

Penndel Borough Council Workshop Minutes

November 21, 2022

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

Present at the meeting

Council 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

Ben Hauser, Solicitor, Hill Wallack
Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Barbara Heffelfinger reminded everyone that the tree lighting is December 3rd starting at 6:30. Also, there will be a craft day for the kids on December 11th from 3:00 – 5:00.

MOTION BY JOE ADAMS TO ACCEPT THE RESIGNATION OF COUNCIL PRESIDENT BEVERLY WOLFE DATED 11/8/22. SECONDED BY JOE DUDASH. Gary read Beverly's resignation letter which is attached. Joe Dudash said to the goon squad that he's glad he represents them, and he will remain their voice and he thinks the mayor will too. That's what happens with this council and transparency. They have to bring it out what's going on around here. He's happy that his record speaks for itself. They can look at the minutes. He's proud to serve the people. All ayes, motion carried.

MOTION BY JOHN STRATZ TO ELECT GARY NICKERSON AS COUNCIL PRESIDENT. Joe Dudash nominated John Stratz. Gary said a second is not needed. Ben Hauser said they should vote in the order nominated. A roll call vote was taken. Joe Adams, no, Joe Dudash, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion carried 3-2.

MOTION BY GARY NICKERSON TO ELECT JOHN STRATZ AS COUNCIL VICE PRESIDENT. No other nominations received. Joe Adams, no, Joe Dudash, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion carried 3-2.

MOTION BY GARY NICKERSON TO ELECT JOE ADAMS AS PRO-TEM. Joe Adams said no thank you. Joe Adams nominated Barbara Heffelfinger as Pro-Tem. Joe Dudash, yes, Joe Adams, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Consent Items

MOTION BY JOHN STRATZ TO ACCEPT THE MINUTES OF THE NOVEMBER 7, 2022 COUNCIL MEETING AND THE NOVEMBER 14, 2022 BUDGET WORKSHOP MEETING. SECONDED BY BARBARA HEFFELFINGER. Mayor Sodano questioned why the budget Work Session minutes are an abbreviated version of the minutes. He said normally the minutes are

like the ones from the previous meeting where they include whatever was said. Gary said like a full transcript. Mayor Sodano said yes. Marie Serota explained. Mayor Sodano said so, the precedent has been previously that the budget meeting is treated differently than council minutes. All ayes, motion carried.

Engineer's Report

Gary Nickerson read Carol's report which is attached.

MOTION BY BARBARA HEFFELFINGER TO PAY P.A.R.K./O'ROURKE FINAL PAYMENT IN THE AMOUNT OF \$7,392.00 AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY GARY NICKERSON. All ayes, motion carried.

New Business

MOTION BY JOE ADAMS TO AUTHORIZE ADVERTISEMENT OF THE SEWER RATE ORDINANCE. SECONDED BY JOE DUDASH. Gary said this was provided in the budget memo to all of council by Mr. Thompson. It's a 16.6% increase from Bucks County Water and Sewer Authority. The quarterly payment for residents will be \$158.62. Joe Adams said since it sucks out there right now, he's wondering if there's a way, since they are going to end up in a surplus this year and are ending up with a little extra cash, would they be allowed to subsidize that hit. John Stratz said with all the meetings he has been going to with them trying to sell everything, it has been established that they are not allowed to subsidize water and sewer. He asked that question at a major meeting. Ben said without having a forewarning of the question to even look into, the only question he would have is if they could move certain budget items around across the budget sheet and that may be a question for Mr. Thompson, who unfortunately, isn't here tonight. Ben said he can look into that. They should still at least authorize the ordinance because there are certain time frames to get it into the Courier Times and whether they ultimately adopt that ordinance is a different matter. They can advertise an ordinance even if they end up defeating it. Gary said that's a question best posed to Mr. Thompson. The quarterly sewer bill will now be \$150.62 per quarter, which is per Geoff's calculations and is a 16.6% increase. Joe Dudash asked what is the total that Penndel Borough is contributing to the repair of the inlet. Gary said they're not talking about inlets. This is the sewer rate. Joe said this sewer rate is connected to that. He just talked to Hulmeville and Langhorne Manor. That's why this is going up 16 1/2%. It's the inlet down in Hulmeville down there that they've been working on. They're charging each borough a percentage. This is why he wants to know. He feels this is a capital improvement, which they could use the EIT for. Gary said the best person to answer this would be Mr. Thompson. They could have a productive discussion to find out what the options are relating to the borough and if there is an opportunity to reduce this and if there is an opportunity to move funds within the budget to potentially offset, something along those lines. Joe asked if he thought it prudent to have Mr. Thompson here at these meetings going forward. Gary said he thinks it would be beneficial to ask these questions to Mr. Thompson before the meeting happens. He thinks people need to come to these meetings a little bit more prepared so that they can have a better discussion. He thinks it's beneficial for him to be here to discuss a certain topic. He doesn't think he should be here for a random grilling that he's not prepared for. If they wanted to talk to him about a budget item or something, he could come prepared. It's difficult to have these complex discussions when people don't know in advance. He knows the budget very well, but he thinks he would need to prepare. That's why he is suggesting emailing him to talk about it and then they can all have a better discussion. Joe said they're paying him to be here and to give him advice. He asked why he has to go to other boroughs to find out what the heck's going on. Gary asked Joe if he had emailed Mr. Thompson about this question. Joe said every time he emails him, he never emails him back. Gary said OK. Joe asked what does he mean OK. If they want to

