

## Penndel Borough Council Meeting Minutes

December 5, 2022

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

Present at the meeting

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

Also present at the meeting

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

Council or Borough Announcements

Barbara Heffelfinger thanked those who came out to the tree lighting. It was really nice, and the kids got goodie bags and candy canes from Santa. Sunday December 11<sup>th</sup> will be craft day for the kids. There will be lots of things for them to work on and take home. It will be held inside, and it is from 3:00pm – 5:00pm.

Public Comment on Agenda Items

**Dave Cahill**, said that Gary missed an announcement. He asked how many applied for the open council seat at the December 1<sup>st</sup> deadline. Gary reminded Dave that this is public comment. Dave asked Ben if he knew that Beverly Wolfe met with Mr. Darnley about the fence while this was in litigation and that she offered him his money back for his legal fees while she was still on council. Gary again reminded Dave that this is public comment. Ben Hauser said that Mr. Cahill seems to be referring to open litigation with respect to the property in question and there will be no comment.

**Mike Smith**, brought up the sewer fees and asked if they could split it and do a 50% increase this year since they have money to offset it. Mike said he was on council for 2 1/2 years and he knows what the procedures are. He told Gary he violated a procedure because they had a vote to have a deadline of December 1<sup>st</sup> for open council seat applications. All three individuals are sitting here tonight, and they demand to know why they were made to jump through hoops to get their letters in and all of a sudden, they're going to move to a different date. He asked if it is because no democrats applied or is it because they're all republicans. He thinks that deserves an answer. He blew the procedures. He didn't do anything illegal, but it is completely unethical. He wasn't even president of council for longer than 2 1/2 weeks and he already went above and beyond what he's supposed to do.



*Tim Weaver*, said before they get to the civil service applicant time period, he'd like to say no, offense to Marie, but her husband is a federal employee and that seems to be a conflict of interest. Same with Mr. Winker if he's going to be appointed because he's had his sticky fingers involved in the police department for too many years. It seems they only have one unbiased candidate, so they should postpone this one a little longer to give more people a shot.

Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE NOVEMBER 21, 2022 WORKSHOP MEETING AND APPROVE THE FOLLOWING BILLS FOR THE MONTH OF NOVEMBER 2022.

General Fund	\$24,872.03
Refuse Fund	\$ 652.64
Sewer Fund	\$33,427.40
Capital Reserve Fund	\$ 2,881.50
Liquid Fuel Fund	\$ 650.16
Escrow Fund	\$ 6,470.40
Payroll Fund	\$ 2,300.25

Payroll

General Fund	\$29,171.96
Sewer Fund	\$ 3,065.38
<b>Total</b>	<b>\$32,237.34</b>

Escrow Fund Bills

Schoolhouse Court:

Hill Wallack, LLP	\$5,807.40
Value Engineering	\$ 663.00

SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

**Reports:**

President's Report

Gary Nickerson thanked the civil service applicants for coming to the meeting tonight. It's an exciting process. He understands one of them is on their way.

Borough Manager's Report

Geoff Thompson read his report which is on file in the secretary's office.

Mayor's Report

Mayor Sodano read his report which is attached.

Police Chief's Report

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

Solicitor's Report

Ben Hauser said his office and the borough manager had a discussion with Waste Management about the issues with Schoolhouse Court trash. Waste Management indicated that they were willing to collect the trash by payment with a contract with Schoolhouse Ct. Unfortunately, other trash collectors did not want to come into the borough because of Waste Management's agreement with the borough. They just want a letter from the borough that the borough would not necessarily object to the commingled trash. The Schoolhouse Court costs would not be a cost to the borough or otherwise be an impairment to the borough. That letter has been updated today based on the discussion with Waste Management and will be circulated to council. Technically, it is not on the agenda for a vote tonight, although, council could amend the agenda at that time. He assisted Ms. Schuehler with the drafting of a resolution that is on tonight's agenda with respect to the Small Water and Sewer Grant project.

Engineer's Report

Carol Schuehler read her report which is attached.

Joe Adams asked Carol about the grant they are applying for. Carol said it's a DCED grant, and they would pay 85% and the borough pays 15%.

Gary said a couple of weeks ago, Joe asked about the MS4 and any updates. Gary asked Carol if she could give them an update during the January workshop. Carol said she would be happy to do that.

