the mayor has been asking for one. Joe Adams said he's frustrated because John is not aware of it and the mayor knows nothing. He doesn't know where this is coming from, and he thinks they asked for too much and it's going to get shot down. He's just trying to get them a frigging roof, so they don't get rained on. Now they're going to have to buy them plastic for their patrol caps, so they can sit in there and not get damaged. John asked if they had a copy of the minutes in front of them. Page 10 and page 11, which completely talks about this subject says "roof". Barbara said the application is already in, so talking about it is useless. Joe Adams asked Ben what would happen if council votes no. Ben said what happens often with ratification is sometimes you have an action that comes up in a manner that cannot be done within the cycles of a meeting. Sometimes that occurs and what will happen in those cases is something is done with the understanding that this is something that would be passed. It appears based on the discussion of the minutes from the last workshop meeting, his notes reflect that adoption of 22-14, which is an application for the police roof, was passed five to zero. That resolution was adopted. There's a consideration of a motion to approve RDA grant application. He would imagine that was passed 5-0. According to his notes, there was consideration of a motion to approve an RDA grant application for the Pennel EMS for the purchase of stair chairs, etc., and then there was a motion to approve an RDA grant application for phase two of the fire station electronics. The resolution was not ready, so under that idea, the council had agreed to submit those projects. The resolutions were drafted up and signed and now they're basically asking to ratify that action. Should they choose to decide they don't ratify that action, then there's no resolution and those grant projects would be incomplete. Joe Dudash said, so that would wipe out the priority for their agency. Joe Adams asked if they could parcel one out if there's one particular one that they choose not to ratify, if they did not like the way that was written. Gary Nickerson said he doesn't know how wise that would be. He hears their frustrations but to pull it out means they're guaranteed zero money. He asked how wise it would be to render the application incomplete. He's not clear with this and he was not involved in putting this together, but he would say he doesn't think it would be wise to sabotage the application. Ben said the resolution was in progress at that time in the nature of the way the grant process worked. He's thinking those resolutions were submitted as council authorizes to participate in this grant process and it's more or less a belt and suspenders type move to get that resolution signed as a lot of different grant programs will

ask for a specific resolution. He would imagine that they went ahead, and it was done under that understanding. That may not be satisfactory to everybody or anybody. The ratification isn't an acceptable process under the law to kind of cure any little defects that may occur. Joe Adams said defects meaning for example, they were told roof and they got second floor. Ben said he doesn't have it in front of him. What he has from the 19th of September, Resolution 22-14 was an RDA grant to repair the police roof that was adopted 5-0. The remaining items are not addressed as resolution numbers, which he imagines that's why this is noted as 15,16. Joe Adams asked where the actual resolutions 15, 16 and 17 are. He asked Marie if it's in the packet. Joe Dudash said the issue here is what the citizens of Pennel have been screaming about. There's no transparency. Barbara said it is a done deal. It went through the portal and those grants have been submitted already. Joe said under a false pretense. Barbara said this has nothing to do with it as far as the RDA is concerned. It's a done deal. She doesn't know how to put it any more plain. They now don't want paper, so Marie has to spend hours plugging in all these grants, which she thinks is wrong, and has complained about since they started this. Everything is plugged in, and it's done. It's submitted, so there's nothing they can do about it. If they went to the RDA and said to them it was done under false pretenses or whatever they want to call it, they would probably get gypped as far as money is concerned for years to come. Ben asked if for some reason council were to table the resolutions tonight and take them up at the next work session, so they were informed and have an opportunity to look at those, in her experience with the RDA program, do they require a resolution. And if the RDA says they're missing a resolution, what will happen. Barbara said they have to have everything in by 4:30 in the afternoon on the submission date. Anything after that, forget it. It already went in and that's what she's trying to tell them. If they only get half of that amount of money, then they'll get the roof without the second floor, so they're still going to get something. She had nothing to do with it. She didn't even see the application. She did not do any of them this year, even though she's on community development. She used to do them in conjunction with Sean and anybody else that was involved, but not this year. Joe Adams asked the chief if he or the mayor consulted at all with them on this second-floor situation for the police building. Chief Perry said it was relayed to him that it was a roof being submitted. Mayor Sodano said the same with him. Geoff Thompson said he recommended to Beverly that same application be submitted as last year. The costs for a second floor as opposed to an A frame according to the consultant, was a difference of about \$20,000.00 to \$30,000.00, so he doesn't know if it's just semantics. He's not sure what exactly the engineering work is about for a second floor. He doesn't think it was ever supposed to be a second floor. It was just an additional storage area, which was his understanding, so when they talked about it, it was just go with the same application and if they get all that, great. If they get a portion of it, they will do what they can do, so that's where that came from. Gary said if President Wolfe were here, she would be able to offer something. He doesn't think there was anything done to hide anything or anything nefarious. He thinks they were just submitting the same application. Joe Dudash said the mayor is technically the head of the Police Department with the chief. Neither one of them were involved in this grant. He thought they were talking about an A frame. Gary said if they can get a second floor, and he doesn't know because it's hard to have a conversation without knowing what this second floor is. They're just making things up and they're picturing something. He thinks if it's a place to store extra things and he has no idea, but if it's a \$20,000.00 difference, to him they should probably go for the second floor. Joe Dudash said if they don't get it, it's what he's been saying, they have vehicles that are having problems and they could have put in for a truck. Gary said he doesn't think the mayor, or the chief were in agreement. Everybody was in agreement that the roof was a priority. Gary said he's hoping President Wolfe can clear up this issue at the at