save, he makes \$75,000.00. Fire him and get somebody else. Gary said he is going to close discussion on this. Joe Adams said he finds it a little disheartening now that they have a new change of government of being told if I don't come up with questions in advance, it's not worth raising in the meeting. He asked what if he comes up organically with a thought and he wishes to discuss it. Gary said that's fine. He is suggesting if they want to have a productive discussion, they can check beforehand. Joe asked what's the inverse of that. That his questions aren't productive? He understands it's productive to do that in advance but if he has a question that pops up off the top of my head, he'd like to be able to ask it. Gary said he can ask it and the best person to answer that would be Mr. Thompson. Joe said they should have him here at these meetings especially during budget season. Gary said they can see if they can make him available. Barbara told Joe Adams that he can discuss it under council members to be heard. Joe said he will discuss it during the motion, and he will discuss it at council persons to be heard. Joe Dudash said he agrees with Mr. Adams. This is just ridiculous. The economy is going in the toilet and all and they're just telling them they're going to bang them for \$158.62. Some of these people are retired. He just doesn't understand. He should have been here if John couldn't explain it. All the other councils from the boroughs can explain it to their people. He's puzzled why Penndel always has a problem. All eyes, motion carried.

Civil Service discussion

Gary said at the budget meeting it was discussed that they need to move forward with the Civil Service applicants. He's not sure if it's in council's interest to schedule a separate special meeting where these applicants can be interviewed or if they want to include that as part of a Work Session. Ben said the law requires Section 708A1, what they would have to hold in public would be for an elected office, whether it be a replacement of a mayor or replacement of a council member. This is not an elected office, so they do not technically have to have interviews in public. That being said, they absolutely may hold interviews in public. Interviews are not required. Often it is a practice that is employed but it is not required. Barbara said it is a personnel matter. She objects to any interviews in a public meeting. The last time they did that, they had people say, because of the audience reaction, that they would never come back to this borough again. She wants to make a motion that they hold that meeting in private. She thinks they need a chance to look at these people in the eye and see who they are and what they believe and they, as a council, should be able to hire or appoint their own people. They will be happy to take any recommendations but it's their decision and not the public's. Joe Adams said he doesn't think they can make a motion. Ben said that on the agenda item list is consideration of Civil Service Commission applicants and the idea of scheduling a public meeting to discuss and interview the applicants. He believes they could go through the process under the agenda for that however, he believes the discussion was just whether council wanted to schedule a public meeting to have those interviews or not. Barbara said she opposes that. They were elected to appoint the people who work with this council. It is not a public decision. They are welcome to give their opinions, but it is not a public decision. Ben said the state law and the rules and regs provide that council may appoint a member of council, one only, to the Commission. He and Mr. Dudash discussed this over several meetings whether they like that idea or not, but it is a discretionary option that it can only be one at maximum. Joe Dudash said they had so many meetings on this. Ben said it was adopted with it when they had that discussion. The question would be down the line, would council appoint a member of its own to that Commission or would it appoint three members of the public. John said he believes it was the residents first come, first served. If they have three or four residents who want to do it, they say council is on the back burner. Joe Adams said he thinks they agreed that if there were three qualified people from the public, they were first. Barbara said they received about half a dozen. Ben said he was told four. Gary said three plus a council person. Joe Dudash said he doesn't mind the citizens applying. He doesn't want a council person on there because they

have a bad history of having a council person on and it gets polluted. Barbara said that's fine, but she does not want the interviews in public. Mayor Sodano asked if they're not going to have the interviews in public, will the public know who the applicants are beforehand. Barbara said absolutely. Gary said he thinks they have to have this meeting in public. He doesn't see the problem with having the meeting. Ben said council could legally hold the interviews in private because this is not an elective office. However, any appointment made would be public and subject to the public comment etcetera in the agenda. Joe Adams said he thinks Mr. President is wise in his discretion to have the meeting held in public right now. He doesn't think the temperature of not just the room, but the borough is that of not wanting things done quietly. Gary said the only alternative he thought of would be that, and obviously the resumes are going to be handed out to council to review, they can simply contact applicants on their own and form their own opinion. These people are going to be appointed by somebody making a motion, so you could leave it to council to interview the candidates independently, individually and then come back and they could set a deadline, say at the workshop meeting and that's when motions will be made. Barbara said that's a great idea. Ben asked Barbara if she would like to amend the agenda and what her motion would be.

MOTION BY BARBARA HEFFELFINGER THAT THE CIVIL SERVICE COMMISSION APPLICANTS AND DECISIONS MADE BY THE COUNCIL MEMBERS NOT BE IN PUBLIC.

Ben asked Barbara what her basis is for making that change to the agenda tonight as opposed to holding off until the next workshop. Barbara said because it is a personnel matter and should not be done in public. **SECONDED BY JOE ADAMS.** Joe Adams said he disagrees. They're not personnel. They're not being provided a salary or anything of value. They're volunteers and they're being appointed basically, and they chose to apply. They don't govern them. They don't control them. They submit things to them, and they decide. It's not an emergency and because they're not paid, they don't have to have an Executive Session for it, so there's no real reason to amend the agenda outside of what's already been listed. John Stratz said he would hate to disagree with the general temperature but for other committees, they don't go through all of this. They give the name and do they like this person for this committee. Yes, no, done. They do not really have to have an interview in public. Joe Adams said the question asked was whether the motion needs to be amended as of tonight based on the reasonings given and he doesn't see the reason they need to go against the Sunshine Act. He hasn't heard a substantial argument the other way. Mayor Sodano said he agrees with Mr. Adams on this. Everybody knows three of the four applicants. They're past elected or appointed officials of the borough, so it's the same people over again it's not like everybody doesn't know them. Barbara said the last time they interviewed people in public they had some very obnoxious people in the audience who made very poor remarks about this person. The person was humiliated, and she will not sit here and have people humiliated because some obnoxious person or persons make remarks. They were so nasty and mean to the people that came in here to volunteer their services or pay their services. She will not sit here and have that happen to another person that comes in here to work and to help them go through everything that they have to do. The problem now is that they don't have enough volunteers. They have people here who would like to volunteer, and these obnoxious people want to sit there and just break this person apart. She will not have anything to do with it and she will not be here when that vote comes up.

