

Penndel Borough Council Meeting Minutes

November 7, 2022

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

Dave Truelove reported that there was an Executive Session tonight at 6:45 PM. All council members except Laura Germain were there along with the mayor, Mr. Thompson and himself were present for the Executive Session, which ended just before this meeting started. Items related to litigation and informational items were discussed at the Executive Session.

Present at the meeting

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

Also present at the meeting

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

Special Presentation by PennDOT

Vince de Flavia, with Traffic Planning and Design, doing consultant work on behalf of PennDOT, did a brief presentation on the improvements that PennDOT is looking to make out on Lincoln Highway as part of the HSIP or Highway Safety Improvement Plan that PennDOT has a lot of funding for. He explained that the main intent for the HSIP type projects is to look at corridors or intersections that have safety issues, mainly related to crashes that are reportable crashes that can be correctable with some improvements whether it's some roadway improvements, traffic signal improvements, things like that. They looked at five years of reportable crash data that they collected on these types of projects, which was 2016-2022. The two main intersections in the project are Durham Rd. and Lincoln Highway and Bellevue Ave. and Lincoln Highway, which have a fairly high number of crashes. Some of the crashes that are correctable are a lot of angle accidents, a couple of pedestrians and a couple of rear end type accidents. They only look at the reportable ones which are a fatality, injury or a property damaged vehicle that can't be driven away from an accident. There are also other accidents along the corridor that happened outside of the intersections that they looked at as well and mainly to the right side between Durham Rd. and where Legrande reaches into Lincoln Highway. He explained about the turning lanes, improvements to the radius, widening, sidewalks and any roadway geometric work that they're doing. They are going to do additional traffic signal improvements with all new traffic signals that are more visible for drivers, and they will have pedestrian countdown signals

for the pedestrians for all the crosswalks. They will do ADA ramps to make them accessible at those intersections as well. He explained about reducing lanes and adding a left turn lane by the apartments. They will narrow down Legrande Ave. to slow vehicles that are coming through that area and add transverse rumble strips, which are a kind of speed deterrent for vehicles that are going through there. It gives them a warning that they may be going too fast, and it makes a little noise as they rumble over it. The main impetus was to help with safety, not only for vehicles but pedestrians as well. They are working with the borough and are just wrapping up their preliminary design. They're working with the borough on any of the acquisitions that are going to be required for the improvements and they're looking into getting into final design at some point at the end of the year or the beginning of the new year.

Michael Young, Young Property Investments, asked if Legrande Ave. is so wide, could there be parking along the shopping center. Vince said there is plenty of room and they have intentions to add a wide enough shoulder over there for parking. Michael asked if since the curb is all chopped up right now with curb, then driveway and then curb, he wanted to see if it was possible to get it all the same, so they can park up in there. It's extra parking for the Home Zone. Vince said they could look at that. They're going to maintain the sidewalk through there, so people can access it. But as far as parking up onto that, he doesn't think that's something they'd be looking to do but will take a look at it.

Terry McIntyre, said if he's reading this plan right, they are going to reduce part of Route 1 down to one lane. Vince said yes, coming through the borough from Middletown through to Lincoln Ave. it'll be one lane plus left turn lanes along that southbound. Terry asked if they were worried about a bottleneck. Vince said they looked at some of the statistics from the traffic analysis and also looking at it comparing to the improvements that they're going to make from a safety perspective. Terry asked roughly how many feet they would be down to one lane coming through the borough. Vince said from Legrande down to Lincoln Ave., it'll be one through line. Terry said they had some issues with COVID and Dunkin' Donuts on Route 1 and it was a disaster. Vince said they are looking at some alternatives for that, potentially using Legrande as a left turn lane into the backside of the Dunkin' Donuts coming from Middletown Township.

Elizabeth Ross, said she agrees that a single lane there is going to be an absolute nightmare. Her concern is as you approach that light at Durham Road to make a left turn off of Route 1, there is a curve in the road between Bellevue and Durham. It's a blind spot if there's a car in front of you. As people proceed around that curve, they can't see oncoming traffic. She thinks a lot of people from out of town who go to make a left, all of a sudden there's a car on top of you. They're coming this way from Big Marty's Carpet and the road curves from that other traffic light at Bellevue. It is absolutely brutal. Vince said one of the things they're going to look at there is a protected left turn signal for that left turn lane. Elizabeth said Dunkin' Donuts over to Bellevue is a nightmare with the two lanes when somebody's trying to make a left and there's no turn lane, the traffic is just backed up. It's horrendous, so she can't imagine taking that much distance and funneling that down to one lane. They'll never be able to get to the turn lane, so that would be a concern of hers.

Diane Jones, said many years ago, about 35 - 40 years ago, when you came over the tracks into Penn del, it was one way and one way. She asked if they would consider doing that. Vince said they did look at that but the way the traffic is out there and the numbers, they couldn't get it

to work efficiently with the operations at all the intersections, but they definitely did take a look at that alternative during our analysis.

Cass Pfender, asked if they did an impact study on ambulatory services. She said if there's one lane and a bottleneck what would that do for somebody coming to their rescue. Vince said with the new signals they will have what they call emergency preemption on the signal. Cass said that's great, but she asked where the cars would go if there's one lane southbound with the left turn lane. Vince said the ambulance, or any emergency vehicle preemption signal goes green. It's intended for the cars to move and get out of the way. Technically, they're supposed to move over to the side. Cass said but there are no shoulders. She asked for someone to help her process that. Chief Perry said when the preemptor works, it turns the intersection green for the direction where the emergency vehicles are coming straight and turns the other three intersections red. If all of those intersections were stopped, the ambulance or police vehicle or fire truck can take the left lanes and safely pass by all of those vehicles as long as it triggers the preemptor and as long as people stop moving. If they don't hear the sirens, they can continue to go straight and kind of get out of the way, but it stops the other three intersections to allow the ambulance, fire truck or police vehicle to come up to the intersection safely and make a left, go right or go straight. That's the way the preemptors are designed to work and as long as everybody stops where they are, it doesn't necessarily matter if they can pull over to the right. If they stop, it allows the emergency vehicle to go against traffic because everyone else is stopped and the only people who would have the green would be who's in front of the emergency vehicle, so it actually helps by people just staying where they're at and letting the emergency vehicles go around them.

John Lo Piccolo, said at one time they had looked at a roundabout where Legrande, Bellevue and Durham come together when the proposed Wawa was potentially coming. He asked if they were looking at doing that. Vince said they did not because that would be a separate project. John asked if they took into consideration people's time and the chaos because the backup will probably go pretty far, especially when a train comes. He asked if they think they're sacrificing that in the name of safety. Vince said safety is the main reason why this project came. The backup might be further for people, but they are trying to reduce the amount of crashes that happen at these intersections.

Marilyn Fox, asked where the official project begins and ends. Vince pointed it out on the drawing. Vince said it's pretty much what they see on the drawing. It ends just past Lincoln Ave. to the south with pavement markings and the same thing on the northern end. Marilyn asked where the Dunkin' Donuts was on the drawing. She said so they are extending past the creek a little bit. Vince said yes. Marilyn asked if they are adding sidewalk there. Vince said this project does not have sidewalk in that area. Marilyn said there are a ton of people who are walking there and it's very dangerous, so she thinks that should be noted if this is a safety project. She said the other thing is the back up at Dunkin' Donuts. She thought maybe they might want to put in delineators or something so they can't make a left turn in because there's just so much backup and you can't see coming around the bend. She said she didn't see any blue to indicate widening at the Penndel Pizza corner. Vince said that was correct. Marilyn said she doesn't know if they have been out there, but trucks constantly run that corner over, and she can't tell them how many hydrants have been hit. Vince said they had some discussions with the borough, Beverly and Carol about that corner. There's no intent right now to do anything on that corner under this particular project. She asked if this was federally funded. She said they're probably looking at the design exception process, not for truck turns but just in

general and the typical section out here no shoulders, the radii like all that. Vince said for a design exception there's like thirteen criteria that qualify for design exception when you have this type of typology for the roadway. Shoulder is not one of the criteria that they would need to design exception for due to it being a borough with curbing, so there is no shoulder design exception. It's more of a typology of the road for this situation. Marilyn said so they're not going through the design exception approval process because they're saying it's a safety improvements project. Vince said they have a safety study that's being done. There just isn't a design exception required for this project. They're meeting all of those, so there's no substandard design elements out there for the thirteen criteria. It might be a tough turn for a truck but that's not one of the criteria. Marilyn said they're saying the shoulder is not one but she's pretty sure there's some substandard radii out here for the highway itself and she would be interested to see the crash data. Vince said they are past developing a concept. This is what they're doing their studies on right now, this layout here but after this phase they go to final design and construction, and they need to get environmental clearance first and then into final design and then into construction. Marilyn asked what environmental documents they are anticipating because they're only widening the road a little bit. Vince said in terms of environmental documentation for a PennDOT project, this one is pretty clean. The big things that they might look at would be above ground historic resources, archaeology, wetlands, endangered species. They didn't find any of those for this project. She asked if the signal is going to be adaptive and communicate with other signals that are very close by and are they going to communicate with each other. Vince said at this point they're not adaptive. Marilyn said everything is so close it's just one after another and nothing flows here, and nothing flows up there so, it makes sense if they could be. Vince said these two will definitely be coordinated. She asked if they are going to work with others and not the ones up in Middletown. Vince said not at this point and not under this project. She asked if they are going to be ready to communicate for the future. Vince said they can do that absolutely. Marilyn said she is concerned about sidewalks because a lot of people are walking, so that is important and adding the radii at Pennel Pizza because people actually stand there because it's a bus stop.