Mayor Sodano said Carol mentioned the resurfacing of Lincoln and Crescent. He asked if on Centre St. they're just going to repair what they had torn up. Carol said they are only resurfacing Centre St. 100 feet or so either side of the intersection, and she made a point of going over with them the concern about the fire trucks crossing through that intersection. They're doing a full width on a very small segment of Centre St. and then the others just do patches. She drew that on the map that she prepared as a memorandum at the end of that meeting. Mayor Sodano said the fire trucks use Centre St. and go out onto Route 1 and that was a pretty good-sized excavation there and then they also had a pretty good sized one at the corner of Woodland and Centre. He asked if they should fail from the weight of the trucks, would they have any recourse. Carol said the one closer to Woodland is going to be a patch and the borough has a pretty hefty requirement for the layers of asphalt in the patch and theoretically, there would be a maintenance period after that that. If there's a failure, they could go back to them even though she's really not anticipating that. Her bigger concern was making sure it was as smooth a transition as possible through that intersection.

Zoning/Code Enforcement Report

Report is on file in the secretary's office.

New Business

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

**Comcast** invoice dated 10/26/22 in the amount of \$235.91 for internet & voice services at 37 W. Woodland Ave.

**Deer Park** invoice dated 11/2/22 in the amount of \$36.00 for spring water

**Gettysburg Benefits Administrators, Inc.** invoice dated 10/31/22 in the amount of \$169.59 for dental insurance installment

**Independent Blue Cross** Invoice #221107284879 in the amount of \$5,821.18 for medical insurance installment

**Office of Labor & Industry** Invoice dated 11/1/22 in the amount of \$1,449.00 for fire department workers' compensation installment

**PECO** invoice dated 11/4/22 in the amount of \$38.65 for 790 Neshaminy Street outdoor lighting

**Waste Management** Invoice #3897-2448-5 for October service

**Haines Paving** invoice dated 10/27/22 in the amount of \$16,645.00 for Spring Street pipe replacement and swale bottom improvement

**Comcast** invoice dated 11/2/22 in the amount of \$189.89 for internet at 790 Neshaminy Street

**Comcast** Invoice #158460361 in the amount of \$550.30 for Business Voice Edge service

**KC Sign & Awnings** Deposit Invoice #24424 in the amount of \$12,862.50 for down payment for LED sign

**Langhorne Postmaster** invoice dated 11/21/22 in the amount of \$246.46 for fall newsletter postage

**Amazon** Invoice #1PCC-QHPL-PNV4 in the amount of \$89.99 for A-Frame signboard

**Comcast** invoice dated 11/26/22 in the amount of \$428.45 for internet and voice services (2 mos.) at 300 Bellevue Ave.

**PECO** invoice dated 11/10/22 in the amount of \$1,492.61 for street light electric

**Verizon Wireless** Invoice #9919513637 in the amount of \$29.86 for machine-to-machine connection line for streetlights' computer system

SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY LAURA GERMAIN TO AUTHORIZE ADVERTISEMENT OF THE MEETING TIME FOR THE 12/19/22 WORK SESSION. SECONDED BY JOE ADAMS. All ayes, motion carried.

Gary said they briefly talked about this during the Work Session how they wanted to do interviews for the open council seat and if they wanted to do it at 7:30 or earlier, but they have to do it in public. Joe Adams said if they're not doing it in an Executive Session then he would like to leave it at 7:30. They don't have to take any action because it's already currently advertised so they can table it.

MOTION BY GARY NICKERSON TO TABLE THAT MOTION INDEFINITELY. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT THE 2023 BUDGET AS ADVERTISED FOR REVIEW ON 11/21/22. SECONDED BY JOHN STRATZ. Gary said the one thing that has been revised is the borough is going to be absorbing some of the costs of the sewer rate increase. Geoff Thompson said the increase they got from Bucks County Water and Sewer is 16.6%, which represents approximately \$120,000.00 to the borough. If council would like, they could basically split that into two years, for 2023 and 2024 and it would be an 8.3% increase each year. That would come out to the residential rate on a quarterly bill, an increase of approximately \$12.00 per quarter. That would be an 8.3% increase in 2023 and an 8.3% increase in 2024. Joe asked Gary if they should allow public comment since there is a change. Gary said he did not have a problem with that. Ben asked Geoff if the budget is before council tonight, just to confirm if that is the budget that was advertised more than 10 days ago and was on display as it stands tonight for passage. Geoff said yes. Gary asked what the amendment is. Ben asked if Geoff made that change earlier in November. He asked if it was