the next meeting. He doesn't think there was anything done intentionally to deceive anyone. He thinks it was just an issue that they already had the whole application ready to go from the previous year and could probably just submit the whole thing. It's a heck of a lot easier than going out and getting other quotes. He thinks she just submitted the same thing. That's a guess. He was not aware of any of this. Joe Adams asked if they tabled it to the workshop to discuss with Madam President and with all the facts being brought forward, does that impact it and do they have to withdraw anything or take anything back. Barbara said if they do that, they are going to harm their reputation with the RDA and they're going to say maybe they are a bunch of idiots over there and they don't know what they're doing so they're not going to give them any more money. Joe Dudash said the problem is it's twofold. The citizens don't have faith in them either. Barbara said she wasn't talking about that. She's talking about the process. He's making a mountain out of a molehill. It is a done deal. It's in and if he opens his mouth, he's going to cause problems. Chief Perry said he just wanted to clarify his answer. He was aware of not a second floor, and he thinks he was a little confused. The roof and a loft area are what he thinks it is. He was under the impression it's not a complete second floor, which he thinks is a little overkill in his opinion. He just wanted to clarify his answer that it was a roof and a loft area that was like a storage area that he was aware of. A roll call vote was taken. Joe Dudash, no, Joe Adams, no, John Stratz, yes, Barbara Heffelfinger, yes, Gary Nickerson, yes. Motion passes 3-2.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE CONSULTING SERVICES PROPOSAL FROM GEORGE SENGPIEL MAI SRA OF GEORGE SENGPIEL ASSOCIATES DATED 9/21/22 AT \$500.00 PER PROPERTY. SECONDED BY JOHN STRATZ. Joe Dudash asked Ben to enlighten him on why they're using him. He was talking to the guy at Sodano's old place because they're working on the carpet place. Gary said this is for Bellevue Ave. Joe said he knows but he asked him if PennDOT gave an estimate on their property, and he said PennDOT gave him a hell of a deal. They gave him more than what his own man that had come out said. Joe asked why Penndel is doing it at \$500.00 a clip. Ben said he's sorry for putting Carol on the spot, but he believes this relates to the multimodal project that PennDOT is asking the borough to do the leg work on. Carol said there's a multimodal grant that the borough was awarded. The borough is partnering with PennDOT and the money that they got under the highway safety improvement program, the understanding was that the borough would work to acquire the right of way and use the multi modal funds to do that acquisition, so that PennDOT can move forward with their project. Her understanding, and she's not a lawyer, is that if the borough is the one pursuing the acquisition, the borough, by Pennsylvania law, has to get these appraisals done by a certified appraiser. It falls on the borough to do that because the borough is the one that's purchasing the property even though it's not necessarily their tax dollars doing it, it's grant money doing it. But because the borough was the one purchasing the property, she would expect that the borough hires the appraiser that does the appraisals for this situation. Ben said PennDOT asked the borough to do the legwork. To generally outline the process, if it goes to its full conclusion, and this phrase will make Mr. Adams jump out of his seat, they hope they never get there, but the borough does have a right to eminent domain. Joe Adams said not while he's alive. Ben said the borough is looking to get appraisals for fair market value, as required by the Pennsylvania and the federal constitutions for those interests. It needs an appraiser to determine what those interests are on all properties and therefore they have to kind of go through that process and that is what has been handed to them by PennDOT. Mayor Sodano said for clarification, these are the properties that PennDOT wants Penndel to help them get, so that they can make the entire southbound lane of Route 1 from the edge of