Mike Smith, said if someone comes in here and wants to take this position like the council position that is open right now, they will be interviewed in public because everybody who comes in here that wants to be part of anything is talked about in public. Hiding is exactly what's being said by Joe that there's the thought of something's being hidden. Things are being hidden and that's why Beverly resigned. Because she got caught up in what she was doing. There's no reason to change the agenda.

Tim Weaver, said it seems that no one wants to do proper vetting on anyone any longer. It's 2022, heading into 2023. If someone wants to come and serve on this Civil Service Committee, he's sure they would be happy to do some public comment or something, so they could know so there's not behind the scenes special choices picked by certain people, which always happens in this town. He said that Barb said a lot of people don't want to volunteer. That's because quite honestly, most of the stuff they're doing the public is sick and tired of. Barbara said no to her. They are all here because they are tired of things not going right. They're told that they do everything under the cover of Zoom with packets of meetings that are this thick. They can't even get proper minutes anymore. They're the peasantry. They think they're the nobility.

Pat Donahue, said he resents the fact that he's being called a goon. A goon is when one of the people get up here and call the rest of the people F Aholes and then walk out the door. That's a goon. To the goons up there, when they bring somebody up, they don't want them to hear about it, so those goons will get together and say they don't like him. He's a goon. He doesn't have a chance in hell.

John Stratz said he wanted to clarify to the residents sitting out here, Beverly's meaning of goon was exactly that. The people who dropped the F bomb in these meetings and make general nuisances of themselves, take away from this meeting from the residents. That was her definition of goon. He's sure many of them were here when the best example of screaming out the F bomb happened. There is no place for that in a public meeting in a government office, which this is. That was her point.

A roll call vote was taken. Joe Dudash, no. Joe Adams, no, Gary Nickerson, no, Barbara Heffelfinger, yes, John Stratz, yes. Motion failed.

Gary said he is in favor of a special meeting where that would be the sole topic. Joe Adams asked if his position is that they have a public meeting but do the interviews private. Gary said if they do the scenario, he laid out earlier where council independently calls the candidates, there's no reason to even have a meeting. They could set a deadline and make a motion to approve them. Like John said, if someone applies for the Planning Commission, the application is forwarded to members of council and when a member feels like nominating that person, they make it and then they vote. Joe Adams said his concern is with the temperature of the topic and the room and the people he's spoken to, he tends to lean more towards having it in public. Gary said his reservation is they will be asking them questions and there is the potential for the last person to be able to pick and choose the best answers that have already been provided and can construct an answer that might be the most favorable. Joe Adams said they can have a selection of three different sets of questions. Ben said he will check with his office but each of the candidates would be seated outside while the first candidate answers. Then each candidate gets the same questions. Joe Adams said if they have four applicants for interviews, then they should have four different sets of questions and it can be done publicly. Everything is done in such a way that afterwards they can say here's the scores and now they pick the candidates because they ranked the highest on a rubric. They've been doing this for municipal hirings since the 50's. They're not paying or compensating these people with salaries, so it is not an issue, and they can do it publicly only because of the nature of the sensitivity of what they perceive, not only the room, but the street and people they discussed this with. Gary said it seems like the temperature is to hold a special meeting for this purpose. Ben said they simply need the best method for making sure that the applicants have a fair playing field for the questions. They should coordinate their schedules with the borough manager, at which point they would call a special meeting and then ratify that special meeting. He's sure Mr. Thompson can weigh in on the system. Joe Adams suggested doing it earlier on a Monday before the

meeting like an Executive meeting. Ben said as long as it's advertised, he doesn't see an issue with it.

Discussion on the multi-modal grant project.