the amendment to the advertised budget or was the amendment being added tonight. Geoff said he did not make any change to what council saw in November, but he heard the concern from the Workshop meeting that they might want to spread out the sewer rate increase. If they want to do that, his recommendation is to split it in half and do an 8.3% this year and 8.3% the following year. That would be an amendment to the budget, whatever procedural way they want to do it. Ben asked what percentage change in the budget would that be. Geoff said it's not more than 10%. Ben said he does think the amendment would be in order under 10% and with that change in mind, he does think it would probably be advisable to allow comments.

**Mike Smith**, asked Gary why he doesn't do it the correct way. He's sorry that he has to explain this to him. Go through the budget the way it is and first meeting in January, they can open the budget and then change it. He doesn't know why he has to keep coming up here and telling him and his former president how things work.

**Dave Cahill**, said there's \$75,000.00 in the budget for Rumpf Ave. He asked, instead of the residents footing the bill, to let Carol Schuehler's insurance company pay for Rumpf Ave. since it was her engineering debacle that caused the problem with her mistake on recycling bad material back into that road.

**Tim Weaver**, said these things have a procedure that they need to follow, and he thinks they should follow procedure and not arbitrarily just change things. Things have already gotten out of hand enough as it is and if they continue down this road, it's going to be lawlessness.

Joe Adams said he's conflicted because he does agree that the borough should be paying for the increase, since they have the money and we're not lowering taxes. He doesn't like doing it without adding more time, but he knows they only have one more meeting until they can pass this. Ben said there's two things. One, if there was a substantial amendment to the budget, 1309 of the borough code says, after the 10 days which Mr. Thompson advertised proof for that advertisement, he would ask for that to be incorporated into the record. The council may make a revision of the budget and is deemed advisable and can pass it. Usually, the rule of thumb as to whether it needs to be really changed is about 10%. He believes that the gentleman in the audience referring to the amending of the budget in January is only applicable under section 1311, which is the January following the municipal election. An example, a party A did the budget in December and party B was elected in November. They get the opportunity in January to reopen the budget. If there was a substantial change, there would need to be another 10-day advertisement. The Courier Times is the newspaper of record and there's usually a three-day lag time and then 10 days. He doesn't know how quickly they could get a completely revamped budget out in time and have it passed by the 31st of December. Joe said whenever they're talking about spending the people's money, if there's a change or something, he wants to make sure that people have the time. A roll call vote was taken. Joe Adams, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. Motion passes 4-1.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE ADVERTISEMENT OF ORDINANCE #2022-2 AMENDING CHAPTER 322- "SEWERS," ARTICLE II – "SEWER RENTS" OF THE PENNDEL BOROUGH CODE OF ORDINANCE; AMENDING SEWER RENT RATES; REPEALING PRIOR INCONSISTENT ORDINANCE; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. SECONDED BY JOHN STRATZ. Joe asked Gary to explain it. Gary said this is because the sewer rate is increasing. It has to be done through ordinance and this is the proper procedure. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2022-20, FIXING AND RETAINING CERTAIN REAL PROPERTY TAXES FOR FISCAL YEAR 2023 IN THE AMOUNTS OF 19.3 MILLS FOR GENERAL BOROUGH PURPOSES, 3.0 MILLS FOR FIRE PROTECTION SERVICES, AND 2.5 MILLS FOR DEBT SERVICE. SECONDED BY JOHN STRATZ. Joe asked if it's going up, down or staying the same. Gary said they need to do this through resolution if the rate is staying the same. If there was an increase in property taxes, then they would have to do it via ordinance. Ben said that is correct. Joe asked if anyone knows what their current cash standings are right now. Gary said the last two years they lowered the property taxes. Joe asked how they are doing financially and what is their cash positive as far as the budget goes. Gary said from what he understands, this budget puts excess money into capital improvement projects. Joe asked if they had an idea of how much excess there is. He asked if they were talking \$100,000.00, \$200,000.00, \$300,000.00. Barbara asked if he got the budget. Joe said probably not. Gary said he thinks it was emailed out and they had a hard copy at the workshop. Joe said yes, he did get the budget. He asked what the cash positive state looks like. Gary said he doesn't have those numbers directly in front of him. Joe said with the cash flow, rather than just staying the same, because that would only need to be a resolution, they could do that. Gary said the budget is based on the current rental rate. He's not in support of making a change to this right now because the whole budget is predicated upon this sort of mileage rate. So, to go back and just start hacking it, they're not really prepared to do that. The time to do that would have been to make a request and go to Mr. Thompson with these questions, unfortunately. A roll call vote was taken. Joe Adams, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. Motion passes 4-1.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2022-21, ESTABLISHING A FEE FOR COLLECTION OF ASHES, GARBAGE, RUBBISH AND REFUSE PURSUANT TO SECTION CHAPTER 340 – "SOLID WASTE;" REPEALING PRIOR INCONSISTENT RESOLUTIONS; AND PROVIDING FOR AN EFFECTIVE DATE. SECONDED BY LAURA GERMAIN. Gary said this is to revise the rate for their negotiated trash contract. This is the final year of their five-year trash contract. This was a rate that was set when the contract was signed. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADVERTISE THE 2023 MEETING SCHEDULE. SECONDED BY LAURA GERMAIN. Joe asked if they need to do workshops over the summer. Barbara said they should have two workshops instead of one so they can get the proper amount of work done. Joe said he thought they could streamline these so they could get work done. He thought it was the president's intent to make these things go faster. Barbara said that's true, but it does not mean no work. Barbara said everybody on this council has a job to do to cut down on a Work Session in the middle of summer, absolutely not. Work your vacations around the schedule. That's been done for years and years and years. That's why he was elected, to get work done. Joe asked if there's no chance of yielding any of those dates over the summer. Gary said they certainly have work to do. If there's a lull or if there's no work or pressing needs or something that can be delayed, they always have the ability to cancel a meeting. Barbara said to schedule his vacation around them. It's been done that way for years. Mayor Sodano said in his opinion, reducing the number of meetings since council is not allowed to meet vote etcetera except in the public forum like this, they risk more of situations where people will take