Drew Bastian, asked if they are going to have arrows for left hand turns on all these intersections or just the one. Vince said they will be looked at in the final design as far as which ones will get advanced or protected left turns. Drew said they should all have them and at Hulmeville Ave. too where it goes over to the bridge because a lot of people make left hand turns. Every one of these intersections need left turn arrows because it's not safe. He asked if they ever stood at the corner of Bellevue and Route 1 with the tractor trailers that come through. They take down poles. They should not be allowed to turn there. If he were the chief, he would park his car there and everyone who runs over that pavement should get a ticket because they can't make that turn. He's seen them and they block all the intersections off because they can't make that turn. Vince said that was one of the main impetuses for improving that radius on that corner. Drew said they're making a bigger radius this way and all these guys all come in southbound. The easiest way for them would be to come down Legrande and come in that way but they're always coming off of Route 1. He would like to see turning arrows at all these three main intersections.

Len Thompson, said he's the fourth generation to own Thompson Motor Service, the property at Lincoln Ave. and Lincoln Highway. He said when they widened the road 170 years ago, they took a bunch of property from his great grandfather. He asked how wide is that blue on the drawing. Vince said the curb line is where it is today. They are just looking to do some

sidewalk improvements in front of that property. Len said his concern is they have ten bays in their shop, five of them that they access right there, so they have just enough room on their property. All of their parking is along Lincoln Ave. on the side of their building, so they'll come in and swing across the front of our property and into their bays right there. If they widen it, they will be driving cars into the highway to get into their shop. Vince said there is no widening. They will have the sidewalk and apron for their current driveway there. Len said obviously, safety is a concern and he's just thinking about how many people in this room are his customers and how many of their cars are going to crash trying to bring them into the shop. Vince said they can operate as they were doing.

Maria Generson, asked if they were widening and taking sidewalk from Lincoln to Bellevue. Vince said the sidewalk will go back with the widening. The sidewalk will be the same. They are doing widening, but it ends right where her property is. The sidewalk will be replaced. Beverly said she thinks she's afraid that they're going to widen it and take so much frontage away that the cars will be near her window. Vince said there's probably six feet at least from the curb to the front of the property. There is at least a 6-foot sidewalk plus some property to the front door.

Bill Pfender, said there is a Wawa and a Dunkin' Donuts which he goes past every morning to go to work and come home. There is a truck depot right there in the middle of town and a train station. He asked how this is all going to work. The Wawa was a disaster that was a five-year flop. Nothing happened there and then the US government is spending a billion dollars one mile down the road to increase the flow of traffic coming into Penn del and they're going out of their way to slow it down. Vince said that's part of their safety analysis. It all goes back to safety and trying to help with the safety of all modes in here, not just the vehicles. Bill said the plan didn't work with Wawa, so how do they know this plan is going to work. The backup is going to start at the ramp coming into Penn del. He asked if anybody looked at maybe removing the trucking company from the corner. He said that's the last thing they want there. He asked if anybody on council thought of that. Beverly said they bought the property. She asked what they are supposed to do. Bill said maybe somebody should have thought of this.

Bill Franklin, asked if the curb is going to be in the same place it was in front of their businesses. He owns the barber shop. Vince said yes, the existing curb and sidewalks will be in the same place. The sidewalk will be replaced in kind as it is today and connecting down to Lincoln Ave.

Mayor Sodano, said to clarify, they've mentioned a couple times to the public about things that were discussed in the previous meeting. Ninety percent of them didn't even know that meeting happened, so don't assume that they'd seen any of this before. As far as people up here, while the council president and the engineer may be aware of what this plan was, nobody else was, so understand that this is the first time in general, the people in this town have had a chance to look at this. The first meeting was very small that was by invite only to very few people. That's why nobody was here, and they've got a lot of questions and he's got questions too. Mayor Sodano said he's not an engineer, but he has an automotive background, and he can sum up what he thinks in general of engineers. If you know cars, engineers brought them the Chevy Vega and he made a fortune fixing them. Engineers built the Tacoma Narrows Bridge and people died. Whatever engineering is going on here, it needs not only whatever equals on paper, put needs input from the people who drive it every day. He lives in the house he grew up

in, so he's driven those intersections more times than Vince has celebrated birthdays a hundredfold. Mayor Sodano asked how many of the crashes were directly attributable to the fact that there's never been turn signal arrows at any of these intersections. Vince said that's not something they can determine in a crash report but over time and with projects and safety improvements that have happened over the course of time, the improvements to eliminate some of the angle accidents that happen or some of the improvements that they're looking to install here under this project with left turn lanes and left turn signals of that nature. Mayor Sodano asked if their study considered that everything could have been solved that they're trying to do with all of this lane narrowing, etcetera, by simply having installed left turn arrows in the existing configuration. Vince said left turn arrows typically need dedicated left turn lanes. Mayor Sodano said they don't need it. It's accepted practice and there's a huge difference. Accepted practice puts them that way but they're not needed. There's a lot of intersections all over our country and all over Bucks County locally that have a dedicated arrow on the left turn and then they put the little sign up that says you can make the left turn afterwards. They're starting the lane division southbound far outside of the borough, so all of the people who are in the right-hand lane of the southbound lane coming past the businesses that are between Wawa and the borough line they creep as they get there, pretty much everybody in the right lane gets forced onto Legrande Ave. They're either going to get forced onto Legrande or they're going to have to fight somebody where that wide green strip is to get in and depend on somebody letting them in. Vince said there's a typical lane drop for those situations right, plus they have overhead lane signs, so you want all the traffic doing that automatically. Mayor Sodano said instead of allowing it to flow, they're going to narrow it and they're going to put in speed bumps or whatever the current nomenclature is but they're forcing half of the traffic coming down Route 1 to make that last minute decision which way they're going. They're going to increase the crashes there automatically plus, they're pushing at least half of that traffic, maybe a third to be fair, onto LeGrande and they all have to hit the brakes now because they were on the 45 mile an hour section of Route 1 outside of the borough. It's faster than it is at 35 in the borough. So, they go onto Legrande and slam on the brakes, so now they've got the next guy behind them in their trunk. That doesn't sound like a safety improvement to him. The people who do make it into town, they're now stuck in a single lane rush hour traffic on the average afternoon. That means they're going to back up that lane all the way to the Wawa and they'll be single file coming all through town, except for the people who want to make a left-hand turn. That's not going to work so well. The people who pointed it out in here are 100% correct. The worst part of their plan to him is now there's all these frustrated drivers stuck in that lane creeping along. Then they get down past Len's business and they get halfway up on Advance Auto Parts, and it opens up to two lanes again. Hallelujah. There's salvation. He asked what Americans do when that happens. They hit the throttle. Now it's a drag strip. He asked if he'd ever stood on Hulmeville Ave. around 4:00 o'clock in the afternoon at this time of year when that sun's hanging in your eyes. Somebody is now going to be coming through there on the throttle. They're going to have a police car there 24/7 because they're going to be doing 60 miles an hour trying to beat that traffic light. So, they may cut down accidents on these two intersections by some amount but they're going to increase them at the point where traffic has to make a decision and they're going to increase them at Hulmeville Ave. They're not saving lives. They're just trading where the people are going to get killed. It's a problem. The last thing that bothers him about what's going on is when they look at this and they discuss this as improvements, traffic calming, etcetera and they talk about pedestrians. He understands what they're saying but the most important area in that entire quadrangle where people have gotten hit by vehicles is the part that they didn't even want to think about and put in some way for people to walk across that Creek

alongside Route 1. That is one of the most dangerous places. He can't tell them in the last too many years that he's been alive, how many people have been hurt there. That is an absolute travesty with all of the people getting off the buses and walking in that direction to work and there's a lot of them getting off of the trains and having to walk up. They have to cross Route 1 somewhere. There's no sidewalks and he's not trashing the businesses. He's just saying the businesses that are along that side have been there forever and they're right up at the highway. The paint shop and the international dealer right at the highway, there's no real way to walk there. There's room on the Toyota side but to safely cross they have to cross all the way at Durham Rd., so they get off the train and walk all the way down, cross at Durham and now they're on Route 1 and they're walking up Route 1. They walked in the northbound lane because it's the only place they can walk. He gets engineering. He understands and may not be one, but he knows that real life is what you have to figure into the equation. He knows it doesn't have a number but what really happens, they're creating more problems and he would bet the ranch and a dog the number of traffic accidents that the police and emergency personnel respond to when they're done with this plan will be at least a 20% increase over what they currently deal with. If he's wrong, he'll buy him a drink.