Gary said he's not proposing they take action right now, but he wants to hear from council individually on their thoughts on the project. There's this giant grant to make improvements and he thinks there's a lot of unanswered questions. He doesn't know if anybody on council wants to throw their hands up and walk away from this. There are specific aspects of the project that are still up for consideration or if there's the ability to influence the project. Some aspects of the project he thinks were good and some of them might have further questions about. He was a little disappointed about some of the public safety things, but he thinks it'd be foolish to just simply say they're not going to be involved in this at all and walk away from 2 1/2 million dollars. Barbara said they are getting confused with the project. The multi-modal is for getting estimates from the appraiser on what the property was worth because they had to go through and take a portion, 5-6 feet, whatever it was, of the property. It's not the project that PennDOT came to them with. Mayor Sodano said they have the multimodal money to acquire right of ways. They're not acquiring property from people. They're acquiring the right of way, which means telephone poles, etcetera. Light standards will be moved but it's only a right of way. That's the multimodal and he doesn't think that there's a lot of pushback on that. The pushback came from what happened with PennDOT because for some reason, and they all know why everyone believes they're all on board with a single lane southbound on Route 1. People have confused those two things and they're different. Acquiring of rights of way is separate because of it being grant money. It has to do with moving all the telephone poles, all of the lights, the electric to run the lights, etcetera. The two and a half million that Gary mentioned, that's their road project. They're somehow under the impression that everybody in this town is on board with what they wanted to do and his issue with it boils down to their studies happened when they were all shut down for COVID. That's when they did their safety studies. There wasn't anybody on the road compared to what it was before and after. Their safety studies are seriously flawed and if they think that changing two lanes in each direction to one lane in either of those directions is a safety measure, they're sadly mistaken. Joe Dudash asked Mayor Sodano to explain what was in the newspaper. Mayor Sodano said according to the newspaper article, they are going to bid. That is because, and he's not looking to slander, but the fact of the matter is that Ms. Wolfe and Ms. Schuehler were the only two people that were privy to what was going on prior to the invitational meeting and subsequently, the meeting that happened at the beginning of this month that created a lot of confusion. PennDOT has been advancing because they're under the impression that this entire town is on board for whatever reason, and they're not. From his perspective, it's a huge safety issue but they have a chance to get their voices heard. They have a congressman, a state senator and a representative and he thinks it's incumbent to let them know how unhappy they are and find out just how well they're going to go to bat for them. Joe Adams said as a council person, he doesn't feel like he's had a say in this project. They're the council and things are going through and going to bid, and projects are being done and lanes are being shifted in his town that he lives in, and he doesn't think he's had a single chance to even vote. He thinks the only thing they voted on was permission to get the quotes for easements. He thought they were supposed to have these matters put before them. He doesn't know how they got to that point. If what the mayor said is true, and some people previously were able to do stuff, fine, whatever. Putting the past aside, are they going to have a say on the outcome of that project. Gary said he asked Mr. Thompson to reach out to the engineers and basically say what is on the table here, so he can share those results and the engineers have not gotten back to him. Joe said he would think they would come to them and have a dialogue. He requests that council gets the option to make an informed statement collectively, not have one individual represent council and go to PennDOT, but is given the

option to express their concerns. He wants the ability to be able to say he thinks the one lane situation sucks, so that they don't think that seven people and 2,000 some odd residents are on board. Mayor Sodano said to Gary that the reason that he made the comment about Carol, the meeting that Gary wasn't at, the invitational meeting that he did attend, Carol made 90% of the presentation and that's why he phrased it the way he did. Gary said he's curious about what the aspects are that are still negotiable and what are they able to influence and talk to the representatives and bring them back to the table to try to make this a project that everybody is proud of and would be fully supported. Joe Adams said he would appreciate it if that was the direction that council took was for them to be able to have a dialogue with PennDOT. He would like to suggest that they further discuss this. This is a huge project. He's not going to be voting in favor of any type of easements or right of ways or land grabbing. Barbara said they were all aggravated about the Hulmeville Ave. bridge. After all the work and all the engineering and everything else was done, they agreed to meet with the council president, Carol and herself. They told them they didn't provide any walking or bike space to go over the bridge. It was just two lanes. They told them people are walking and riding bikes over that bridge and if they've ever gone over it, you can't see what's coming at you when you get to the top. They said the plans are all done, and they hemmed and hawed a little bit and she, Beverly and Carol screamed and hollered and fought with them to give them maybe five feet or, so and redo that so that they could move the lanes and give them one pedestrian access over that bridge. And that was after all the plans had been done. They had to work with CSX and that's like impossible because they won't agree to anything for anybody. It was a real problem but they finally did get them to move things over a little bit so they could have at least a walkway where a pedestrian wouldn't get hammered walking over the bridge. That's how that happens and that's the way PennDOT operates. They didn't like it and they wanted something more, but the plans were all done and all they did was come and say here's what we're going to do, period. It's a state road and they can do whatever they want with it. Joe Adams said he will withhold the vote on easements. Barbara said she's just trying to explain what happened with Hulmeville and how they operate. Joe said he appreciates them fighting for the sidewalks. He'd love to see them all be able to have that discussion with them, if we can do that again. John Stratz said they did finally agree to stripe that bridge for pedestrians to walk. The reason they did not get a sidewalk, and to Mr. Mayor's berating them at the bridge opening when the Pennsylvania Secretary of Transportation was in attendance, was because three different entities were on the sidewalk. PennDel wanted a sidewalk and that's all fine and good on the section that PennDel has but Middletown has a section of that and so does Langhorne Manor. Langhorne Manor has no sidewalks to meet the sidewalk coming down from the bridge. PennDOT couldn't do it if they had nothing to connect it with. That was a very plausible explanation that PennDOT gave them, and he accepted it fully. They went to bat for PennDel and got federal grant money for \$2,500,000.00. Mayor Sodano said it still is not a safe place for someone in a wheelchair to cross nor is there a safe place for children on bicycles. Where the edges of the guardrails meet the bridge itself, there's thirty-one inches from the yellow stripe to the wall. That's not enough. The one person who really, actually listened to what he said was Congressman Fitzpatrick, who is working on getting bollards installed to protect people and that will require moving all of the stripes to one side or the other by a foot or two. With bollards with a three or a 3 1/2-foot width there, it'll give wheelchair access. He is really concerned about that. He doesn't know if John has anyone in his family who's handicapped, but he does. It's not wide enough for a wheelchair. A man who was at that dedication in a wheelchair, one of the veterans, his wheelchair was as wide as the wall to the strip. That is a travesty and Congressman Fitzpatrick has promised to see what he can do for them to make it safe for anyone in a wheelchair but especially, those veterans to cross that bridge. That's why he objected to it, and he still does. Joe Adams said he thinks he's failing to understand the subtext of the comments made. PennDOT gave them money. Submit, shut up and be happy. Mayor Sodano said he's sorry,

he's correct. Gary said once they get something back from the engineers, hopefully he can get that reported to them.