things on their own and overstep the parameters of what their elected office allows. 4 yes, 1 no (Joe Adams). Motion carried.

MOTION BY LAURA GERMAIN TO ADOPT RESOLUTION #2022-22 DESIGNATING AUTHORIZED OFFICIALS TO EXECUTE ALL DOCUMENTS AND AGREEMENTS BETWEEN THE BOROUGH AND THE COMMONWEALTH FINANCING AUTHORITY TO BE USED FOR SANITARY SEWER INFLOW AND INFILTRATION INVESTIGATION AND REPAIR. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Consideration of Civil Service Applicants

Applicants Alan Dashoff, George Krushauskas and Guy Serota came up to the podium and spoke about their experience. Gary thanked all of the applicants for applying. He thinks it's outstanding they got as many applicants as they did. Sometimes it can be extremely difficult to start these commissions. All of our candidates are absolutely qualified. They've gotten four or five applicants and they can only appoint three. Mr. Winkler couldn't attend, however; he is still a candidate. Ben said the ordinance requires three members of staggered terms, two, four and six years and then council also has the ability to appoint three alternates. Ben asked if any of the three candidates are holding an elected or appointed office with the Commonwealth of Pennsylvania, a political subdivision or of the federal government. And by elected or appointed office he means they have a fixed term, and they kind of go in and out and they're kind of appointed by the president, a senator, etcetera or a division chief. That differs from someone who might be an employee. No one responded.

MOTION BY JOE ADAMS TO APPOINT ALAN DASHOFF TO A SIX-YEAR TERM. SECONDED BY LAURA GERMAIN. Joe Adams said after having conversations with him, with the kind of experience he has, he seems like someone that he wouldn't mind having, if it was going to be a civilian board. Barbara Heffelfinger asked if he has any police experience and how the police work. Alan said he has special weapons and tactics experience and was on a SWAT team for seven years. Ben asked if he and enough members are appointed, would he be able to meet within 10 days starting tomorrow to organize the commission working with Mr. Thompson and Ms. Serota to get an organization date. Laura asked him if he was ok with the six-year term. Alan said he is. A roll call vote was taken. Joe Adams, yes, Gary Nickerson, yes, Barbara Heffelfinger, no, Laura Germain, yes, John Stratz, no. Motion passes 3-2.