Barbara Heffelfinger, said that they've tried a number of times to do something with that curve so people can walk. She asked if there was any way that something like that could be added to that project so that they could have a walkway going around like on the other side of the guardrail. Vince said there's a culvert there he believes, and the creek is there. It's beyond the scope of this project. Barbara asked if it would have to be a separate project and if they would have to apply for a grant. Vince said yes. Barbara said they tried that a couple of times and apparently, the fathers don't agree. Beverly said they would have to work with Middletown on that. Barbara said it's a really bad spot.

Joe Adams, said he and his wife shop at Redner's and Target down Route 1 at one, two, three, four o'clock in the afternoon and he sees the same thing every time coming southbound. People naturally gravitate towards the right lane and those who gravitate towards the left, because they want to turn left, then you get five people who realize someone is making a left and they cut back over to the right lane and then the right lane backs up. With the superhighway blowing out all those little turn lanes, they're losing the ability for people to filter in from Route 1 and it's all going to come down Bellevue Ave. There is a train station which can back traffic up that way and someone in the right lane wants to turn right, they will have to wait and anyone that wants to turn left, they're now stuck in one lane because they're not going to have a left turning lane and it's going to get backed up. He usually doesn't agree with the mayor, but on this one he does. If his wife orders one package and he has to pick it up between 1:00 – 6:00 o'clock on a weekday, he's going to be sitting in that right lane southbound for he can't fathom how long. He said whoever the lady was that knew what she was talking about, see them afterwards because they have questions. He doesn't understand why adaptive turning lights couldn't be used to handle this. Going southbound on Route 1 just got put down to basically, a residential street. They are going to be fighting tractor trailers and people turning right and people turning left. He understands safety but they are trying to improve Penndel with the Penndel vision and increasing the attractiveness of this borough. As the lady mentioned, the light at Wawa is not going to be synced with this one. He asked why it is not more practical to just put in smart lights that can give a green arrow to turn left and yield the other way on both sets of intersections then to shut lanes off and rework that. Vince said from a safety perspective it's better to have dedicated left turn lanes for the left turn vehicles as opposed to through/left

turn lanes that are out there today that still people could be in the left turn lane wanting to make a left after the arrow and people are still stuck behind them. There could be some situations where someone puts their left turn signal on at the last minute and you have to get over. Left turn lanes kind of help with that perspective with vehicles knowing more where to go and not getting stuck behind a left turn vehicle. Joe Adams asked if not everyone up on the dais agrees that this is a great idea, does PennDel have a point of saying no, they don't want to do this. Vince said certainly.

Gary Nickerson, thanked Vince for coming out and trying to improve pedestrian safety on these intersections. There's been a lot of rumors about what PennDOT is going to do and it's very helpful to see this on a screen and have it explained and answer questions. There's definitely a problem with people trying to cross on Route 1. He asked if they were going to change the speed limit. Vince said there's no intention of changing any speed limits. Gary said he sees they did some studies. He asked if they have any data that shows if most of these people just blowing through are they just getting off from 295, and they're just blowing down to Route 1 to get on the Turnpike. Vince said he does not have an origin destination study for this type of project. They just have more localized volumes for the intersections. Gary said he's curious to see if this is going to force people that don't live in the borough and are getting off at 295 if they're going to be going somewhere else just because traffic is going to certainly be impacted. He thinks it might be helpful to look at that and see if that's going to impact the project as people are moving south on Route 1. Gary asked if the right lane is going to be forced onto Legrande Ave. Vince said the right lane will be the through lane and the left inside southbound lane coming from Middletown will be funneled into the right through lane into the borough. It's a left merge into the right lane and there's a lane drop of significant length with the overhead signs in advance for that lane merge. Gary said he just has concerns about how that's going to be. They will be racing from the Wawa to try to get into a lane. He thinks it's going to be tough. He doesn't know if there's another sort of traffic calming, they can do starting earlier at the Wawa. He's sure it's going to be a racetrack. He also has concerns about what others have said about the lack of sidewalks on the southern side of Route 1 crossing over that stream. He wishes that they could take a look at that because that seems to fit into the whole part of this project, which is to improve safety.

John Lo Piccolo, said he knows they're trying to do this for safety, but they have to think of the impact to the neighborhood. He lives a block off of Route 1 and they speed down the street to avoid the light. They may be fixing one problem but might create another. He has young kids, and they have to stay away from the front of their house. He can't say to the people to slow down because then they know where he lives, and they are quick to come out of their car or lower the window and his kids don't need to hear their mouths and he's not trying to start a fight. He's just trying to get them to slow down. He knows they can't figure that out without doing one thing and then seeing what the impact is afterwards. There's a lot of problems here. In a perfect world, it would be just making everything bigger and there's turning lanes. They have challenges. He's upset that this is the first time they have the opportunity when they're already along with the project, but he's happy in a way that there is still a way to say no and go back to the drawing board. They need to think about the impact on those streets that will absorb people cutting through. Beverly said this is preliminary.

Jeff Jones, asked what happens if this project gets done and it turns out to be a real dud. Will it stay like that, and PennDel will be stuck with a goose that doesn't lay a golden egg. Vince said the good thing with situations similar, is there's no widening being done and often times they can go back and revert to what was there before. Jeff asked if it's with more taxpayer's

money. Vince said a study was done to see if there's any issues that were created. Jeff said he agrees with the mayor and it's going to turn into a real cluster. He's lived here for 40 years and knows that's what's going to happen. Thompson is right. There's going to be more accidents at that end and more accidents at the other end. They may save the middle, but the two ends are going to be like a racetrack with trying to funnel all these cars, it's never going to work.

Cass Pfender, asked how they determine who needs improvements like these. Vince said PennDOT has this Highway Safety Improvement Program and what it entails is that PennDOT collects all this crash data. They have a system that gathers it, and it can identify crash cluster locations where there's a high percentage of a certain type of accident and they used that screening to help identify potential improvements throughout the state and throughout the region. They then take that screening and do a more detailed analysis of the accidents and the safety of that area, and they use that analysis to apply for specific safety funds from FHWA. There has to be a safety study and a submission to FHWA, and they have to approve the use of those funds for a safety project. Depending on the type of the project, there can be involvement from the municipality at that point about the potential project that that could be in the pipeline and that PennDOT might be submitting a request for funding. The project has to meet a cost-benefit ratio, so it has to be above an A1 meaning that the cost of the accidents or the crashes that are occurring within that area, the benefit has to be greater than the cost of those accidents. So, that benefit ratio has to be higher than the A1 or it won't be approved.

Elwood Horner, said on their study where they're saying about the turning radius coming from the train tracks and going in front of Thompson's, they're saying it's for safety. This was already in play. They're saying the trucking company, but they already had this turning thing planned years ago when they were doing the possible Wawa. It has nothing to do with the trucking company hitting the poles and making the turns. The corner of Hulmeville Ave. and Route 1 where the carpet place just lost their corner, the only thing, and he's been on Route 1 up until two years ago for 26 years and the cover that kept getting broken off when the ex-mayor would fix it and the school buses would hit. Not the Septa buses, because he never saw one of them make a right turn onto Hulmeville Ave. The other thing about the traffic and changing the lanes and everything, he asked if this has to do with Septa and the TOD and wanting sidewalks for further building of property for high density housing. Vince said he's not aware of any high-density housing in the works. The intent with reducing the one lane on Route 1 is to make sure the left turn lanes line up and face each other so that when they do turn left, you can see around other vehicles. Right now, if you want to turn left, you're offset from each other, and you can't see through the vehicle. Elwood said he has more knowledge of the accidents being there because he has worked for the gentleman that had the towing company. Ninety percent of the accidents, the worst ones are down by the 7-Eleven where there were fatalities where they got the timing issues, and they can't even fix that, so they're going to jump in and do this. He just thinks it's going to be a can of worms. And they're going to put a sidewalk in front of Len's business and there's no sidewalk there now. He asked how the hell they can put curb and sidewalk in and expect him to get into his business. There's not even enough fucking room to the road and you're telling him it'll be fine. He's going to be screwed. They better take another look at it. It's just bizarre what they are trying to do. They're going to have the sidewalk go in a couple of spots and then that's it. Nobody's coming here to walk down the sidewalk. The people that are here use the local businesses. He never heard of somebody coming from New Jersey to go to Penndel Pizza. It just doesn't happen. This is a drive through town and they're going to restrict it. It was a dirt road, so they might as well go back to that because they went from a dirt road to a two-lane road and back to a one lane road and the population is more. He

asked how many years old is their study. Vince said they recently did the safety study but to get the application, which was done in the 2017 to 2018 range. Elwood asked if the bridge was open because that would not be a good study.