Discussion of the Schoolhouse Court resident letter received on November 18, 2022

Gary Nickerson read the letter from Jill Glover which is attached. Gary said when he received the letter, he immediately asked the borough manager what the status of the dumpster was. Mr. Thompson emailed Rich McManus telling him that he must remove the construction dumpster and get private trash service by November 28th, 2022. The Schoolhouse Court agreement requires that the development obtain private trash service and that if it isn't moved by 11/28, he's sending the code enforcement officer out. Ben Hauser said his office had a discussion with the developer's council this afternoon in response to Ms. Glover's letter. It is his understanding that the developer will be reaching out to the officers of the HOA in the next couple of days to schedule an internal meeting with them to try to address their concerns. He knows that the developer has represented a number of punch list items. They have also presented to him that they've been in discussions with Waste Management to add service. They've gotten in their words, kind of shifted around. They haven't gotten necessarily a great response from Waste Management; however, it is the duty of the development and ultimately, under the land development agreement and the declaration, as was last drafted and recorded, that the HOA or the residents themselves are responsible for the trash. There may be additional issues that Mr. Thompson may have to reach out to Waste Management. Mr. Dudash thinks from when he was on the refuse committee, there's about a year left on the Waste Management deal. Mayor Sodano said there's the two houses that get service that fall outside of the zone. They face Woodland Ave. Under the agreement, as he understands that Waste Management has with the borough, the two houses facing Hulmeville Ave., the blue one and the white one that they haven't issued a U & O for, would also be eligible because they front on a street. It would only be the cul-de-sac. He's aware that the residents of the cul-de-sac would be willing, if the borough were able to arrange it, to take their trash to Hulmeville Ave. on Tuesdays, if they included them in our trash pickup and then bring the cans back. He had a cursory discussion with Mr. Thompson and said hypothetically, were the residents to be amicable to this, did he think it could possibly happen, and he said they would have a better chance of that than some other solution because Waste Management is not going to go into that cul-de-sac anyway. He realizes that they can't act on this, but he thinks that this is something that needs to be taken under consideration because he feels it's not the fault of these people who moved into the borough that the developer did all the things that he did. God knows they're aware of how difficult it's been for the borough to deal with him. It's not their fault and if there's a way that they can meet them halfway, he thinks that it's the right thing to do for the residents that have chosen Pennel to raise their families in.

Jill Glover said she has a petition signed from everybody saying that they would be willing to take the garbage to Hulmeville Ave. and the people on the side of the white house which are here agreed, and she has it signed that they would put it in front of the white house. The people on the side of the blue house would bring their trash to the blue house. They have nobody to help them. The builder has not done anything. They called so many different companies and they know that they're not going to come down the street, but they can't even get them to agree to take it at the top of the street because Waste Management is already doing the contract. They would be willing to be billed under the sewer and refuse like the other families are. They just don't understand why they can't get help. She had everybody sign a petition saying that they would be willing to do that. They're just sick of the dumpsters. It's been a year and it's disgusting. Ben said it's his understanding that the developer was so advised that the dumpster should be removed by the end of the month. If it remains there, Mr. Thompson will be instructing the appropriate officers and officials of the borough to pursue that particular matter.

It is his understanding that there is now a constituted homeowners association board. Jill said it's ridiculous that this man cannot get this account set up for over a year or more. This is what they're dealing with, and they don't even know what the HOA really is because when we asked to have a meeting about all of this, he blows them off. Jill said there's only one thing that she couldn't connect with him and his wife. They have three little kids, the people behind them. She was in a verbal conversation on Woodland Ave., and they are willing to sign it. Gary said hopefully, the issue would be taken care of. Ben said in his last communication with the developer's council, it sounds like they are going to be reaching out to them and was in contact with one of the principals, either McManus or one of his colleagues. And that the officers, whether they consider themselves such or not, the officers of the HOA would be receiving contact from the developer to have a meeting with council to discuss a number of issues not all of which were explained to him but certainly arriving at the issue of trash. Joe Dudash said the trash contract is still on and they have the unit problem, so they can't pick it up. Gary said they'll leave that to Mr. Thompson. Joe said they've been yelling about this guy from day one. Everything is messed up over there. He thinks it's time they talked to this guy and started fining him. Gary said that's what Mr. Thompson said that he's sending Charlie out. Joe said it's a fire hazard. They can't get a truck through there, so they should send the fire Marshall over there and slap him with a fine. And the storm water is a big issue over there. Joe Adams asked council if they have anything they can do to take official action. He's hearing the intent right now is to send Charlie who's a part of our code enforcement, to see and verify these things in person. And then if these things are such the case, does the code enforcement have the power to fine? He asked for an explanation of the process. Ben said the borough has options under its property maintenance code and fire codes to the extent of if violations can be found proven and evidence showing that those things exist, there may be under the declaration borough third party rights to enforce certain things in common areas as defined under that document. He doesn't want to necessarily get into all of that here at a meeting if they catch his meaning, but he does think that there are options. And hopefully, council for the developer understands that there is a recognition that in certain spots the developer just takes that ground to be for what it is and realizes that perhaps, they need to be doing a better job dealing with the residents. Whether that actually happens, he would suspect that the members in the audience would almost uniformly say no that's not going to happen, and they have a better chance of having a snowball in the inner circle of hell. There are options being explored. The first option is getting their counsel on the line to say look, here you've got a problem. He was unfortunately probably a little more surprised than they would hope. The first steps go with Mr. Thompson about one, figuring out what can be done about the trash contract, two, if the dumpster is not removed by the date that Mr. Thompson had indicated and three, then seeing if the code officer sees patent violations of borough codes. Joe Adams asked if there is any way for council to uniformly enforce backup or in any way add to Geoff's authority in that matter. Ben said that's an administrative option, so he thinks that's pretty safe within the confines of the powers granted to the borough manager for him that directing the zoning or code officers or whatever code officer is appropriate for the particular situation, that's an authority that's already implied given to those individuals. Joe Adams said so, Charlie's going to go out and they have until Monday to get that trash situation under control. Mayor Sodano asked what happens to the resident's trash. Ben said he doesn't have an answer for him. The HOA, under the terms of the development agreement in 2005 and the declaration, which basically encapsulates that approval, and the approval was modified in 2014 which still kept that place, technically, the onus remains on the homeowner's association and the individual residents to ensure that their trash is collected. What would be done in a circumstance where the residents cannot find a trash provider, that remains an open question and that he would recommend Mr. Thompson perhaps, reaching out to Waste Management and seeing if there's some way to supplement the agreement. Gary said Mr. Thompson reached out to Mr. McManus and he will claim that he cannot find private