MOTION BY GARY NICKERSON TO APPOINT GEORGE KRUSHAUSKAS TO A FOUR-YEAR TERM. SECONDED BY BARBARA HEFFELFINGER. Laura asked if he was ok with the four-year term. George said yes. Ben asked George, if he is appointed, he would then form the quorum for enough votes to organize the Commission and would he be able to within 10 days of tonight. George said yes. Ben said he knows from his experience on the ZHB, that he is aware of organizational meetings.

Gary said to Dave he will not tolerate any personal attacks.

**Dave Cahill**, asked why they would put a guy on the Civil Service when he was a total embarrassment when he was on the Zoning Hearing Board. Dave said to Gary that he's made up his mind that he is going to contact the department that represented Pennsbury School District and he's going to have them fined big time.

**Cass Pfender**, asked Barbara why she asked the one gentleman about police experience, and she hasn't asked this other gentleman about his police experience. Barbara said she has never met the first gentleman. She has known George all of her life and he's one of the best humans



beings that ever-set foot in this building and that's why she voted for him. Cass asked if she could ask him if he has police experience. Barbara asked George what his experience was. George said he got tickets. Cass said to her, that's not the same. Barbara said she knows what Mr. K has done over the years. Cass said to be equal, if they're asking one person one question, she just feels like they could ask all of the candidates the same questions. Barbara asked her if she had considered running for council. Cass said she's not one of those three. Barbara said she's just asking.

*Tim Weaver*, said at the last workshop session Barbara was all worried about personal attacks on these candidates. She just personally attacked one, so she was the first one to fire the shot. He said she is such a hypocrite. She is exposed right across the board for everything she's been doing. The young lady over there was right. He asked why she's not asking the same questions of everybody coming up here. He asked why she is pinpointing certain people. It's just unacceptable what is going on because she has her own personal preferences, and she doesn't like people and she's mean and bitter. A roll call vote was taken. Joe Adams, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. All ayes, motion carried. Ben said as he noted before, there are two members of the three-member commission that is now a quorum. He would advise Mrs. Serota and Mr. Thompson to reach out to the two members and assume the third one about getting an organizational meeting done within the next 10 days. Joe Adams asked if they no longer continue, or if they don't successfully pass motions to elect any further members of commission. If for some reason there's a contention, do they now have enough people theoretically to start carrying business. Ben said they have a 3-member commission, and they have two members. It makes things a little difficult, but they technically have the quorum, and they must organize. Joe said he wonders what the intent of the legislature was when they were passing that discussion about no federal employees or federally elected or appointed positions. He doesn't necessarily have a personal objection to Guy as a person. He just questions if that's a little too close. Ben said that the times that the courts have looked at this question and there's only a limited handful of county court cases that kind of examine what's an employee versus an officer and the kind of things that they talk about are that there's a difference between officers and what are known as subordinate ministerial agents or employees. An officer has duties imposed on him which are of a great, grave and important character, which are imposed for a fixed term and also are delegated some portions or function of government exercises, some part of sovereign power. He has not been made aware of anything that's been given to Mr. Serota that would make him an officer of the United States, elected or appointed. He sounds much more in the nature of an employee. It strikes him that Mr. Serota is not in violation of the statute. There is nothing that he can see under state law that would preclude him from the office. Joe said the reason he brought this up is they have enough for a quorum, and they can organize and get started. Mr. Serota should take time to figure out to make sure that any and all federal employment regulations or whatever are given courtesy. And the fact that another candidate isn't here to present himself, he wouldn't be opposed as to tabling it back a little bit later and voting on the next session only to allow the other candidate to show up and allow Mr. Serota to go through that process and make sure that's OK and then they can take it forward because they can organize and move forward now as the two of them. It won't stop government from functioning.

MOTION BY GARY NICKERSON TO APPOINT GUY SEROTA TO A TWO-YEAR TERM.  
 SECONDED BY BARBARA HEFFELFINGER. John Stratz asked Mr. Serota if he has any reason to think that he would not be allowed to be placed tonight on the Civil Service

Commission. Guy said no. Gary said they can appoint alternates but it's not on the agenda. They can add that to the next council workshop meeting.

**Dave Cahill**, asked if they could get a letter from Mr. Serota's employer, or an affidavit signed stating that he's OK to be put on this committee.