Barbara Heffelfinger, said they should give somebody a chair and park them in town on a corner so that they can actually see rather than how they work with numbers. Vince said they've had people on site looking at the project area.

Bill Franklin, said that people do use the sidewalk in front of his place. People from the train station walk up and down the sidewalk all the time, although not used a lot.

Estella Kristiniak, said she believes there are school buses too stopping along Lincoln Highway at Centre St. because they're picking up special ed students. This is going to be horrible. She thinks they need to rethink this whole thing.

Dan Marrazzo, said he has a business at each end of the affected area. He travels back and forth on a very regular basis, 30-40 times a day. He has an office at one end and a business at the other and most of his business is headed northbound towards Wawa. It's kind of like playing Tetris. You have to kind of look at what you're dealing with and think how many cars really have their blinker on and how many don't. He got a reprimanded from a state policeman because he decided to go straight instead of making a left and he had to go to Lincoln Ave. and he kind of cut him off and that's what happens on a regular basis. He's not here to beat them up. What they heard from the audience and the board is real people that live here. He only works here. If you get in the left lane and someone stops in front of you, typically, there's three to four cars maximum that are making lefts off of Route 1. He makes a left going to Lincoln Ave. and that's a little easier to do. If you actually took a look out there, he thinks the mayor's suggestion of having an arrow and one lane has a green light the other lanes got an arrow with a green light and the arrow turns, then at least they get that traffic out of the way. If they take this down to one lane, they're going to have a serious problem at Legrande because he has another business that's off of that and people come flying down that street. There's going to be a lot more traffic there and he thinks that merger situation is going to be a lot more difficult than they think.

Marilyn Fox, said the reason she asked about the funding was because normally, they can get when they go to cost proposal at the end of the project. If part of the project is to improve pedestrian safety, maybe they put in there extending the culvert and adding sidewalk. She asked if they are already into preliminary engineering or past that point. She said this is federally funded, so usually, the feds will give money, so she's confused if it's not past any point at this stage. Vince said there would have to be a documented crash history in that area because the improvement would need to show a reduction in crashes in order to get the money from FHWA to add in more work in the area. Marilyn asked if they did pedestrian counts there. Vince said they did traffic counts including pedestrians at the intersection. It's not at the area that she's talking about though. She definitely thinks that there's a way to get money and she's assuming that alternative that they have there, they've applied the safety scores to see what the reduction will be. She asked if there's other alternatives that they've looked at that they've also applied the safety scores to see how they panned out. Vince said the safety score was applied to the concept they were seeing here, and it showed a roughly 35 percent reduction in the angle and rear end accidents. They didn't look at a safety analysis say, where they were staggering

which one lane goes versus the other lane goes. Marilyn said it would be beneficial to see what that does. The reason she asked about substandard design elements is because when they start to do lane transitions in the area of that culvert, she thinks they're going to find that it's substandard. She asked if there's sight distance issues because it just seems like there would be out there. She thinks there's a sight issue on this property too right across from where they're going to do this. She asked if they are looking at all that. Vince said they are including no right turn on red for some of those intersections, if there's limited sight distance. Marilyn said she understands that this is a safety improvements project, but she thinks they should get some safety improvement out of it. And she understands that there could be limited funds but maybe they should go back to the drawing board for additional funds that are required to make this actually safe.

Ray Mongillo, said they're showing a lot of concern for left hand lanes going south. He asked if they considered for Legrande either a jug handle or a mini bypass around those two intersections by taking that traffic coming southbound from Wawa and running on Legrande and allowing people to make left hand turns there to go straight through to Bellevue and Hulmeville Avenues. Vince said they have, and people can do that. Ray said on Rt. 130 in New Jersey, they can't make a left hand turn because of the medium they create jug handles, so people have to go around and then go through the intersection doesn't perpendicular. Vince said that intersection is pretty tough to begin with. Ray asked if they looked at it because they're going to invertedly find out a lot of people are going to bypass the two left hand turns and do Legrande to try to go straight through Bellevue and Hulmeville. Their study is today but as time goes by people figure it out, he has to do the Tetra to get from the Neshaminy St. up to Wawa. He knows how to play that line there because he has to worry about the people getting coffee at 8:00 o'clock in the morning and he has to go around that, and he has to prepare for the left-hand turn lanes. Everybody is going to use Legrande Ave. because they're not going to use Route 1 because they've narrowed it down. He asked if their feasibility study is showing what would happen if they started learning that traffic pattern and make that a jug handle or mini bypass around the town. Vince said the study hasn't gone that far. Ray said the towns people are already complaining that they're not going to accept a left-hand turning lane. He didn't know whether that was part of an extended survey. Vince said not at this time.

Dave Cahill, said he thinks he smells a rat. He said to Vince that he said this has been going on since 2016. Vince said the funding part of it, the design part of it started in 2021. Dave said he's met with people here at the borough, either him or somebody from PennDOT. Vince said he has. Dave said but he didn't meet with all of council, he only met with Bev and the engineer. Dave asked why, when there are seven members on council and the mayor. He asked why he is only meeting with Bev and the engineer. Vince said they are an extension of the borough. Dave said there's been seven members of council elected and the mayor is number eight. He asked why he isn't meeting with anybody else. He asked Vince if he knew Bob Winkler and met with him. Vince said no. Dave asked if he knew Bob White from the Redevelopment Authority. Vince said no. Dave said he was kind of curious why he's only meeting with Bev because they just found out recently that Bev is a dirty biotch and she thinks that she can make decisions for the town without the other council members. He didn't know why she's inviting the engineer. The engineer is getting paid but nobody from council voted to have her there at the meeting with him and that's illegal. That's against the law. He asked John if he remembers a council vote. Beverly told John he didn't have to answer anything. Dave is supposed to be asking the PennDOT people questions and he's not asking them. Dave said this is dirty rotten.

Joe Dudash, said thank you to the PennDOT people for coming out tonight and he's sorry they're getting beat up. He has to agree with everybody with the whole turn signal thing because they've got problems there. The problem is you can't turn because there's no light that would give you the time to get across. It sounds like it's part of the Department of Transportation US for the grant money and economic development and safety. They're doing the superhighway where they're getting rid of the exits and as they discussed, over there by the school is going to be the main dump off the exit. The traffic will be coming down to Penn del through Bellevue, so that's going to bottleneck down at that trucking company, which I have to agree with everybody else with the trucks it's impossible because they're either blocking it or whatever down there. That's another thing with this whole economic development and all with safety with the feds and it also involves Langhorne Manor and Middletown because the track comes in from Middletown and funnels in here. Then they're going to cut off those exits on the superhighway, so they'll be getting all this traffic down here. He knows they're trying to help them out safety wise and with the redevelopment that they want to do but it's also causing issues here. He knows they're going to put a sidewalk in by Thompson's and the curbs in front of his garage where he can back out and you'll have traffic problems and it's going to start jamming up traffic and they're going to be blocking the pedestrians, so then the poor chief has to get involved in it. The barber and the jewelry store are worried, and they said the sidewalk isn't moving but there is no curb there right now they'll put in an eight-inch curb or whatever the heck it is. Vince said what they see here is an 8-inch standard that can be reduced to six. Joe said he doesn't know if Vince ever went in the barber or jewelers but it's like you take your life in your hands because both of them can tell you they've had accidents and now they're going to create more traffic. He asked if they are going to put pedestrian barriers on that sidewalk because one of them has bollards up now trying to protect the front of his building. Joe said he doesn't know if he can answer this question but at 169 W. Lincoln Highway up towards the rug manufacturer, there is a tech cycle shop. By accident, one day he had to go in there and they were talking and they're starting to tear it up. He was talking to the guy, and he asked how he was doing, and he says he loves PennDOT. Joe said he asked him why and he said because with the domain thing they came in and said they had to take some of this property. So, he had the place evaluated from his realtor and PennDOT paid more than what the realtor had projected, so he was thrilled to death. Joe asked why at the jeweler and the barber and Thompson's why is it that Penn del is hiring a realtor to come talk to them about their property and the word "domain" comes up. He asked why PennDOT isn't like they did up north, going down to them and negotiating whatever the value of the property is. Vince said as far as he understands, the borough has a grant for that particular purpose for this project. Joe asked why it wouldn't be PennDOT officials and it seems like these poor people are always getting screwed. They got it out of Wawa, now this. Vince said it was probably a different type of project. He doesn't know what the funding for that particular project was and it wasn't under the same scope as the Highway Safety Improvement and in this case, the borough had the grant to do that for this particular area. They're not going to get better value for the property as up north. Len said where the value of the property is, taking a little chunk of his property, the value is huge because if you take that from him, he can't get into his business. Joe said there's a combination here. They say he can move his cars out of there, but he's scared, and he's lived here all his life and he knows the jeweler and the barbershop and Thompson's. It's like they get the short end of the stick down there with this whole Wawa deal and everything else but they're not up north because PennDOT is dealing with it. He asked if he heard incorrectly that they used the Wawa safety study. Vince said they had their own study for this particular project. Joe asked if that could be given to the public. Vince said most crash data is considered confidential,

so if there's a request for any of those studies, he would say do it through the right to know office and they kind of handle what is or is not able to be handed out to individuals. Joe asked if with this particular project itself if these people can write in to get a copy of it or a copy of the proposal. Vince said he can leave a PDF with the borough to place on the website or distribute. Joe said he understands that PennDOT is busy up there in Langhorne Manor and Middletown and it seems like they're in the middle of all this safety/economic development. He asked what the next step is. He asked if they go back to headquarters. Vince said they will review the comments that they received tonight internally and probably circle back with others at PennDOT and again with Pennel Borough.