the borough all the way through it to Lincoln Ave. one lane. They didn't see a second meeting happen because PennDOT's already approved it based on what they got as feedback from the borough, so somebody told them they were OK with it. Joe Adams asked if this is buying the properties as part of the proposal to put in the left turn lanes. Mayor Sodano said they want the easements for the corners etc., so these properties are the ones fanning out from where Bellevue hits Route 1 and Durham meets Route 1 that they're going to need frontage for easements to put in signals or whatever it is that they're going to be putting in. Joe Adams asked if there were turn lanes in the plan they presented. Mayor Sodano said there were left turn lanes but there were no left turn arrows. Joe Adams asked Carol what's going on with that where are they at with it. Carol said the department sent somebody with some drawings and some information and she'd be happy to present what they brought to them at the next workshop meeting, if that would be helpful to council. Joe said he doesn't want to play the game of they said, we said. He believes what the mayor is saying is accurate, but he'd love to see it detailed on paper. He asked if council were to agree about buying property and they're talking about making easements and is this related to that meeting they had with businesses that they asked to come. Ben said it was an informational session, that's all. Joe Adams said there was not a meeting, no actions were taken, no one voted, and Ben wasn't there. Maybe he missed it. It could have been an e-mail or something, but he hasn't seen a follow up to that and it sounds like now they're voting on it. Ben said they will be authorizing Mr. Sengpiel to come up with a type of appraisal to do kind of a friendly purchase of the interest. When they say buying property, they're not buying whole lots. They are buying limited interests. It could be so many feet. It could be a traffic signal easement. It could be any little interest in property but the borough's got to pay fair market value for it and that varies from property to property in terms of what kind of taking might be required. He would rather not even go down the road of calling it a taking, rather just a friendly purchase. If they ever had to go down the road towards eminent domain, it would be a kind of a pre like they've already put money in then it would just be more a formal appraisal that comes after that, but that would be kind of a discount rate. Joe Adams said he would like to get an update at the workshop on where this project is going. The mayor's comments concern him. He doesn't want to take an official action and move something down the road if he doesn't even know what the status is and what's fully going on. Joe Dudash said after the informational session there, has been no update since then. Carol said there have been no updates from PennDOT, since the next step is for the borough to evaluate the right of way issues. There was a poster board left from that meeting and she suspects it's around here somewhere. She will work with staff to find it for the workshop meeting, so that they can all look at it then. Gary said he's been loosely following this. He asked how this process normally works. He asked if PennDOT can even design the intersection without knowing if they can get these right of ways. He asked what the project sequence is and how they designed the project, if it was per some sort of statistical analysis and then we go out and acquire these right of ways and then it proceeds. Carol said this is really PennDOT's project, so she's a little uncomfortable representing everything because it's not her project. Essentially, they have been doing studies and analysis of what their engineers believe is the ultimate solution or the optimal solution to the intersection concerns in what she likes to call the triangle in PennDel. They prepared a preliminary design. It's very preliminary and it was brought here to the borough and discussed with the property owners from whom there may need to be a right of way acquisition. Most of those changes were at the corners of the intersection where they were looking for easements for the signal poles, so they could take them back further from the curb because things get hit a lot. Then there was a slight bit of curb widening she believes, in front of the 40 Bellevue property that transitioned into one of the other properties. She'll look at that to get the correct information

for that turning radius. There's no wholesale widening of the road involved, so the easements that they're talking about here are mostly traffic signal easements with the exception of along that block on Lincoln Highway between Bellevue and Lincoln Ave. They were talking about installing some sidewalks, so that's why they were looking at some additional easement there. She will find that plan and present it to them at the next meeting. From her understanding, they're really waiting to see if Penndel is going to hold up their end of the bargain before they keep spending time and money on this. That's her impression. Joe Dudash asked if the people that were there were expressing their views like the Dunkin' Donuts' jam up in the morning, which the contractor was a little surprised over. He asked if they go back and diagnose what these people were saying. Carol said she did talk to the engineer after that, and he was really taking that to heart, and he said he was taking that back to the department for further discussions. She has not had any updates since that time. A roll call vote was taken. Joe Dudash, yes, Joe Adams, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion carried 4-1.