**Tim Weaver**, said to Ben I'd like to just address him and not to bastardize this, but past precedent does not guarantee future performance.

A roll call vote was taken. Joe Adams, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, Laura Germain, yes, John Stratz, yes. Motion passes 4-1.

John Stratz said he wanted to make a motion to appoint an alternate. Ben said there are no motions listed on the agenda for the appointment of an alternate. There is authority under the Sunshine Act amendments where you can move to amend the agenda to add the motion. However, since the commission has already got its three members, he doesn't think that there's an urgency to have that done where that could not be filled at the meeting on the 19<sup>th</sup>.

MOTION BY JOHN STRATZ TO CONSIDER THE 12/6/22 WASTE MANAGEMENT TRASH/RECYCLING AGREEMENT LETTER REGARDING SCHOOLHOUSE COURT DEVELOPMENT. SECONDED BY BARBARA HEFFELFINGER. Ben said the developer and the homeowner's association have been trying to diligently arrange for trash pickup and were having difficulties doing that because of the way that trash collectors in this neck of the woods tend to operate. Mr. Thompson reached out to Waste Management to see if they could accommodate, at no cost to borough, as the cost would be placed on Schoolhouse Court their ability to collect the trash with borough trucks. There are concerns with that in the sense of if the collection of Schoolhouse Court trash would somehow impair the borough's ability to get its own trash collected, would there be any cost imposed or if Schoolhouse Court failed to pay its own trash bill, etcetera. Waste Management assures them that they are willing to take on Schoolhouse Court's trash once the homeowners association has an agreement, provided that the borough, because of its contract with Waste Management's predecessor, is ok with commingling of Schoolhouse Court trash and the use of the same trucks. The borough is further conditioned its assent on that the Waste Management's collection of the trash should not disrupt the collection of borough trash and that insofar as Waste Management causes an injury or damage in its process of collecting Schoolhouse Court trash, the borough is not going to be liable for that part. This consent shall automatically expire and be revoked on the 31st of December 2023, which is the date the borough's very favorable contract with Waste Management expires. Ben asked Geoff if there was anything else. Geoff said allowing Waste Management to pick up their trash and recycling and comingle it, they do have a recycling grant that they get money back on. So, actually, it's favorable for them because the borough will get more recycling which can be counted towards the numbers sent into Bucks County and they will get a slightly higher grant amount. Gary thanked Geoff for putting this together. He thinks it solves an ongoing issue and he thinks it's favorable and he hopes it's agreeable to the Schoolhouse Court residents. Mayor Sodano said he appreciates Mr. Thompson, Hill Wallack's office and borough council for reacting in a timely fashion to a problem that was festering and ongoing for quite some time. Gary read the letter from the borough to Waste Management which is attached.

**Deval Glover**, asked who is liable for the injury of someone in the process of collecting the

trash. Ben said it depends on who the actor is. If it's negligent property owners who somehow put something in the way of a truck that causes an injury, that's between them and Waste Management. If Waste Management's own employees get injured in the process of collecting the trash, that's between them and Waste Management and their workers' compensation carrier. It's really kind of a matter for them to settle out in that window of time that they're collecting their trash. If someone gets injured that's going to be on them and Waste Management depending on who ultimately is found to be the cause of it.

**Jill Glover**, said as of today, the builder had Leck garbage cans delivered to all of them. She asked if there was a contract that McManus signed through Waste Management or has, he set this up because they still don't have the HOA. Gary said this letter just would allow their HOA to reach out to Waste Management. They should be negotiating trash service because that was stipulated in the HOA agreement. Jill thanked everyone for their help. Gary said they can now pursue a contract with Waste Management if they choose. Ben said they will only pick up their trash if they have a contract with them. Jill asked if he knew what their price was. Gary said that's for them to negotiate. This letter will just allow them to engage with them.

All ayes, motion carried.

#### Public Comment

**Mike Smith**, said he heard tonight that Beverly may have overstepped her boundaries and he's hoping that is not the case because that could open up a whole can of worms. He said to Gary that he does not have the right to go on his own to make any decision. It is a council of seven and all seven must vote. He asked who he was waiting for by moving the date for council or is he was waiting for one specific person. This is what they get from their elected officials. He said Gary is a disgrace. Gary said he would be willing to talk to him after the meeting. This is public comment. He's available to discuss anything after the meeting or they can e-mail him. Everybody's time here is valuable. Mike said these people all want to hear what he has to say to his question. He wants to answer one-on-one and then he has to get on a public forum and let everybody know what he said.