Joe Adams, said he understands crash data might be considered confidential but basic data analysis is they would sanitize that before pulling any reports. He asked why they would have to go through the right to know act request for the final result. They're not asking for the individuals. There's a crash in Pennel and the chief tells him there's a crash, he totals it up every month. He doesn't know who the participants are, but he asked if they are saying that they can't get the safety reports from them because that might be a breach of confidence. Vince said he doesn't know what is always able to be shared or not shared especially when it comes to crash data and safety, so he usually airs on the safe side and says he doesn't know. Joe asked if the the right to know request would be made through their organization or be made through Pennel. Vince said through PennDOT. There's a specific right to know office where they can go online and request it. Joe asked what the name of the safety study is because the problem with right to know act requests, if you just say give me any and all acts, they're going to say screw off, what's the name of the document and or the safety study, particularly the year that it was done. He doesn't know the name of the document. Vince said HSIP application to receive funding. Joe asked what year this application was submitted. Vince said he forget the exact year that it was submitted to start getting the funding.

Council or Borough Announcements

Barbara Heffelfinger announced that the Activities Committee of Pennel will be holding their annual tree lighting on Saturday December 3rd. Please come for singing at 6:30 PM followed by Santa arriving on the fire truck at 7:00 PM. There will be hot chocolate and cookies for everyone. Also, the Activities Committee will be holding a craft time for the kids on Sunday December 11th from 3:00 PM to 5:00 PM. Bring the kids out so they can have some fun. There will be a variety of things for them to make and take home and that will be held inside the building. Please spread the word. It will be in the newsletter and that should be coming out within a week and half or so.

Public Comment on Agenda Items

Jay Moser, asked about the LED and the budget to be discussed this evening and the consideration of motion for the PA Small Water and Sewer grant application. He asked if everyone on council has been given enough information to discuss this this evening. Beverly said the sign was a budgeted item from last year. Jay asked if everyone got the information. Beverly said they were given the information at the workshop meeting. Jay asked about the workman's comp with Middletown. Beverly asked if it was in regard to fire services. Jay said he sees it's in the bills to be paid. He asked if the borough is still paying that. Beverly said they get reimbursed from Middletown, so it's in and out. Jay said other boroughs have not paid their workman's comp until they get an answer from Middletown. He was just questioning it because it's a bill to be paid.

Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE OCTOBER 19, 2022 WORKSHOP MEETING AND PAY THE FOLLOWING BILLS FOR THE MONTH OF OCTOBER 2022:

| | |
|----------------------|-------------|
| General Fund | \$29,611.76 |
| Fire Tax Fund | \$ 132.47 |
| Refuse Fund | \$ 31.93 |
| Sewer Fund | \$24,256.79 |
| Capital Reserve Fund | \$ 8,934.22 |
| Liquid Fuel Fund | \$ 390.37 |
| Escrow Fund | \$ 5,236.41 |
| Payroll Fund | \$ 2,813.60 |

Payroll

| | |
|--------------|--------------------|
| General Fund | \$27,080.47 |
| Sewer Fund | \$ 3,068.10 |
| Total | \$30,148.57 |

Escrow Fund Bills

Schoolhouse Court:

| | |
|-------------------|------------|
| Hill Wallack, LLP | \$3,303.91 |
| Value Engineering | \$1,932.50 |

SECONDED BY BARBARA HEFFELFINGER. Beverly said with regard to the worker's comp that Jay mentioned, they do get reimbursed from the fire department for this this bill which is why they are paying it. They still do have to have a meeting with Middletown to discuss future plans.

All ayes, motion carried.

Reports:

Borough Manager's Report

Geoff Thompson read his report which is on file in the secretary's office. Joe Dudash said to Geoff he was talking to Stephanie, the manager from Middletown, and it seems that he and they have been playing telephone tag. The fire departments are meeting with her for the workman's comp. The township is proposing to pick up 75.12% of the premium of \$14,513.93. That's why they want to get together with him. Geoff said they had to cancel one meeting. He did get an email from Stephanie and they're still trying to get together. Joe said they are the only one left, from what he's been hearing. He asked Geoff to let them know how that works out because it sounds like they want all the departments to pay for a percentage. Joe said at the last meeting, Geoff gave them the bank accounts and on there was

the capital reserve cash and it was minus \$8,041.97 for First National Bank. He asked if that is the EIT. He asked if they spent that amount from the capital reserve. Geoff said they put the money together. It's not just the EIT. Joe said he's confused with that whole capital reserve thing. Thirty percent of it is supposed to go into capital reserve and any other percent goes in the General Fund. Geoff said he would have to get with Marie, and he could give him an answer later. Property tax, Earned Income tax, fines, whatever the revenue, it's not segregated. They don't keep EIT in separate funds. They don't keep property tax in a separate fund. They know how much they get. Joe asked if they are separate accounts. Geoff said Marie sends out monthly budgets and balances and that line item for EIT property tax whatever it's on that report. Joe said from what he understands from the state, 30% of the EIT is supposed to go into a Capital Reserve Fund. Geoff said he's never heard that. Joe said it's in the borough magazine plus he called the Borough's Association, so he guesses they're violating it. Geoff said he will have to take a look at that. Joe asked if they are going to get the EIT report for the third quarter. Geoff said he didn't think they were given that yet but will get it to them. Joe asked if he knew off hand how much they pulled in. Geoff said he would have to check the monthly balance report. Joe asked if one of the residents wanted to get his manager's report, does it go in the minutes. Geoff said it doesn't go into the minutes. He would gladly hand it out or email it.

Mayor's Report

Mayor Sodano read his report which is attached.

Police Chief's Report

Dave Cahill said to Chief Perry that on the night of July 4th, when the home invasion happened, his officer was up at the hospital out of service on a medical call that he received at 9:15 PM. He was out of service up at the hospital when the home invasion came in at 10:25. He asked if he was correct. Chief Perry said with most of that so far. He doesn't have the exact times in front of him. Dave said but his officer was out of service up at the hospital. Chief Perry said the officer was tied up on a priority call when that call came in, so he wasn't available for the home invasion, so state police were dispatched to take the call. This is something he's addressed. Every meeting he asks the same question. Dave asked, when the officer cleared at the hospital on the medical call, why did he get dispatched to the 500 block of Hulmeville Ave. Chief Perry said he doesn't know the answer to that question. Dave asked if he was aware that he got dispatched at the 500 block of Hulmeville Ave. Chief Perry said he's not aware of that. Dave asked if when the state police get called, normally the officers don't respond. Chief Perry said that's not always true. Dave asked if he got any information from that home invasion. Chief Perry said the state police handled it. Dave asked if the suspect was caught. Chief Perry said he's not going to speak for their investigation. They've been apprised of what's going on with the investigation. They've been following along with what's going on with their investigation and they've been trying to provide information from their end to try to have a parallel investigation to try to catch the person involved. Dave asked if he is to assume that the state police still weren't at her house when she called 911 back a second time and that's why the Penndel officer was dispatched. Chief Perry said he doesn't have that information. Dave asked if he could get him that information. Chief Perry said some information they can't release. He said Dave applied for a right to know request. Dave said you wouldn't believe how much information he has from the 911 center. Chief Perry said he doesn't have the answer to that, and he can't say that what Dave is saying is factual because some things that he has said in the past have not been factual. So, he doesn't know which one to believe, especially with prior unfactual information that he's given out, so he can't take him on his word fortunately.

John Lo Piccolo, said that the dumpster by the garages for 155 Hulmeville Ave., he believes there is a sight issue and would like the inspector to see if it is allowed to be there because the sight lines are terrible. People don't even use the stop sign because they have to stop after the stop sign and after the dumpster because the view is terrible. If they're making a right, they usually just roll right through it, but the dumpster is the problem. He has a piece of land behind the garages that he could put a pad and he doesn't care about this guy because he brings horrible tenants in so screw him. The police could write tickets all day and most of them would be residents because he sees the people that blow it all the time. They need the inspector to come out to see if it is out of compliance. He thinks that's a big safety issue.