trash service, which he finds hard to believe. Mayor Sodano said they can read that to mean that Mr. McManus can't find anybody who would give him trash service because he's already screwed all of the trash haulers once. Gary said he's thinking if Mr. Thompson could examine their existing trash agreement, because he looked at it and Mr. Dudash looked at it. Maybe Mr. Thompson can take a different interpretation and look at it to see if there's a possible solution there. He understands they said that Waste Management is not interested in backing down the driveway but perhaps, if they drag their trash out to the street, maybe they would get it there. His heart goes out to them in trying to find a solution here, as this is an absolute nightmare. An unnamed man said it's the most ridiculous thing he's ever heard. It really has responsibilities protecting citizens' rights. He's in manufacturing and they have all kinds of safety protocols and they have been here and etcetera and clear that bridge that there's no room for anyone to walk on it or ride their bike and ride the wheelchair. And his refuse is blowing all over Pennedel. Gary said if there's some sort of internal disagreement, they might need to retain council to try to compel the developer. They're not in a position right now to take any action on that. The borough has a contracted agreement for everyone in the town for Waste Management. The contract will be up at the end of next year. Their HOA explicitly states that they have to get their own trash service. Ben said it was part of the land development process way back in 2005 and that is part of the conditions granted for that land development. Gary said he really doesn't know how much more they can say other than Mr. Thompson is looking into it. Joe Adams asked if there was a way for the borough to contract with Waste Management temporarily and get a private person to come in and dispose of the trash. Gary said the HOA is supposed to do that. Gary said maybe Mr. Thompson could reach out to Waste Management to see if there's a way to make an addendum to cover these properties for the year. Joe Dudash said the problem was they had one individual they tried to do, and they wouldn't budge. They had to get a unit and luckily, it was one where the house was sold, and they switched. Gary said they had a situation where somebody in the commercial district who was taking advantage of the contract, jumped off and they were able to provide that individual person. The borough has, he believes, 367 trash units and that's how many trash units they have in the contract and that's what they are currently locked in. They had a situation where there's a commercial unit who said they wanted to get a dumpster. Joe Adams asked if they get trash pickup here. Gary said yes, it's from Waste Management. Joe Adams asked what if the borough says they will privately get a contractor for this building, and it frees up a unit. He'll take the trash to his house because how much trash do they put out here? Joe Dudash said it seems like this guy doesn't even have the HOA formed. He's never seen something like this because he's bought houses before where there were HOAs. He asked why they can't force him to get this HOA established. Ben said it is his understanding that the HOA is established however, the members of the HOA seem to have not necessarily taken their seats or something to that effect because they have objections to the developer. He can't give them legal advice on that. Joe Adams said but he can give him legal advice on his question of could they take this unit and trade that. Ben said not without really looking at that question in the contract. Mayor Sodano said he's confused about something here. During the tenure of this particular trash contract, 541 Hulmeville Ave. was built, and they pick his trash up every week. Gary said Mr. Rudy came off, that's how 541 went on. Joe Adams asked what if his house were to go off and then they've got a temporary unit over there. Gary said it is Mr. Thompson who will come up with some sort of solution. Joe said he can pull his house off the trash, and he can put his trash in the thing. Gary said he can't because he is locked in. Joe said when Mr. Thompson reaches out to Waste Management to see if there's a possibility of removing this building temporarily, only because he doesn't want coyotes and squirrels and crap like that running around and having trash blown in the street. This to him would constitute an emergency. He thinks they have the cash to do that. The reason he thinks it's a safety concern is because about a year after he moved in here, he woke up at 2:00 in the morning to a shall we say, unharmed person walking through his trash and was

picking out a soda can because he wanted to grab something to drink. He walked outside and he apologized, and he brought him something else to drink and said here take this please don't pick my trash go away, and he did. But if they know there's a dumpster from residential and it's got a ton of food waste products in it, they're going to start bringing the people that live in the woods over to there. He understands it may cost the borough something or something like that he wants to try to come up with something that they could. He is suggesting that Mr. Thompson look into Waste Management to see if they could move a building or two and pay a contractor or go to bid if they have to. He does not want to see a dumpster there. Barbara asked if they could take out a separate contract with Waste Management or whatever person they could find, and if they would pay the borough and the borough would pay them. Gary said they would have to go out to public bid. Joe Dudash said Mr. Rudy got his own dumpster. Ben asked what would stop a private owner from having their own dumpster, unless there's a local property maintenance code that prevents a perpetual dumpster or anything like that. And Mr. Thompson should look into it. He asked what would stop someone from having a 12-yard put in their driveway for X period of time, other than aesthetics. Joe Dudash said they didn't want dumpsters all over the place.