**Dave Cahill**, said the way he understands it with Bev Wolfe is that she was very concerned that she didn't hear about any of the concessions that were offered that the Darnley's made with the fence and she claims that she's hearing about it later. So, he was a little curious if this was all true, and Bev went there being a little sad because she didn't know about the concessions and then offered Mr. Darnley his legal fees back. He's a little concerned about the e-mail that Geoff Thompson sent to Sally Bellaspica saying the council was interested in revoking the permit because it doesn't sound like Bev was on board for that, so he's not quite sure why that would happen. He's also a little concerned that Mr. Thompson did not at any time during his reports this year mention any involvement in the Darnley fence. He asked Ben if that concerned him that he didn't put it in any of his reports. He wonders how much money he was paid with his involvement in the Darnley fence or the Berlin Wall, he thinks it's called. He asked Laura if she was posting on the borough Facebook site tonight while she was at this meeting like she did on October 17<sup>th</sup>. He said she's not listening to the borough residents; she's playing on her computer and doing her posts. He thinks she did fifteen posts on the borough Facebook page back on October 17<sup>th</sup> of 2022 and she's just ignoring all of them that are here at these meetings. He's not sure if any of this is right. He asked how it is going to look if there is a big lawsuit by the property owner with the fence, Mr. Darnley. He asked how it is going to look if

George is removed from this Civil Service Committee, if there was any wrongdoing. He thinks he heard the lawyer talk about a fake meeting that happened this month two years ago. He believes it was a fake Zoning Hearing Board meeting that the judge said never happened, like it never took place. He asked Guy to tell them why he was removed from the negotiation committee with the NHL back in 2012. Council didn't ask many questions, but he'd like to know why he was removed from the negotiations.

**Tim Weaver**, said while he is very grateful that the Schoolhouse Court residents got their trash issue almost resolved, he thinks that the council members and the borough manager getting involved in this is a major conflict of interest with McManus and they're trying to clean up his crap. It should be stopped immediately. There are contracts in motion, and they are monkeying with the apparatus. They need to stand up and tell McManus to clean up his shit. They can't be covering for someone who has all of these documents in place. Council knew what was going to happen over there and now it's going south and none of them are saying anything. It's almost like they're not going to help any of the other residents when they get in a bind with something. They're going to be dealing with Schoolhouse Court for the rest of their lives because when the mold issues come and the cracked foundations and somebody finds a heater under their basement, this is all going to come to light.

**Jeff Jones**, said on Dehaven Ave. there have been two trailers sitting in the street for a long time unattached to vehicles. He doesn't know why they haven't been cited or towed. He asked Mayor Sodano if he could get the police to maybe get rid of them. Mayor Sodano said unfortunately, he noticed that sometimes they get hooked up to the black Jeep that's sitting there. Jeff said it's never hooked up. They back up to it, but they don't hook it up. Mayor Sodano said he would look into it further. Jeff said he agrees with Mike Smith. If he has a question for the borough council, they should be able to answer them. They are elected officials. They can have a conversation with him, but they have no idea what was said. The residents elect them, and they get no response from anybody. They always said they'll get back to someone or they'll have an offside meeting. They should be told whatever somebody asks and not have to come back.

#### Council Members to be Heard

**Joe Adams**, said he has been thinking about things and a couple of years ago, if he'd asked himself when he first thought about running for council when he first got advised that they were doing EIT during the COVID year in 2020, this is a one-sided operation. And there's one group that he doesn't like but as he's been on council longer and has been a part of the political scene longer, he's started to realize that if he were to say which political party is in favor of the TOD development and in favor of keeping taxes and in favor of spending more money and increasing the budget, he couldn't label just one side. He could label actually, two major parties. He's starting to have a tough time even agreeing with the republican party and because of that, he made the personal decision that as of tonight, effective right now, he'll be officially resigning from the republican party, renouncing that status, and moving over to the Libertarian party. Right now, he can't tell the difference between what big party A and big party B do to each other here in PennDel. He feels like they hate each other. It's gotten really weird being involved in PennDel politics here to the point where he doesn't want to be associated directly with either one. He'd rather be able to think clearly and independently and on his own rather than have to consider what his teammates and other republicans are going to think. He got elected as an official to vote based on his conscious not based on what some larger group team or entities

want him to do. He doesn't want to be involved in any of that stuff. He wants to come to public meetings to have those discussions and if he sees residents on the street, and if they get

together and talk, that's wonderful. But he doesn't want any specific political organizing in Pennel. It's just not for him.