Mayor Sodano, said he knows the chief does not look for attaboys and he kind of glossed over something in his report, but he wants him to know how much the people in this town do appreciate when he does things like for the fellow that had the heart issue. For those who don't know, the chief was first on scene and there's a family in this town that still has a family member because the chief was able to revive and keep that person alive long enough for the EMT's. Thank you from the people. Chief Perry said he doesn't think he was the only reason, but he definitely had a good team on site there and they did have a nice team effort to have a good outcome. He does appreciate the thank you.

Joe Dudash, said he knows he's on it already with the mayor with the Taddei Woods and the homeless. When he was on the Safety Committee, they were dumping stuff back there and they put cameras back there. It seemed like it worked the last time because he caught him on camera. He was back there today and there's bags and stuff, but he doesn't think they're staying there. He thinks they're moving in and out. Chief's response was inaudible.

Engineer's Report

Carol Schuehler read her report which is attached.

Joe Adams said he's learned a lot recently about these MS-4 systems that are coming down through DEP and I've noticed that of late a lot of their publications have guidance have been kind of updated and changed. Instead of asking a lot of questions, he asked if she could give them an update or report at one of the workshop meetings on the status of their MS-4 program, what they qualify under, what the implications are. He asks because they need to talk about how much these programs are going to cost and what the changes to what DEP and EPA and the Fed is really trying to do and how much money they need to be forecasting and thinking about for the upgrading protection and general maintenance as these new programs come down to them for the sewer system. He said maybe next year they could get a brief on the status. Carol said she would be happy to do that anytime. They do an annual report to the DEP on the status of the MS-4 of the borough's compliance and that would have just gone in about the end of September. Carol explained further on the updates to the Stormwater Management ordinance before the next permit cycle renewal. Joe said he wanted to bring this to light to give Carol as much time as he could and not just show up one council meeting and ask her to tell him about all these streams. He would like to learn more about it himself. He would ask Madam President to do something for the beginning of next year.

Joe Dudash told Carol she did a great job on Spring St. He's afraid of junk starting to get put back in there, so he asked if they could put up no dumping and fine signs. Carol said it's not a public road, so the borough can put signs up, but she doesn't know if there were any rules that would prevent them from putting them up or not because it was sort of wishy washy what the

ownership was, but she doesn't see a problem with that. Joe said it's so clean looking he would hate to see it start getting jammed up again. He asked Carol if there was anything new with those grants that they could add to the COVID Committee's ARP. Carol said she wasn't sure what he was asking her. Joe said she said there's grants and is there anything new that she could give them or suggestions for the inlets or the sewer that they can add to it. Carol said she gave him a pretty good list a little while back that was pretty comprehensive. Joe said he'd like to sit down with her because he was telling her about when his wife was working for Fairfax County with the storm water, they were doing impervious surfaces. And if someone would put a driveway in and it wasn't impervious, they would be taxed on it. There was all this storm water control stuff and New Jersey has already started and he heard Pennsylvania is starting to go into the same thing. Joe said she's been great on this whole environmental stuff. He asked if he could get the 430-page report from the PA Department of Environmental Protection for Permabilt. Carol said she thinks they have an electronic copy from DEP, and she thinks it's a public document. She'll try to get that to Marie to share with him.

MOTION BY JOHN STRATZ TO PAY HAINES PAVING AND LANDSCAPING \$16,645.00 FOR THE WORK ALONG SPRING STREET AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE FULL AND FINAL PAYMENT TO ASPHALT MAINTENANCE SOLUTIONS LLC IN THE AMOUNT OF \$79,276.70 AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO DIRECT THE BOROUGH ENGINEER TO PURSUE THE PA SMALL WATER AND SEWER GRANT APPLICATION. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried

Zoning/Code Enforcement Report

Beverly said the reports are included in their packets. Joe Dudash asked if Beverly was going to read this report to the public or will it be supplied to them. Joe said he would read it. Beverly said she is not reading all of this. Joe asked if it could be attached to the minutes. Beverly asked Dave Truelove about it. Dave said he doesn't know if some of it has to be redacted. Joe said he's kind of upset over it because to him, it's censorship. He asked how they can redact an item when it's public record. Dave said it might not be entirely public record. Under the right to know, there's a definition of public records. It's not censorship. He's not saying any of it would be redacted. All he's saying is they may have to review it for that purpose. There may be some information that's actually like attorney-client privilege for example. He has to have an opportunity to have one of his colleagues look at it and give that opinion. The right to know act does define public record and it has certain exemptions. Beverly said if it's not, it should be included in the minutes. Joe said the manager gave his report and Carol gave her report. He sees Charlie's, which is minimal. Sally gives in-depth reports, which he appreciates but how they are supposed to see it. Beverly said they will have to figure out a way to make sure that the public can see this. Dave said it may be disclosable in its entirety or it may be 90% disclosable. He can't give him that opinion off the cuff right now.

Kathleen Pfender, asked if this is the first time that all of them have seen the report just right now, tonight. Beverly said when they get the agenda. Dave said he got his today. Kathleen

asked, as the attorney, wouldn't it be a best practice to view that information prior to see if it should be redacted and if it could be shared with them. Kathleen asked isn't it is part of his job to determine whether that should be redacted or not and it should be since this is the meeting and that information should be shared. Dave said ultimately, yes. The report isn't necessarily designed to be released publicly just because it's circulated to the council members. It might be, but that's not what the purpose is. Kathleen asked what the time frame would be typically. Dave said he can have one of his colleagues who specializes in right to know stuff look at it and they have two former DAs in his office, so probably within a couple of days and they may look at it tomorrow and say it's fine. He just doesn't want to give that opinion sitting here today. Joe Dudash said his concern is the manager gave his report and the chief gave his report. It's public record. Dave said technically, public record. Joe asked why they wouldn't when somebody wrote in and redacted the whole thing including Charlie's report when they've seen these already. Dave said the public has not seen it. Joe said they have seen it. They get the briefing. Code enforcement, Sally's, Charlies, the whole thing was redacted and it's ridiculous. Dave said he didn't redact it. He doesn't know where that came from. Beverly said it was a previous right to know request. Joe said under federal law, he should be telling him why this is all redacted. Dave said if he would like to discuss that with one of his colleagues, who's the former DA, who knows about the right to know he can. Joe said he doesn't care who they are. Dave said he doesn't care that Joe doesn't care because what he's telling him is they know more about it than even he does. Joe asked why they are getting sued and he's paying him more stuff in this borough. He's got the Berlin Wall and the drug place rehab center. Dave said Mr. Cahill can appeal that decision. Joe asked why he has to go and appeal it. Dave said it's not the way it works. Joe said this is public record. Dave said it's not. Joe said yes, it is because he already got it. Joe said Dave redacted a public record and that is a federal offense. Dave said to go to the US attorney's office and tell them. Joe said so, he wants him to spend more money. This is nonsense. Dave said it's not nonsense. Joe said they're up to \$50,000.00 on the Berlin Wall. He just paid him \$85,000.00. And there's more legal stuff going on. This is just nonsense. Dave said he would suggest he gets another opinion if he knows the federal law. Have the US attorney look at it then. Joe asked why they would redact something if he gave that report. Dave said he did not give that report in public. Some of that should be redacted according to his colleagues, so he's deferring to them. Joe said he guesses the residents of Penndel have no rights to write in. It should be read like the chief's and the manager's reports.

COMMITTEE BUSINESS:

None

New Business

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

District Court 07-1-07 invoice dated 10/3/22 in the amount of \$29.75 for a civil complaint
Langhorne Postmaster invoice dated 10/3/22 in the amount of \$286.80 for quarterly postage
District Court 07-1-07 invoice dated 10/3/22 in the amount of \$20.00 for the remainder of civil complaint
Comcast invoice dated 9/26/22 in the amount of \$219.87 for internet and voice services at 300 Bellevue Avenue and 37 W. Woodland Avenue
General Code Publishers Invoice #GC00118488 in the amount of \$1,195.00 for eCode 360 annual maintenance

The Hartford Invoice #357526204415 in the amount of \$738.95 for life insurance premium
NJ E-Z Pass invoice dated 10/4/22 in the amount of \$30.00 for bridge tolls
State Workers' Insurance Fund invoice date 9/30/22 in the amount of \$1,499.00 for fire department workers' compensation installment
Waste Management Invoice #3475-2448-0 in the amount of \$17,431.50 for September service
Amazon Invoice #1TWY-7VJJ-JWQP in the amount of \$619.00 for Dell laptop computer
Comcast invoice dated 10/2/22 in the amount of \$199.89 for internet at 790 Neshaminy St
Comcast Invoice #15628025 in the amount of \$550.22 for business voice edge service
Deer Park Invoice #12IO431953892 in the amount of \$106.97 for spring water
Gettysburg Benefits Administrator invoice dated 9/30/22 in the amount of \$169.59 for dental insurance premium
PECO invoice dated 10/6/22 in the amount of \$38.65 for 790 Neshaminy St.
Independence Blue Cross Invoice #221007494828 for the amount of \$5,821.18 for medical insurance installment
Robert E. Little, Inc. Invoice #04-106-1811 in the amount of \$3,537.00 for three generators for traffic signals
PECO invoice dated 10/12/22 in the amount of \$1,492.69 for street light electric
Delage Landen Invoice #77446408 dated 8/31/22 in the amount of \$276.54 for copier lease payment

SECONDED BY JOHN STRATZ. All ayes, motion carried.