MOTION BY JOHN STRATZ TO APPROVE THE RULES AND REGULATIONS FOR THE PENNDEL BOROUGH CIVIL SERVICE COMMISSION. SECONDED BY BARBARA HEFFELFINGER. Joe Adams said It doesn't look like there have been any changes in this since this was discussed at the last work session. Mayor Sodano said no. Joe said he was under the impression that the Commission itself was making the rules. Ben said the borough has to approve the rules and then the commission can make its own rules. Once a commission is formed, these will be the initial rules that govern it, and he would expect at least initially, for the commission to adopt those rules and then any changes to those rules have to be jointly approved as well. Joe Dudash said he thinks it's an extra financial burden on the taxpayer and Madam President confirmed his fears. It's in the minutes of political bias and selecting people and he still thinks if they put a council person on this committee, politics are going to get involved. It seems like every time they have something in this town, it turns into a political thing, and he thinks she confirmed it in the last meeting, political bias, so that's what worries me. He'll be voting no. John Stratz said they could vote to not put a council person on this group. Gary said that would require a change. Mayor Sodano said but to John's point, they could vote to have it amended to not have a council person. Ben said the thought would be leave it as the state code. When it comes time for council to make its appointments to that commission, hopefully there will be so many candidates for that commission that a council member will not now or nor will ever be required. But they leave that option open, should they have a dearth of applicants. Gary said political influence hasn't really happened on any of the boards or the commissions that they currently have and it in he would fear the other thing that they have a situation like they've had with the Planning Commission or some of the other committees where they cannot get applicants. He knows there's a lot of interest in this now and he thinks that's great and hopefully they keep continued interest in this, but he does think if they're in a situation where they need to have somebody put on the Civil Service Committee for whatever reason, then it could be useful to have the ability to put a council person on there to have a quorum to do something or hold a meeting. If they have sufficient members of the public who want to join this, he doesn't see why they would prioritize putting a council member on that. They don't really have a lot of spare time as it is, but he doesn't have a problem with it as it stands, unless the majority thinks otherwise. Joe Adams asked when they are assigning the commission. Ben said council would obviously have a list of people. It is not an elected office. They could interview those people and decide who they want to appoint. It would then be put down on a resolution appointing those people or a motion because they have set terms. Once the

appointments are made, that Commission must organize within 10 days, and they pick its own solicitor and assign its own officers. That would be the next step. A roll call vote was taken. Joe Dudash, no, Joe Adams, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion carried 4-1.

#### Public Comment

**Lloyd Patton**, said his comments are to the mayor ,since he runs the Police Department and controls it. He said first of all, he doesn't appreciate his comments about him with the radios and stuff. That has no bearing on the issue of was there an officer working on July the 5<sup>th</sup>, the morning for the midnight shift. Mayor Sodano said absolutely. Lloyd said there was an officer.