**Mayor Sodano**, said he would like to revisit the subject that was brought up earlier regarding the open council seat. The advertising moved forward with that council seat that was done as a vote of the council then the extension was done without a vote. So, council voted, and the item was then changed without a council vote. He just wanted to point out that what people were trying to say is procedurally, that's incorrect. The correct procedure for this is if council wanted to change what they had to do since the date expired, they had to come to tonight's meeting and reopen it. Extending it was not the correct procedural move nor was it something that the council president can do without a vote on an item that was done with a council vote. He wanted to point out that he doesn't see the need for it in any event. When Mr. Moffa was appointed to council, they didn't have any more people apply then they have this time. They can go back through history all the time that people were appointed. When Mr. Dudash was appointed and when Beverly was appointed etcetera, they didn't have more people apply at any given time than what they have now. He just sees that it smacks of partisanship as opposed to anything else. If they were going to do it, council should have chosen to do it then it should have been done by a vote to reopen. There is question on that legality that he can't weigh in on.

**John Stratz**, said from previous vacancies and from previous solicitor firms that they have had and state law, they have 30 days to fill a vacancy on council. It was a mistake saying December 1st and he doesn't know how that came about but it was a mistake and state law states 30 days from the acceptance of Mrs. Wolfe's resignation on the 21st of last month. They have until the 19th which is next session to fill the vacancy.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:05 P.M.  
SECONDED BY JOE ADAMS. All ayes, motion carried.

Submitted by: Marie Serota  
Marie Serota, Secretary/Treasurer

## Mayors's Report, November 2022

Attended Council Meetings and Executive Session.

Attended the Penn del Borough Planning Commission meeting.

I saw many of Penn del's residents on Election Day. Thank you to all who voted, for taking part in this, the future of our great country depends on us.

Reminders;

The 2022 Toys for Tots drive ends on December 8th. Your donations of new, unwrapped toys will be gratefully accepted. There is a collection Box in Borough Hall.

As the winter weather season approaches, please adhere to snow parking regulations. Illegally parked cars make snow removal difficult and create a safety hazzard. To help ensure your safety, the Penn del Police will be ticketing illegally parked vehicles.

Stay safe for the Holidays. Check your smoke detectors. If you must use extension cords or any electrical connections for your Holiday decorations please make sure they are UL approved and check them thoroughly for any problems or defects.

Happy Holidays to all !

## December 5, 2022 Engineers Report

Penndel Borough, Bucks County

### ➤ Covid 19-ARPA H2O and PA Small Water Program Application

At the November meeting Council authorized preparation of a grant application to fund I & I investigation and repair work for the Borough wastewater collection system. The grant request will include funding for certain repairs of known leaks in Quadrant 1, and investigation and lining or grouting repair of sewer mains and manholes in Quadrants 3 & 4.

Assembly of the grant application is underway. One of the documents required in the grant application is a resolution by Borough Council, which is on the agenda this evening.

### MS4 – Clarification regarding PA Bulletin

At the November Council meeting, an audience member stated that PaDEP had published updates to the MS-4 permit requirements for comment in the September PA Bulletin. I reviewed the published notice, and it extends the authorization period for general permits for another two years. It does not otherwise revise general permit requirements, nor does it modify the individual permit currently held by the Borough. I look forward to continued conversations with Borough officials on stormwater issues.

### BCWSA Pavement Restoration

We met this month with BCWSA. When weather permits, they intend to properly restore all pavement patches, and to provide full width pavement overlay on Crescent Avenue between Hulmeville and Bellevue Avenues and provide overlay on Lincoln Avenue between Crescent and Lincoln Highway. We appreciate this courtesy from BCWSA.

### CDBG contract for Phase 2 lighting

The contracts have been signed and the notice to proceed issued. The contractor has ordered the fixtures to replace the aged field lights with new LED lights.

### CDBG contract for Bleacher Replacement

The contracts have been signed and the notice to proceed issued. The contractor anticipates the new bleachers to be installed in May of 2023.