Gary said he asked the solicitor prior to the meeting starting, if it would be possible to amend the agenda to advertise this vacancy and schedule interviews. This is to advertise this to allow Mr. Thompson to submit a notice to the local newspaper or something along those lines saying that there is a vacancy. Ben said under section 902 of the borough code, once the vacancy is created and once the letter of resignation is accepted, the borough has 30 days to fill that vacancy. Day one begins tomorrow. If the 30th day is on a Saturday or Sunday, it would be the following Monday. The motion would be under the borough code under the Sunshine Act. Joe Adams said because of necessity, because of the timeline, they don't have a choice, they have to get it out as soon as they can. Ben said they need a motion to amend the agenda to include a motion to advertise the vacancy on council.

MOTION BY JOE ADAMS TO AMEND THE AGENDA TO ADVERTISE THE COUNCIL VACANCY. SECONDED BY JOE DUDASH. Gary said he will let Mr. Thompson figure out the dates. He just wants to advertise it and have them submit a resume or letter of interest to Mr. Thompson. Mayor Sodano said to run for positions such as council in an election, one must be a resident for at least one year. He asked if it is the same for an appointee. Ben said yes. Joe said they could potentially fill that vacancy on the 9th right now. Gary said the meetings in December are the 5th and the 19th. Mayor Sodano said they can have someone appointed by December 19th and that would be within the legal time frame. All ayes, motion carried.

MOTION BY JOE ADAMS TO ADVERTISE THE COUNCIL VACANCY. SECONDED BY JOE DUDASH. All ayes, motion carried.

Public Comment

Mike Smith, asked if there's escrow for Schoolhouse Court. Ben said it can only be held off for certain public improvements. Mike said they have not entered a legal binding document. Ben said he's not aware what documents were or were not presented to the buyers at closing. Those documents may make reference to a declaration in which were signed. He can't comment on that. Mike said they should be able to under the agreement to say they're not providing what they're supposed to provide. They're going to take that money from escrow and provide a dumpster. Ben said it has to be a certain type of development under the MPC such as stormwater, public shade trees. He can look into the question further but off hand, he doesn't think falls into the type of thing they could withhold escrow for. Joe Adams said he did

say storm water and there was a discussion on that, and the stormwater improvement hasn't been completed. He asked Ben to research that.

Tim Weaver, said he would like to clarify something. During the discussion about the Bellevue, Durham and Lincoln Highway project when it was mentioned that Carol was not really taking the reins, on the September 2021 Zoom meeting minutes it mentioned that Beverly was going to turn that over to her and she was going to take the reins and contact PennDOT. It seems that all that information is true and correct in those minutes, so let's just clarify this for the record that she took the reins, and she did most of the homework on this project, reaching out to PennDOT and getting all this stuff in motion. He said so, let's not be spreading false or misleading or disinformation that the public does not need to know because those minutes are written in stone. He has copies and he'd be willing to furnish copies to anyone who would like to look at them. He'd like to welcome fellow new neighbors from Schoolhouse Court. It's a shame they're going through such havoc over there but there is civil disobedience, and they can exercise their right because that's their right as a citizen. They might want to give that a shot. If they need some help with it, give him a call.

Terry McIntyre, asked about the sewer increase. He asked what it is going to cost each person. Joe Adams said from about \$135.00 to \$150.00. Terry said so, about \$15.00 a quarter. Joe said about 16% of whatever the bill is. Terry said he didn't know if that was spread out equally among everybody who uses the sewer. As far as Schoolhouse Court, go back a decade or so and the builder was here, and he made a lot of promises that a lot of people thought he wasn't going to keep, and he didn't. In the interim, they could get a 10-yard dumpster, a small dumpster like an apartment does and maybe put it to the side of the white house against the curb so that they could just pick that up. A ten yard should be able to take a lot of trash and have one pick up like Waste Management. He can't imagine somebody wouldn't come in and do it. At the garage that he works at they have a ten yard out back and it holds a lot of trash, and they pick it up once a week. So just as a temporary measure they can get that. They would probably need an 8 or a 10-yard dumpster and they have lids that shut. Their HOA could pay for that, and it would probably run about \$400.00 a month divided by nine people that are living in the cul-de-sac. He is going to hold everybody hostage. That's how some of these developers work. As far as the bridge, that was a disgrace. The project was three years and millions of dollars. His wife almost got run over once when she tried to walk over the bridge. A simple lane shift and some jersey barriers, and they'd be safe. Just a stripe isn't going to stop somebody from looking at their phone and running into a pedestrian. It's just a big disgrace that they did not engineer that and they're not going have sidewalks when they have nothing leading to the sidewalk. A sidewalk leads to a sidewalk, so either everybody has sidewalks, or nobody should be required to have sidewalks. Two weeks ago, when they had the meeting here with PennDOT the last paragraph in the newspaper article said that PennDOT is going to bid this out in July of 2023, which means the train already left the station. Terry said how this ever happened is just beyond him. Like the mayor said, reaching out to the elected officials is a good thing. The borough has something it never had for years. They have money since they're reaching into everybody's paycheck and taking money, so they can hire lawyers. PennDOT is not God. Everybody thinks they are but they're not. They have streets that run through our town but it's our town. Hulmeville, Bellevue, Neshaminy, Route 1, it's their town. They have a say. Don't think they don't because they do. If they have to enlist a lawyer, it would be some of his money well spent. One lane for US Route 1 is crazy. They're going to have backups.