Mayor Sodano said yes, he had answered that question previously. Lloyd said no, he did not. Mayor Sodano said he did. Lloyd said he danced around it. Mayor Sodano said no, he did not. Lloyd asked if the officer was 55-06. Mayor Sodano said 55-06 was on until midnight. Lloyd asked who the officer was on after. Mayor Sodano asked Ben if he was required to answer a question that has to do with a personnel issue like that. Ben said this is public comment. This is not the floor of Westminster Palace. He is at his discretion whether to answer and he would advise him not to answer personnel questions. Lloyd said this is operations. This is protection of the borough. They had a woman, an invasion of a resident that there was no officer on duty to take that call. They have all these agreements with all these other boroughs, they could have called Middletown to come in. Mayor Sodano said they don't make that call. Bucks County radio is who makes a determination. Lloyd asked if he signed the agreements. Mayor Sodano said they don't have to. Lloyd asked who the officer was working and was there an officer on. Chief Perry said there was. Lloyd asked why they didn't handle the call. Chief Perry said they were tied up on a priority call. He already addressed this in the letter that he put out on their social media. Lloyd said he danced around it. Chief Perry said his complaint is that their police department didn't show up to a call. An equally capable police department showed up and handled that call because they were busy. He asked Lloyd what his complaint is. Chief Perry said they handled in a timely manner by a jurisdiction that is in place when their officers are tied up. That jurisdiction is in place by design to assist them when they are tied up on something. They did exactly that. They showed up with the entire resources of the state police to handle a priority call in to assist them. They have been in contact with them. Chief said to hear him out. He's heard him and seen all his comments on social media. He addressed everything in that letter he put out and he stands behind every word that they had an officer on duty. They had staggered shifts because it was a holiday but the incident is being properly handled by the state police with their assistance, so he can't see what he's complaining about. He's complaining about nothing. A very capable police department is handling that investigation with their assistance. Chief Perry asked what his issue is. He asked Lloyd if his issue is that he wanted Pennel to handle it because he doesn't trust the state police. Lloyd said no. Chief Perry asked him then why he is complaining that they didn't handle it. Lloyd asked Chief Perry for the number of the officer on duty. Chief Perry said under the advisement of the solicitor, he's not going to answer that question. He answered his other question. Lloyd said he's placing them in jeopardy. He's not going to place the safety of the officer in jeopardy. Lloyd said this is not a proactive organization for this borough. Chief Perry said they assisted them. Lloyd said somebody else did. Chief Perry said they were tied up on a priority call. Lloyd said 55-06. Chief Perry said he can't see his paper from here, so he has no idea what he's even referring to. Lloyd said the radio log. Chief Perry said this is a bunch of letters and numbers on here. It's too vague to even tell what that is. It matches with the badge number of one of the officers and says dispatched enroute. Lloyd said he's not qualified to be the police chief. Chief Perry said

OK, if he is more qualified than him then he should apply for the job. Lloyd said he wasn't supposed to have an application even submitted. Chief Perry said he submitted an application. Lloyd said they passed on two people. Chief Perry asked Lloyd when he retired. Lloyd said 1999. Chief Perry asked him if he would you agree that things have changed since 1999. Lloyd said to Mr. Mayor's post on media, he has two degrees and hundreds of hours of advanced training, forensic science and crash analysis. He asked where he is going and what his qualifications are other than he's a politician and he's an elected mayor to supervise the chief when he wasn't even qualified for the basic requirements for police chief. Mayor Sodano asked when that was. Barbara said he is extremely qualified. She said don't stand there and make a stupid statement. Lloyd said that is not stupid, Mrs. Heffelfinger. In 2018 the council appointed him police chief and he didn't even have the basic qualifications. He never worked a full-time job in law in law enforcement. Barbara said to Lloyd if he has all of that expertise and everything else and he knows so much, then he should run for council and then he would have a say instead of standing there and ranting and raving. Lloyd said he knows more about law enforcement than the chief. He has two degrees in criminal justice and police administration, and he's been to Northwestern and the University of North Florida. This blank sheet here from the last entry of the Penndel Borough Police, this is eleven to seven shift. They were shortchanged because he read the chief's mission statement. The police officers are on duty 24 hours a day, seven days a week, 365 days. That's the mission statement. It's on the website. Lloyd said to Barbara that her colleagues back there in 2018 shortchanged them. Barbara said she begs to differ with him. Lloyd said they would not have to worry about maintenance on police cars if they had gone with Middletown or Bensalem or Bristol. Barbara said well then go and run for council and he'll have a say. Lloyd said he doesn't want to sit up there with them. She and her colleagues shortchanged them. There are articles on it. Barbara said he can read all the articles he wants but he's not going to stand here and criticize him and have her not say anything. Lloyd said he is criticizing council and him. Barbara said to save his breath. Lloyd said he never worked a full-time job in law enforcement. Lloyd said he retired in 1999 but he's paid taxes to this borough since 1975.

**Dave Cahill** said he thinks this might clear it up. He has a Right to Know Request here for a copy of the timesheets or timecards for the Penndel Borough police officers who worked on July 4th, 2022, and July 5th, 2022. Dave asked the chief how long it took the state police to get out there. He believes that the officer was notified at 10:25 of the home invasion and he believes that the state police got notified at 10:30. The way he's hearing it, the woman had called 911 twice. He asked the chief how long it took for the state police to get there from 10:30. Dave asked if there is a reason why he didn't respond from home when he knew his officer was tied up in a medical call at Saint Mary's hospital for two hours. He gets a take home car for no reason at all. He's just wasting their gas and putting wear and tear on their car, and he doesn't have to respond, and he knew there was a problem, so he didn't think he had to respond in for that. Dave asked Ben if they have a problem with that application that was submitted. He asked if they have a legal problem here that somebody altered a document after it was voted on in public with the RDA grant. He's here to protect council. He didn't have anything to say when the vote went on. No answers. He hopes that they're all witnesses with no answers because that's what they're going to get here. They made it look good tonight but they're not going to give you answers when you need them. He asked Mayor Sodano if he could enlighten them on the situation between the lawyer and the police officers. Mayor Sodano said, no he cannot. Dave said it sounds pretty serious to him. Mayor Sodano said he doesn't have any information on the subject yet. Dave said there was a letter sent to 435 Cynthia. The house that had the heroin

overdoses and the two deaths. The overdose death and the so-called accidental shooting. He understands that she's got two renters there all of a sudden. He asked if the homeowner received a letter from the borough telling her that she could not rent rooms in her house and that it had to be signed off with an affidavit and returned by he's guessing, the end of September. He asked if they are going to run into the same heroin problem and the shootings at 435 Cynthia like they had before. He asked if they care about the heroin problems or the shooting that happened on Cynthia Ave. He said it's not their street. He lives on Cynthia where the shooting and the heroin overdoses are happening, and they've done nothing. Absolutely nothing. And she's renting rooms again. He doesn't know if she is allowed to do this. He asked if she is allowed to rent rooms. He asked Marie if she submitted that grant application to the RDA. Marie said yes. Dave said she emailed it, and she pushed the button, and she sent it and she knew it was wrong. He said Geoff knew it was wrong. The sooner Middletown takes them over the better off they are.

**Jill Glover**, said she would just like to again ask that they not give the certificate of occupancy on those two properties, until all of their work is done. She agrees that they should have somebody come out and look at their homes because they do have over eighteen children living in the cul-de-sac. They all have kids in their homes. They're in fear for their foundation. A comment was made about a bulldozer or Brian's equipment damaging the property over there. She asked if they are in jeopardy of the foundation over there having something wrong. She's really scared now for what's going to happen if they have to rip that driveway up because they live right next door and there is water all in between the two houses there. There's no drainage in their property either so they can't even be on the side of our house at any point in time. There are so many things wrong over there that they really need them to pay attention and respectfully, they ask for help. She asked what they do about the garbage. Trash Daddy has been out there for a year. They have flies, mosquitoes, bugs and it's disgusting. They're getting no answers from Rich McManus on the garbage. A year they're living with filth like this. It sits there for weeks and weeks in the heat and everything. It's disgusting and they don't know what to do about it. They're paying though Pennel sewer and refuse for over a year. She asked isn't that part of the pickup. Gary said they are aware of the trash issue. He believes when that was approved, all the units were supposed to contract for their own trash. Jill said they're paying Pennel sewer and refuse for over a year. Gary said they should not be paying for refuse. Jill said someone needs to look at her bill. Gary said to email Karen Kondrk in the morning and let her know that she is part of Schoolhouse Court, and they are not getting trash pickup. If she has Geoff's e-mail, he can direct her to Karen as well. Jill said they also sent Geoff their punch list back in June that were never addressed. Gary said they absolutely feel for them, however, there are some things that the borough can help them with and there are some things that are outside of their control. It might be in their interest to retain a lawyer to have some of these issues taken care of. Jill said that was her next question, if they retain a lawyer because that's where she thinks they're headed. Gary said to please e-mail about the refuse issue because they should not be paying for it. Jill said absolutely, because they've been paying it for a year.

**Jay Moser** said he's a little concerned. He was in attendance at the last work session and from what he listened to tonight, without the rest of council being aware of what transpired on the RDA grant, it's been going on for a while. It's a self-motive process sometimes around here and he doesn't understand it. He remembers Mr. Mayor making it extremely clear to Madam President of what roof was supposed to be put on the building. There was discussion and he knows they all heard it that she was putting in for two doors to improve the ADA access to the

rear door and finish the front door. Also, the Penndel Fire Company for \$97,000.00 for electrical. And she passed around the request for the Penndel Middletown Emergency Squad for the lift chairs, which he should have brought up why they want five when they have two ambulances on, but they can't move them from rig to rig. It was also commented on what priority they were going to be listed as so to hear what just happened, to just take last year's grant and submit it as last year's grant is crazy. It'll get thrown out just for those grounds. He doesn't know why there are meetings because it's wasting everybody's time. They come to pay attention what goes on in town. There are new people here tonight that he hopes they come back and continue to hear what goes on and maybe vote a little different during election time.

**Mike Smith**, said to the people who over at Schoolhouse Court, that what they're hearing up here is a lot of lip service. He'll tell them everything he's been going through for two years trying to get them to do something with the codes and ordinances here. It had to go to court because what they found out afterwards, was Hill Wallack made a mistake. He said to get an attorney. He is not joking any bit about that. Don't sit here and wait. Mike Italia did the inspections on their houses Barry Isett. He was one of the inspectors on the fence around the corner from him. The owner got away with it. They won't make him do anything. What they got from Joe Adams tonight about hope and concern and keep coming back, he's been doing it for years. There are people sitting here that know he's been here every meeting telling them to do something. They're all worried about safety. Trust him, they're not. He backs out of his driveway every day and has to worry about hitting a kid on a bicycle or running over a car coming down the street. Safety is BS to some of them up here. When he talked at one meeting, they had to watch movies on their phones. That's OK. He's telling them, get an attorney.

#### Council Members to be Heard

Joe Adams read his statement which is attached. He wasn't able to make the last two meetings through the conflicts, one of them health related, one of them was work related and it's been pretty stressful. What he doesn't want to do is continue to serve and take committee time when he knows that in all reality, he's barely making time as it is for work and family, so he doesn't want to extend that any further. He has no intent on really going anywhere. He wouldn't do that to them and the voters. He doesn't want to necessarily back out of that, but he does appreciate everyone bearing with him during this time. He knows it's been super busy, and he does apologize for not being as responsive to emails that he's gotten and stuff like that, so he does apologize from that perspective. He doesn't want to continue to serve on committees if he knows he has that in mind and that being said, he's going to have to withdraw any applications for other committees that he may have put in for or anything like that. He just won't have the reasonable time to do so. Mayor Sodano said first thing, the subject of that dumpster at Schoolhouse Court came up. He doesn't know if all of council is aware, there was actually a dumpster fire there, so this is an issue that has immediacy, from a safety perspective. They need to keep all of this in mind. The second thing, he was hoping that the snow plowing issue and the parking and the towing that was discussed at the work session would come up this evening. It wasn't on the agenda. He doesn't know why, but he's going to take that council wants the parking and towing ordinances followed as they're written. Everyone, be advised that means there will be tickets issued this year for cars that are parked on the streets. For people who continue to do it, they can expect to be towed. It's far too unsafe for them to continue to allow these vehicles. The number of residents who have complained far exceeds the few number of residents who feel that that's unfair. Since they all pay taxes and as Mr. Nickerson said before, they need to look out for the

greater good of all the people concerned. For the people who are in Schoolhouse Court, they won't get plowed by the borough. That's also part of that HOA that they are working on. It's not a dedicated street and the borough is not required to plow that. Just so you know ahead of time. Jill Glover asked if he was referring to their area, but they can park on Hulmeville Ave. Mayor Sodano said if they park on Hulmeville Ave., when it snows, they'll get tickets. Jill asked if that was even where they scratched the white out. He's not sure what's going on with the white because that does not appear to be by PennDOT regulations, from what he's been told. As far as snow is concerned, what he's talking about now is somewhat irrelevant within the cul-de-sac of Schoolhouse Court because that's their responsibility to remove the snow in there and it will remain that way because that was part of the original agreement when that was originally developed. Their street is so narrow, and the developer asked for an exceptionally narrow street. He was informed that parking would be an issue and that they would have to be responsible for snow removal and that they would not be able to get trash trucks or fire trucks in there if there's parking on the street. Jill said they were told the day when they signed their contracts. Mayor Sodano said he just wanted them to be aware of this that they are technically, once there's an HOA in place, they're responsible. At this point, he would assume that the developer is responsible to remove snow. He doesn't know how that works before the HOA goes in, but he just wanted them to be aware that PennDel will not be removing snow in the cul-de-sac.

MOTION BY JOE ADAMS TO ADJOURN AT 10:43 P.M. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

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