Dave read the following motion:

CONSIDERATION OF A MOTION TO TAKE A POSITION ON AND POTENTIALLY SEND COUNSEL TO REPRESENT THE BOROUGH AT HEARING ON ZONING APPEAL FOR THE PROPERTY LOCATED AT 652 BELLEVUE AVENUE. Dave said this is the gas station at the point that has a small convenience store functioning there. They have asked for a Zoning Hearing Board relief to reduce the size of their repair business and increase the size of their convenience store business. After discussion, they feel it does not make sense to send their office to the hearing in that there are plenty of people on the council that can go to the Zoning Hearing Board and voice their opinions about the issue. This does not mean that they do not believe that it's important to have the people there. They do. They just don't believe it's necessary to have their office go represent the borough's interest. So, unless there's a contrary opinion, there's no vote required. They recommend deferral to the Zoning Hearing Board but if somebody wants to make a motion otherwise, they are certainly welcome to do that. Barbara Heffelfinger said she objects. Dave said she can give her opinion at the zoning meeting.

Dave said the next motion is a continuation of the fence issue on Hulmeville Avenue near Dehaven. The permit for that fence was recently revoked. The appeal was filed by the resident on that revocation of the permit. Because of the ongoing issues there, and certainly the public safety issue there, they recommend that the council authorizes them to go represent the borough at that hearing and a vote would be required to authorize them to do that.

MOTION BY BARBARA HEFFELFINGER TO TAKE A POSITION ON AND POTENTIALLY SEND COUNSEL TO REPRESENT THE BOROUGH AT HEARING ON ZONING APPEAL FOR THE PROPERTY LOCATED AT 652 BELLEVUE AVENUE. SECONDED BY GARY NICKERSON. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ACCEPT THE RESIGNATION OF CAROLINE LAVENDUSKI FROM THE PLANNING COMMISSION. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Beverly was going to table the snow removal motion, since this is the first, they have seen it. Joe Adams asked if they received any more quotes. Geoff said they solicited three quotes and got one. Joe Adams said if there's no one else, they don't need to wait.

MOTION BY JOHN STRATZ TO APPROVE THE QUOTE FROM K.E. SEIFERT FOR SNOW REMOVAL AND SALTING FOR THE 2022-2023 WINTER SEASON. SECONDED BY JOE ADAMS. He asked what the cost of the service is that they gave them. Beverly said it's an hourly rate. Dave said for the 2022-2023 season, it is \$125.00 an hour for plow truck with salt spreader, \$120.00 for a pickup truck with a plow, backhoe is \$250.00 an hour, front end loader is \$400.00 an hour, snow blower is \$85.00 an hour. Services to be provided are sidewalk shoveling at \$85.00 per hour and sidewalk salting \$85.00 per hour. Those are increases in some cases as much as 25% from the previous year, sometimes not as much, sometimes a little bit more. Beverly said its gas price driven. Beverly asked Geoff if they provided all the appropriate insurances. Geoff said they have to, to be approved. Gary asked if they changed any of the insurance requirements or are they the same as last year. Geoff said the same as last year. Gary said he remembers two years ago they changed it, and it went up and then last year they went back down. All ayes, motion carried.

Discussion of the 2023 Preliminary Budget and Scheduling of Council Budget Meeting.

Beverly asked what they are discussing. She doesn't know why it's on here. It's scheduled, so there is no need for this motion. The dates are November 9th and 14th. Joe Dudash said he thinks they have a little legal problem as far as with the complying as far as setting the meetings. Beverly said they will have it available for public inspection, once it's approved. Joe said under the Sunshine Act, they are supposed to have the day, the date and the time. The public notice has no time. It just says PM. Beverly asked Marie if the Courier made a mistake. Dave said if the paper made a mistake, they could get their money back on the ad but unless they can correct it tomorrow, which is the day before the first the meeting but, it's not a voting meeting although they do want the public to be able to know about the meeting. Beverly said that's why it's on the website and everything else.

Dave explained that the state legislature passed Act 57 back in July that required by January 9th of next year that all public agencies have to pass Act 57. This act allows or requires tax collectors, and they will have to advise Ms. Caracappa about this, if it's passed, and it has to be passed by January 9th. When taxpayers don't receive the timely notice of their tax bills, or it's sent to the wrong address, or there's some mistake that the taxpayer does not receive it due to no fault of his or her own, they have a way to actually have additional charges waived from real estate taxes by going through a process that's authorized under Act 57. Even though these circumstances have occurred in the past, there was no mechanism for a taxpayer to find this type of relief. So, now this allows a taxpayer who's affected in the way that's described in Act 57

and this resolution, to obtain the relief that's mentioned in the resolution. Every taxing authority in the Commonwealth, boroughs, townships, city, school district, has to enact a resolution for Act 57 by January 9th. They just prepared this for their consideration tonight. Joe Adams asked what mechanisms will be in place if he needed to seek relief. Dave said it's indicated in paragraph 2. The taxpayer has to do all the following: number one, provide a waiver request of additional charges to the tax collector in possession of the claim within 12 months of a qualifying event which would be the event of whether they didn't get proper notice. Attest notice was not received. Provide the tax collector with the claim with one of the following: copy of the deed showing the date of the real property transfer or a copy of the title following the acquisition of a mobile or manufactured home etcetera and then pay the face amount of the tax notice for the real estate tax with the waiver request. The different taxing entities will come up with a common form for everybody to be able to use for this.

MOTION BY JOE ADAMS TO ADOPT RESOLUTION #2022-19 IMPLEMENTING ACT 57 OF 2022. SECONDED BY JOHN STRATZ. All ayes, motion carried.

Gary Nickerson asked to amend the following motion to include a price.

MOTION BY GARY NICKERSON TO AMEND THE MOTION FOR THE BOROUGH HALL LED SIGN. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY GARY NICKERSON TO APPROVE THE BOROUGH HALL LED SIGN IN THE AMOUNT OF \$25,725.00. SECONDED BY JOHN STRATZ.

Mayor Sodano said he's not clear on what the decision on the budget meeting for Wednesday is. Dave said technically, he thinks they could still hold it unless they prefer to have it deferred. The first one is next Monday, and they just want to make sure that the Courier gets that right and schedule a second one if they desire to do so. Mayor Sodano said he emailed a question that if his medical procedure on Wednesday renders him unavailable to attend, would there be a Zoom alternative and he didn't get an answer. Dave said it's a moot point right now. They could because it is not a borough council meeting. Gary said they don't have the equipment. Dave said his suggestion since the Courier apparently screwed up, announce that Wednesday's meeting is not going to be held because of the problem with the notice and move it to the first one to next Monday the 14th and then you schedule a second, one which would give a proper public notice for whatever date would be acceptable for everybody. Beverly said the budget session for the 9th is cancelled and the Finance Committee will have to choose another date and get it published. Dave said he would also suggest the Courier be contacted promptly tomorrow to point out the problem so that they get their advertising fee back. Mayor Sodano said Pennel offices are closed tomorrow. John asked when the Executive Session would be. Beverly said they would have to have it before that meeting on the 14th. It is personnel.

Joe Dudash said the American Rescue Plan Act Committee met and they have a question to ask the council. With the information that Carol gave, and then with all Beverly's information and some of the people who had been showing up, the Treasury Department, who runs this fund, advised them that they can stretch the dollars. For instance, instead of one of maybe Carol's projects or maybe one of Barbara's projects, they can stretch it out if they use some of the EIT or something like that. They wanted to know if they would be willing to contribute to the COVID money, like 75% so they can proceed more if that's the case. Beverly asked what

projects he had in mind. Joe said Carol gave them a list with the sewers and they have the police officers, the fire, the staff for the borough. Beverly asked how long the money is good for. Joe said 2024. Joe Adams asked if they could request at the workshop to have a presentation from them. Joe said they want to proceed, and the committee is out here tonight. They want to start dissecting. For instance, if he gets 75% whatever from whatever, he can expand on the projects. Carol gave them a lot of projects and then Barbara has some. Joe Adams said so, he's wanting to get the vibe of council. John said he would like exact information before he makes his decision. Joe Dudash said he's just asking if they would be willing to give. Gary said it would have to be budgeted. Joe Dudash said the Covid money is a separate fund. The treasury recommends that to stretch the money, they can use the funds from the borough and COVID and mix it together to get more bang for their buck. Instead of doing a bigger project right, maybe they can do three. Gary asked if they have to put in their application that they're contributing borough funds. Joe said yes. Joe Adams said what he thinks Mr. Dudash is trying to say is that he didn't want to show up to a briefing and say hey we'd like 50% of this and blindsides everybody, so he wants to make sure that he can present the idea of the borough chipping in. Joe Dudash said that way they're not wasting their time. Like if they want 50% and council says no, then they just blew all that time for nothing. Gary said his concern is if they need to come up with \$50,000.00, that has to be a budgeted item. Joe said that's what they want to know. They have until 2024 to spend it. This is more for the committee. He doesn't want to waste his time or theirs if they're not going to give them a dime. Then they've got to just burn off the COVID money and do one project. Joe Adams said he feels like the general intent is if the project makes sense, it's probably worth the coinvesting, so to speak. Joe Dudash said Carol has been wonderful with them and it's on the inlets and it's on the sewer. In fact, it's the same thing that she presented tonight with PECO Green and all this other stuff with the stormwater inlets, which are falling apart but then he's got Barbara's suggestion she wants some for the police, borough staff, the fire department. There are many wish lists, that's why they're trying to narrow it down. Joe Adams said he would recommend that they make their proposals and include what percentage they'd want from the borough. Joe Dudash said he can't give it to them now because he doesn't know what they're contributing. Joe Adams said they should have a set of contingencies. What they could do if given 75%. What they could do if given 50%. What they could do if given 25%.

Public Comment

Mike Smith, said to Dave Truelove, thanks for coming. He hasn't seen him since the judge's decision and after he read that decision, he was quite surprised. Mike told Dave he made a lot of mistakes, and he owes him \$875.00. He gave the invoice to Marie and said to make sure that it goes in the minutes. Mike told Dave he owes the borough residents \$30,000.00 that he knows of but now he knows it's 50,000. Most of these people don't realize that if he had made the right decision two years ago and did exactly what he said he was supposed to do right from the start, they wouldn't be in this situation and the Darnley's wouldn't have had to spend all that money on an attorney. Mike said he hopes his errors and omissions insurance is up to date because he needs to pay back the residents of this borough.

John Lo Piccolo, said during the recess, he brought up to Carol that it looks like the project is wrapping up on Crescent St. Bucks County Water and Sewer did pits on Centre and Crescent Streets. They relined Centre St., but he thinks their intention was to reline Crescent, but he doesn't know for sure. They ended up having to cut and excavate all the way down from Bellevue to Hulmeville Ave. Carol wasn't aware of it, but he just wanted to know what they

replaced the pipe with. He's assuming some kind of a plastic. He doesn't know what it was prior. He wanted to know what they were planning on doing as far as the road goes, because they cut and excavated it. They already had a crack in the middle of it. Now it's splintered. He doesn't know if they're going to wait until the spring and do a mill and repave but it's what they deserve. It's a mess. A lot of areas that they filled in with patch sank and they had to put in more patch. He'll check in at another meeting. He just wanted to make sure that they were aware of it and as he mentioned, Carol wasn't up to speed but she should be. Beverly said Bucks County Water and Sewer and PECO just do what they please. John said they deserve nothing less than a mill and repave in his opinion.

Terry McIntyre, said they were discussing street sweeping coming up. He said he takes it they're not going to sweep his street again this year or Bellevue Ave. Beverly said they did that for the parade in May because PennDOT wasn't going to do it. Terry said he knows it's a state road but it's right in the middle of the borough. He also asked about picking up the leaves. With this newfound revenue, maybe they can look into that where you drag the leaves out to the curb, and they suck them right up. He and his wife have picked up about 25 to 30 bags and they're going to have to do it again and his back is killing him. He doesn't know the expense of it, but it might be something to look into and it would be a nice service for the residents, kind of a give back thing. As far as the Route 1 project goes, they definitely need to go back to the drawing board. Maybe they thought this town was asleep at the switch, but it's usually never the case.

Dave Cahill, asked if there is a budget meeting on the 9th or not. Beverly said no, there is not. Dave asked Beverly if she remembers the picture she drew for him. Beverly said yes, that was a few meetings ago. Dave said she held it up and she thought it was funny. Dave said so now it's his turn to get even. As she knows, he went to the RDA meeting on the 21st. He recorded her whole presentation. He said she lied in the RDA grant application and then she proposed something entirely different. He got it all on video her presentation, so there's going to be something coming from the DA's office, he's sure. He just wants her to be aware of that. Paybacks are a bitch. Sorry, biotch. Beverly said she's trembling right now. Dave said he went to the three boroughs, and he told them that you're a dirty biotch. What he's hearing coming from their end is that she should be disqualified for lying but they weren't the only municipality that lied. There was somebody else that lied too. Dave asked if there is a reason why the October 3rd minutes haven't been posted yet when they were approved on the 17th of October. He asked if there is a reason why it's taking so long. Dave said to Barbara he wants to know exactly what she said at that meeting and at the meeting on the 17th word for word. Beverly looked on the website and they weren't there. Dave asked what's going on. He asked if they were holding them back because Barbara said a lot of things on there weren't right. Dave said he thinks she told him not to go to that RDA meeting. That's why he went, and he enjoyed himself. That was kind of fun. He should go to some more. Beverly said it looks like the last one is September 19th and it's under 2021 minutes and not 2022. Dave said just so that they're aware, he went back to the RDA again and he told them about Bev's lie, so they're aware. She should have known something was going on because the chairman of the RDA questioned her about whether she wanted a second floor or an A-frame roof, so she should have known something was up. Ralph DiGuseppe questions her about what they were asking for and then he also asked if she wanted it in the order that she presented. Beverly told him to get it right. He did not question her. It was the person who was coordinating with them. Dave said he was at the meeting and it's all on video. She was questioned and she had a chance to set the

record straight and she didn't. He doesn't know if she was intimidated because he was at the meeting. Beverly said she was quivering in her drawers. Dave asked why she is lying. The RDA can't figure out why she lied. She doesn't have a problem tampering with government documents. He asked if she thought that was ok. She might have a problem. Beverly said she did not say anything about tampering with government documents. Beverly said she is so happy that she won't have to deal with him anymore. Dave asked if she is quitting. He said please do it tonight. Beverly said absolutely not. Dave said he needs his evidence. He said please post the minutes. Beverly said just because he said that, she'll make sure that that's last on her list. He's going to get more grey hair waiting for it. He's so much fun to mess with.

Timothy Weaver, said he's a little alarmed at the way things are happening in this borough. It seems that all civility has broken down from all parties and the problem is council is agitating this. It is not the residents. The residents would like to be informed. It's their right to know. They are your boss. You are not our dictators. They need to start listening to them, whether they like it or not. The residents are in control of this town. They may think their utopian plans are going to work out. They are not. They need to rethink things and talk to people. Their ideas have not been working for over 30 years. It's all in the garbage, wasted money. They never pre planned for any project. Their shit is falling apart that they've done. They've never budgeted for repairs for anything. They obfuscate all your language. They do not tell the truth. They sit there and you look at us with the disdain. They are not subjects of their little government here. All of them have a stake in this town whether they like it or not. They don't care about us anymore. They think they can go over us and rule over us and dictate to us what they want, especially Council President Mrs. Wolfe with her African mahogany doors. They would all love them on their own home especially with white paint on them. They are tired of this. They want their town back. They are tired of it. Leave the business owners on Route 1 to figure out how to fix business because none of them up here know how. Look at how long they've been sitting here. Nothing has gotten done. Please listen to the residents when they are telling you these things and quit looking at them like they're a bunch of peasants. They're tired of it.

Council Members to be Heard

Joe Adams said he wanted to take a moment to recognize the passing of Gizmo Parole, a friend of the family who passed away. He would like to encourage everyone that they can, to come out and vote tomorrow. Unfortunately, he won't be able to be at the tree lighting ceremony because he'll be away that weekend, but he hopes that it goes well. He wants to just make this very clear; he does appreciate people showing up. This is the most people he's ever seen at a council meeting, and he loves it. He wishes they all looked like this. He wishes as many residents as possible were as interested in the dealings that are going on. He knows it might seem frustrating and contentious to get people active like this. He doesn't think there's a single council person in this room that wouldn't be able to see and want to hear from these many residents. He thanked them for showing up and for sticking it through and making public comments. He hopes to see the room packed again.

John Stratz asked if every resident could please help them stack the chairs in the corner and put the room in order for voting tomorrow.

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

Submitted by: _____
Marie Serota, Secretary/Treasurer