Dave Cahill, (identified himself as Dave the goon Cahill) asked Ben what the name of the lawyer who heard the Darnley appeal up at the county on June 16th. Ben said Judge Fritsch. Dave asked how many meetings a council member is allowed to miss. Laura Germain has

missed meeting after meeting after meeting. She's not doing the job that she was elected to do to govern. John Stratz said Councilman Flanagan was not here for six months straight. Dave said he didn't complain about him. He was on his side. Ben said under the borough code a member can miss any number of meetings because the only real way to remove a borough council member is through quo warranto or impeachment by the state senate. Joe Adams asked Ben to explain the Latin for the rest of them. Ben said it is a fancy term where the District Attorney challenges your right to be a sitting office member based on whether you are actually a resident or not.

Unnamed female, said they are saying to put a dumpster over there, but this gentleman thinks he's going to be able to move in soon. She asked if anybody could be putting anything on that property over there or should anybody be on that property. Gary said he's not really in a position to answer that.

Elwood Horner, said he had a question that goes back to Bev resigning. Through Pennbid online, there was work done in front of the borough, which was concrete work. Premier Builders was paid for putting a door in this building for \$78,000.00 and it was never put in. He would like somebody to research that. It says it was paid on Pennbid. He doesn't have his documents with him but it's public and you can go on Pennbid and look up PennDel Borough. It's on there for the public to look at. They think he puts lies on the Internet. It's all the truth. Just type Pennbid and search PennDel. It gives you all the things and then Carol stopped putting in the prices of what the bids were. It just doesn't look good for the borough, and it doesn't look good for the council. He doesn't know what happened to this door, but they were paid. It's \$78,000.00, maybe that's why she resigned.

Council Members to be Heard

Joe Adams, said he appreciates the offer for Councilman Pro Tem, but he doesn't think it would be appropriate, as he doesn't know that he would be the best choice to form a mixed government. He doesn't know that he would serve honestly if given that position based upon the intents of council. Secondly, someone said PennDOT is not God, and he wants to highlight and restate that into the record, PennDOT is not God. This is a Commonwealth. He asked Ben if the Commonwealth means that the local government is the most responsible and the intent of a Commonwealth is that the local government is the most important body in government. Ben said he doesn't believe there's any legal distinguishable between one of the 46 U.S. states and one of the four commonwealths. Joe said he will research it for him. The point that should be stressed, they have control over those streets and easements. He feels robbed as a council person that they were not given the choice. He has faith that the new president and the new government also will be carrying out those same sentiments and that they will get a choice to speak as to what PennDOT does. It is his full intent to not vote on any easements, rights of way or anything like that until the people's representatives collectively, not privately, individually or singly, collectively get to act as a body with discussion with public comment on that issue and he implores and asks Mr. President and the governing body which he thinks they will do, to give them that voice as a council, in a public meeting, to have that discussion with them.

Mayor Sodano, said to Mr. McIntyre's and Mr. Adam's points about PennDOT, it is well taken. The people in Langhorne Borough have suddenly banded together and they're pushing back against PennDOT, and they've all heard that they're now making headway against the cloverleaf that they don't want so that would, by itself, imply that these two gentlemen are 100% correct. Inaction will create what they don't want. If they take action, they can hopefully affect a change

Barbara Heffelfinger, said on the Langhorne situation, that cloverleaf was going to go through the Mayor's Playground. That is one of the reasons of what PennDOT wanted to do years ago. That would be the National Register application to prevent that, so they did take that and presented that to whoever is in charge, and they said OK, to preserve your district they'll move it 237 feet so that's what they're dealing with. It is a different project but she's giving an example of what they're dealing with. It's not easy.

John Stratz, read Beverly Wolfe's letter to Penndel residents. The letter is attached.

Gary Nickerson, said to clarify, the gentleman that came up and was talking about the door project, he remembers that the project was broken down into numerous bids. There were numerous aspects of that project. That was the project for the front for the walk, steps, all the other things and he recalls that they did solicit bids for the door, but they didn't act on the door. He just wanted to clarify that.

Joe Adams, said as Beverly gets to enter two letters into the record and he was brought up specifically in that second one, he would like the chance to comment. No one forced Beverly to quit. No one held a gun to her head. She was not threatened personally. She resigned of her own free will and then entered two letters into comment. The reason she was so successfully harassed apparently, by the other side was that she held a private invitation only meeting and told Carol to go ahead and launch these projects and did not bring transparency up. And in the middle of November, even the vice president of council hadn't seen those plans before. So, he is not happy that they're reading some oh woe is me, I am dead letter. No one made her quit and they did not have to reorganize tonight. Yes, he did get the most votes on council and all he did was buy a T-shirt and he's still very happy for it and doesn't feel bad about it. He's not going to sit here as if this isn't some memorial as if for some reason, there was a gun held to her head. As if her life was threatened, as if people were coming after her, when all that happened was a bunch of people were pissed off that they didn't get briefed on something. They showed up to a meeting and they made angry statements. If they don't like people making angry statements about them, maybe they shouldn't be on council and he hopes to dear God, if he resigns 1-2 or multiple times off council, he gets two or three memorial letters written in and he gets told how the other side was beating him up and he gets told how bad words were kicking him out. He is sorry but he will not sit quietly for the woe is me pity party. She can run in the next election if she wants but they cannot shut the public up from making a comment. They get a chance to speak. They spoke. She decided to quit.

MOTION BY JOE ADAMS TO ADJOURN THE MEETING AT 9:30 P.M. SECONDED BY JOE DUDASH. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer