

Penndel Borough Council Workshop Minutes

December 19, 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 – via telecommunications
Councilman Joe Dudash
Councilwoman Laura Germain - absent
Councilman Joe Adams
Mayor Tom Sodano

Also present at the meeting

Dave Truelove, Solicitor, Hill Wallack
Marie Serota, Secretary/Treasurer

Council Member Appointment

Applicants were Dave Cahill, Joe Crisafulli, Kyle Mongillo, Bud Murphy and Mike Smith. Joe Crisafulli was not in attendance. Each candidate spoke about themselves and were asked questions. The questions asked by Joe Dudash are attached. Mayor Sodano asked about the change of deadline. Gary said council never authorized the date. They asked Mr. Thompson to set the date. They had said they would appoint someone at this meeting. It is in the minutes that council never agreed to a deadline. Dave Cahill asked Gary to remove his name for consideration for the seat.

MOTION BY JOE ADAMS TO APPOINT KYLE MONGILLO TO BOROUGH COUNCIL TO FILL THE VACANCY LEFT BY THE RESIGNATION OF BEVERLY WOLFE. SECONDED BY JOE DUDASH. Joe Adams said he likes the fact that he's fresh, younger and educated and is new blood.

Joe Dudash agrees. He said it will take up a lot of his time.

Mayor Sodano said he wanted to make sure it was clear that the appointment is for one year. Should he choose to stay on, he would have to run which means this spring he would have to be in the primary and then in the fall he would have to run to retain the seat and that's under Pennsylvania law.

Gary Nickerson said it's very exciting to see a new face and he thinks Kyle would make an excellent candidate however, he will not be supporting this vote. He hopes he continues to come to council meetings and he's sure there's opportunities for him to participate and get involved in the borough.

John Stratz said for those who are inexperienced in local government, at council member comments he will be offering a suggestion of what many council members who are completely inexperienced with the way Pennsylvania state government actually works from this Pennsylvania State Association of Boroughs.

Barbara Heffelfinger said she's never met Kyle and does not want to lose him, but she believes she will be supporting Bud Murphy.

Alan Dashoff said their logic of experience versus inexperience makes no sense because there's no other way to get experience but to get on the council.

Tim Weaver cited from the Office of Open Records Pennsylvania Sunshine Act open meetings law; it states although members of the agency are not required to provide an answer, it's good practice to do so whenever possible. Answering questions can demonstrate a commitment to helping constituents and in many cases answering questions and formulate a public meeting can reduce future requests under the Right to Know law, which saves time and money for both the agency and the commenter. When this all started, what John said at the end of last meeting really frightened him because he said that they had 30 days by state law to make this decision. He said it was a mistake and saying it was December 1st and he did not know how that came about. Tim said it was printed in the Bucks County Courier Times that's why everybody assumed it was December 1st. Hypothetically, in tomorrow's paper in public notices, if it said that he was going to officially resign after this meeting, he asked if that would be considered a mistake or a lie. John said considering that he doesn't get the newspaper, he cannot answer that. Tim said he'd like to find out who actually put that order into the Courier Times to mislead everybody. He was just trying to get to the bottom of why that article was in the Bucks County Courier Times. John said he'd like to know that himself because through the Pennsylvania State Association of Boroughs, they have an article saying that they have 30 days to fulfill a vacancy.

John Lo Piccolo, said he was in Kyle's shoes about six years ago. It was just as the budget was getting formed. He wasn't their first choice either. Bob Miller got voted in but somebody who was on council saw potential in him and felt like they were taking up a seat and kind of taking up space in some ways because they weren't seeing fulfillment. So, although he wasn't the first choice, that person then decided to resign. Bob Miller was nice enough to work with him even though he was a democrat, and he is a republican. The whole board was majorly democratic. John told Kyle he should continue to come because there are a couple of members that are dead weight, and he feels comfortable saying that because they said the same things about him. There's a lot to learn and there's a lot of things to do to make the borough better and they need to all work together. While he was on, there were a lot of bipartisan votes that he took part in. There were people in this room that he's put on boards, even though they were another party. He really needed to because he knew they were people that were interested in helping the borough. That's how they're going to get better. He told Kyle there's a lot of hope and potential and don't let anybody tell him differently. Stay involved because one of these people might leave because they see that, although he might not be their choice, they may say hey you know what, I like what that guy is saying. He may not get elected tonight but he can absolutely run on his own.

Dave Cahill said there are 30 kids on his street and Clarissa and there has been a major drug problem on his street since early 2020. Complaints have been made to the chief and they're being ignored. He knows that they're being ignored because he just had a conversation with officer Paul Callan about two weeks ago and he is not aware of the drug activity on Cynthia Ave. The first thing he asked Paul was if he had meetings with the chief and if he gives him updates about what's going on in town. Paul apologized and said he didn't know about the drug problem. Dave said he's a little concerned that they've had two heroin overdoses in 2021. One

was a death and the other one was Narcan. And a suicide, but the county called it an accidental shooting. They have another problem spot on the street where there's strong activity going on. They've got a big problem in town and the chief is ignoring it. He said the pick for council was prearranged. That's why he bailed out. They already knew who it was going to be.

Terry McIntyre thanked everybody who put an application in and is willing to help. He spent four years on borough council and on the Zoning Hearing Board. He's glad to see new blood like him come and he should get involved in some committee or something, so he can get a taste of things.

A roll call vote was taken. Joe Dudash, yes, Joe Adams, yes, Gary Nickerson, no, Barbara Hefflefinger, no, John Stratz, no. Motion fails 3-2.

MOTION BY GARY NICKERSON TO APPOINT BUD MURPHY TO FILL THE VACANCY.
SECONDED BY JOHN STRATZ.

John Stratz said Mr. Murphy has experience of what government needs at the local level. They need somebody who can understand what is necessary.

Joe Adams said so, a civil engineer with PennDOT experience is not qualified to be on council along with a bachelor's from Temple and civil engineering experience. They don't have any PennDOT debates here at all ever. Maybe if he gains a little more life experience, then maybe he could see them voting for him.

Gary Nickerson said he has excellent qualifications. He just happens to support Mr. Murphy. He's known him for a while, and he's been on the Planning Commission. He's very even tempered, and he brings a lot to any sort of debate. He's a longtime resident and he knows the issues. He comes with common sense solutions, and he can talk to anybody. The Planning Commission is a nice assortment of different people from different political backgrounds and that works well in that group. And considering how well this group works together, he thinks he would be a welcome addition, which is why he's supporting Mr. Murphy.

Joe Adams said he has nothing bad to say about Mr. Murphy and he would hope that the people present understand his attempts to use satire and parody is more so to make a point and rather than to insult Kyle or Mr. Murphy. He thinks either one would be a good choice. His answers to Mr. Dudash's questions were well thought out and well put together so he thinks he did a good job in front of the mic. But he disagrees with how council is going to vote on this.

Joe Dudash said he liked Mr. Murphy's and Kyle's answers. His only fear is the dogma that goes on in this council, so he was just looking at it as more as fresh blood. Bud has a lot of experience in human resources, which they could use because they have a lot of personnel issues with contractors and stuff like that. It's a shame they can't get both of them in here.

Mike Smith read the minutes from November 21st where it said they made a motion to give Geoff Thompson the ability to set the date, which was December 1st. He said the problem with Gary is he doesn't follow the procedures. He does whatever he wants to do. Council voted to let Geoff set the date and he went on his own. He screwed up. Gary said he let everyone on council know that the date was being extended. Mike asked why he didn't tell Geoff to take care of it before the 1st. Gary said it was already past. They advertised again on the borough

website and on Facebook. Mike said but he never followed the procedure of having the council vote to extend it. Mike said Gary doesn't know the procedures.

John Lo Piccolo said the comments he made earlier were directed at Kyle but just wanted to let Bud know there's no offense to him or anything, it was just he saw somebody in similar shoes like him from years ago.

Dave Cahill asked Dave Truelove if it was legitimate for no council vote for the extension and no advertisement for the extension. Dave Truelove said the minutes don't reflect any hard fast date. Those minutes were approved at the last meeting. Dave C. said he's not talking about the December 1st deadline; he's talking about the extension. Dave T. said there was no council vote to establish a deadline. He will read the minutes. Gary said he will let Mr. Thompson figure out the dates and just wants to advertise and have them submit a resume or letter of interest to Mr. Thompson. Mayor Sodano said to run for positions such as council and election, one must be a resident for one year. He asked if this was the same for appointees and Ben said yes. Joe said they could potentially fill the vacancy on the 9th right now. Gary said the meetings in December are on the 5th and 19th. Mayor Sodano said they could have somebody appointed on December 19th. That would be within the legal time frame. All ayes, motion carried. Dave said those minutes from November 21st were then approved at the last meeting with a motion by John Stratz for the minutes of the November 21st, 2022, workshop meeting and to approve the following bills etcetera. Seconded by Barbara Heffelfinger. All ayes, motion carried. Dave Cahill said council approved the December 1st deadline. Dave Truelove said December 1st is not mentioned in that motion. Dave C. said but Geoff Thompson advertised it. Dave T. said he can argue all he wants. Dave Cahill asked if it is legal to extend it without a council vote and not advertising. Dave Truelove said yes, he and Mr. Hauser discussed it. Dave C. said can they do that without a council vote and extend it. Dave Cahill called Dave Truelove a liar. Dave Truelove said that if he doesn't like his answer, then he's a liar. There's one way to prove it. He can always file a lawsuit. Dave C. said that's why they have the problems that they have here in the borough. Dave T. said if they disagree with him, they'll always be liars. He said he noticed that when he accuses people and then you want to send things to the DA's office all the time and that's his right to do that. He hasn't seen one thing come back from the DA's office out of all the time he's done that. Dave C. asked if he is supposed to repeat that. Dave T. said he says it at the meetings all the time. Dave C. said he's not supposed to repeat that. Dave T. said he has a right to do that, and he has said it in public and he can show him in the minutes. Dave C. said and there will be more. Dave T. said and he has no doubt there will be more.

Tim Weaver said he would just like to clarify something. He said it's OK for them to put out blatant disinformation to the public and then cover their tracks by the solicitor saying sure, they can do that. They get put in Facebook jail by putting the truth out. This is a disgrace that they can go about doing this and none of them are standing up and helping the public here. They lied to the people. They put a blatant lie in the newspaper and nobody's going to own up to this. He said maybe he's going to start putting blatant lies in the newspaper and they can have a fun little game here. He asked if that's the way they'd like to play. Or maybe they can just tell the truth all the time.

Mike Smith said this is in the minutes. He thinks somewhere along the line Dave missed this. After the vote, Gary said he will let Mr. Thompson figure out the dates. Mr. Thompson figured out the date, put it in the paper, put it on Facebook and put it on the borough website. Mike

asked what more he needs. They gave the man the right to do it. Gary said and they extended it. Mike said not legally.

Mayor Sodano said the question is when was the notice posted on Facebook that it was being extended. It was posted after the noon deadline, which means you can't extend a deadline that already expired. The correct procedure would have been at the next meeting it could have been posted again. He told Gary he needs to know how things run. Gary said it was a holiday weekend and most people weren't in the borough. Mayor Sodano said the expiration date passed and he extended it. He cannot extend an expired date. Gary said he disagrees. Mayor Sodano said he can disagree, but he's incorrect. He should learn the correct procedures and run the meeting accordingly. Gary said he said they were going to extend it, and everyone thought it was a reasonable thing to do. Mayor Sodano said if he doesn't learn procedure, this board is going to have some serious problems. Joe Adams said most of them are inexperienced. He said to John that he reports to the PA State Associations of Boroughs. John said if the borough manager made a mistake against state law, who do they abide by PA State law or the borough manager. He made a mistake. They had until December 19th by PA state law. As a local official, he abides by PA state law. Joe asked what do you mean he made a mistake. John said he picked the wrong date. State law gives them 30 days. Gary said Mr. Thompson did not make a mistake. Joe said he disagrees with that. He picked a date that was given and there was discussion. Gary said they got clarification from the borough solicitor. Dave Truelove said there's nothing in the borough code that says advertisements have to be done by a certain date. It has to be filled within 30 days.

Terry McIntyre said to avoid the look of impropriety, make a motion to table this and make a motion to readvertise for another 10 days or until the end of the year, so this is all done on the up and up and for transparency. They wouldn't have to reinterview the people they interviewed. They can interview anyone else that puts in for it. Gary said they have a deadline. Terry said he was at that meeting and heard December 1st. Dave Truelove said the deadline to fill a vacancy is 30 days. The 30 days starts the day the resignation was accepted, which was November 21st and this is the meeting that falls within the 30 days. If they extend more than that, the borough loses jurisdiction to appoint, and a petition would involve the Court of Common Pleas. Terry asked what the hard deadline is. Dave said 30 days after November 21st. Terry said it's all politics and it's preselected by a majority who is going to be appointed here. He spent four years as a pinata on council. At that time, he was a republican. Now he's a democrat. It really doesn't matter. They need to get things fixed in this town and this infighting gets nobody anywhere.

Dave Cahill said if they don't appoint someone within 30 days, it goes to the Vacancy Board. They have time yet.

A roll call vote was taken. Joe Dudash, abstain, Joe Adams, abstain because he's concerned about the way the process is going down and he's not sure he wants to make a decision on something that would negatively impact them in the future. Gary Nickerson yes. He said they had no problem supporting Kyle after the deadline. He finds it interesting that they do all of a sudden. Barbara Heffelfinger, yes, John Stratz, yes. Motion passes 3 – 2 abstentions.

Gary called for a recess at 9:05pm. Meeting resumed at 9:10pm.

Dave Truelove said he wanted to make a correction to the record. He thanked Mr. Cahill for

pointing it out. The borough code is correct. There is a vacancy board process that he overlooked. After that there is a petition process with the Court of Common Pleas. He is involved in the school board and there is no vacancy board in that situation and his mind was focused on that. The borough code is clear and there is a vacancy board process. If that does not succeed, the Court of Common Pleas is the next place.

Civil Service Commission Appointment

Gary said he asked the solicitor and whoever would be appointed would have to have an affidavit of residency and it has to be notarized. There has been a resignation of George Krushauskas.

MOTION BY GARY NICKERSON TO AMEND THE AGENDA TO INCLUDE THE RESIGNATION OF GEORGE KRUSHAUSKAS. SECONDED BY JOE ADAMS. Barbara Heffelfinger said she thinks they lost a very competent person. He is one of the finest people she has ever known, and the borough will regret his loss.

Terry McIntyre said he's known George a long time and asked if anyone could shed any light on why he resigned so fast. Joe Adams said he hasn't heard anything. Terry asked if he dropped off a letter with an explanation. Gary said he stopped in the office.

All ayes, motion carried.

Dave said if someone is appointed tonight, there's a quorum and they have to organize within ten days. Joe Adams asked about the rules of advertisement. He asked if they have to have a notice in the paper and how far in advance. He said it should just be advertised as soon as possible and put on the borough website. They will have to select a chair and vice chair and then a solicitor. The first thing is to organize. The council does not choose their solicitor. John asked which term George was. Marie said four. Joe said Guy was two. Gary said there is a nominee, and it is Bob Winkler. Joe Adams also applied. Dave Truelove said one borough council member can serve on the Civil Service Commission.

MOTION BY JOE ADAMS TO APPOINT HIMSELF AS A MEMBER TO THE CIVIL SERVICE COMMISSION. He didn't want to impede if there were members of the public in the way, but he doesn't see Bob Winkler as a member of the public with the amount of time he has been involved in this building. SECONDED BY JOE DUDASH. John Stratz said experience means a lot to him. Mr. Winkler has been involved with the police a long time. He understands the process. Barbara Heffelfinger said she thinks Bob Winkler would be an asset. Joe Dudash said in response to what John said, the problem is, he himself is the most qualified one in this whole place. Barbara said he is like you know what. Joe said Barbara just confirmed it again, which they put on record in front of a solicitor that there is political bias. If they want experience, forget political bias and appoint him. John said he may have experience in Washington DC but in local government he has brought them to the brink of being sued. Joe asked what that has to do with law enforcement. John said he has done that by making comments in public that should have been made in private regarding the employment of the police chief. Joe said he was going to bring this up under the contract but there was communication with the lawyer at the end of August with the PBA and there was a vote of no confidence with the chief and it went to Dave's office. John said he's not allowed to grill the employees in public and publicly humiliate them. Joe said he's talking about the chief. He asked him basic 101 questions and he wouldn't answer. Barbara said they are not talking about the chief. John said Joe has screamed at the

chief when he was there. They have tapes to prove it. Joe said he was screaming because he wasn't getting answers.

Mayor Sodano had a comment about Bob Winkler. He said nothing personal against him, but looking at his position and how long Bob was in the position and given their ages, his opinion, it's easy to have been too close to the situation and that makes objectivity difficult for this candidate. He would be in favor of the idea that was floated earlier about a councilperson and new blood is a good idea.

John Stratz said a number of months ago, a councilman resigned from all of his duties of a councilman. He asked how he suddenly has time for this. Joe Dudash said Beverly took him off all of the committees. John said he is talking about Joe Adams. He told them at a work session he got a new job in Philadelphia and doesn't have time for council duties, so he refuses to do council duties. Joe Adams said yes, he did resign but the good thing about the Civil Service Commission is after they organize, and once they meet, they don't have to meet until there's a particular issue. The nice thing about that is he can take the time when it is necessary in advance to schedule time off of work for those meetings rather than the committees and other things, which were time consuming. Barbara Heffelfinger said if he doesn't have the time, he should resign. Joe said while he thinks there are people on council who wish he would resign; he doesn't think that's a proper way to deal with the issues. Barbara said maybe he should do his job. Joe said he would love to be voted to do more of it. He thanked her for the vote of confidence.

Dave Cahill said this is the problem with the borough. They seem to appoint the most inexperienced over the most experienced and it is really showing. He hears Mr. Winkler's name being thrown around. He's not here. He asked if he can be appointed. He remembers a council position years ago that the person left, and he couldn't be appointed. Dave C. said to Dave T. that he mentioned the ten-day deadline for the Civil Service Commission to get together and organize. That ten days has come and gone because George Krushauskas resigned. He asked where they are at. Dave T. said they have to have a quorum. Dave C. said they were warned by Ben that they had to get together and organize. And the ten days came and went. The commission was appointed on the 5th. They were supposed to meet on the 9th and it never happened. Gary said there wasn't a quorum. Mayor Sodano said the time begins when there is a quorum. Dave C. said Ben made it clear to Alan Dashoff that they had to meet within a certain amount of time. He didn't say anything about being sworn in. Mayor Sodano said George resigned before they were all signed in. He said he's missing the point. The ten days start when there is a quorum. Dave C. said that's not what Ben said. He asked Alan Dashoff if he could meet within a few days. Mayor Sodano said he takes a little bit of information and suddenly, he's an authority. Dave C. said look at the minutes. Mayor Sodano told him he was incorrect. Dave C. asked Tom if he was a lawyer. He said he has enough problems tonight. This meeting isn't over. Mayor Sodano told Dave C. not to threaten him and to tread lightly. Dave C. asked Dave T. for an answer. Dave T. said Section 1174A, the commission, when first appointed, shall organize within ten days of its appointment and shall elect one of the members as chair and one as secretary. An appointment was already rejected before they had a chance to organize.

Lloyd Patton said with this vacancy for the civil service, they talk about Bob Winkler and all of his experience, he was the guy running around Penndel with a Penndel Police shirt on and went over to the school with the shooter, running in there carrying a police radio. He went to the

District Attorney's office and said that wasn't right. He is not a police officer. Lloyd said he is the biggest critic in this town of the police chief. He will address that when they get to his contract. Barbara Heffelfinger said good grief. Lloyd said someone pull the plug on that woman. Bob Winkler is not a civil service expert in police matters. He is just like Mr. Sodano. He oversees the borough police. He knows they are going to vote him in but that is his take on it.

Terry McIntyre asked if they knew if Bob Winkler wants to be on the Civil Service Commission. Gary said he submitted an application. Lloyd Patton said nobody else knows about this. This is the first time he's heard about it. Terry said Kyle Mongillo left, and he would have been a great choice. That's why nobody joins anything here. Terry asked if someone is on the Civil Service Commission can they be on any other board or committee in this borough. Dave said he didn't think so, except for the one council member. That's what he understands. He would have to look at it with more detail, but that's his recollection. Mike Smith said Ben gave them that answer that they couldn't be on any other board or committee.

Tim Weaver said he wanted to clarify something with Mr. Truelove. There was a specific time limit of ten days. Dave said he explained it already. Tim said he didn't explain it with clarity to his ears. He was having a little argument. Dave said what he said was according to 1174A, it's ten days after they are appointed but one appointment has already been rescinded by his own choice. Tim asked if that appointment was rescinded the day of. Dave said he doesn't know what day it was, and it doesn't matter. Dave said there's not going to be a good answer. Tim asked if he should seek outside legal representation. Dave said he can do that if he wants. They haven't organized yet. Tim said he will ask someone in Middletown because maybe they will have a better answer.

Dave Cahill asked Dave if there is a difference between being appointed and sworn in. Dave said there may be.

A roll call vote was taken. Joe Dudash, yes, Joe Adams, yes, Gary Nickerson, no, Barbara Heffelfinger, no, John Stratz, no. Motion fails 3-2.

MOTION BY GARY NICKERSON TO APPOINT BOB WINKLER TO THE CIVIL SERVICE COMMISSION. SECONDED BY JOHN STRATZ.

Dave Cahill said he believes Bob Winkler is in the same shoes that George Krushauskas was in. He believes two Zoning Hearing Board meetings two years ago; Mr. Winkler's name came up at both of the meetings with him making decisions at borough hall involving some zoning issues. He believes Councilwoman Heffelfinger's name came up at those two hearings. If there are legal issues with this matter with Mr. Winkler, he asked if he is going to have to be removed. He said Dave T. knows the legal issues he's talking about. Dave C. said if there is a legal issue, he will have to be removed. Dave T. said it depends on what they are. Joe Dudash said he will be abstaining from this vote because he doesn't believe in the Civil Service Commission because he thinks it's another tax boondoggle on the people and the whole sergeant thing and everything else. Joe Adams said he agrees with the original position of the left. When it was time to pick a mayor last race, Bob was thanked for his service and told to retire. Joe Dudash, abstain, Joe Adams, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion passes, 3-1-1.

Council or Borough Announcements

John Stratz said he would like to invite any council members to the PA State Association of Boroughs' training update webinar regarding parliamentary procedures on Wednesday, January 4th from noon until 1:00pm. It will be explaining Robert's Rules.

Public Comment on Agenda Items

Mike Smith asked Gary if these meeting are being run under Robert's Rules or his rules. He has to tell them what rules they are running the meetings under. If they're Gary's rules, there has to be an ordinance. If not, they have to adopt Robert's Rules. He told him he blew it. He shouldn't have been president.

Lloyd Patton asked if the chief's public safety contract is an agenda item. He wants to draw their attention back to March 5, 2018, in the minutes where the board was advised of Sean Perry's inexperience and lack of education. Bob Winkler pushed for him. He asked why the council would place the community in jeopardy for ineffective supervision. That's the first thing Mr. Truelove would do in a lawsuit against the police department is ineffective supervision. He had no idea there was a vote of no confidence for him. The council knew back in 2018. He has only taken one management course in four years. Now they go to his contract. He spends from 7:30 am to 8:30 am at the Coffee Café in Langhorne. He asked how many meal breaks he gets a day. The chief is supposed to be a working chief. This contract is ridiculous. He has violated it constantly. He worked for Bryn Athyn. He's not supposed to. It says in his contract. He's sure they are familiar with it. He also refused to come in on that deal over there on Hulmeville. That's as serious as it comes. It's in the contract that he's supposed to be here on these major calls, to supervise his people. He's ineffective and inexperienced. As they were hiring him, as Mrs. Wolfe said, they forgot to send a check to the investigator. Nobody investigates these officers when they come. Nobody gives a polygraph. Nobody does a background. He asked why they get all the rejects.

Alan Dashoff asked John Stratz if he was here when Mr. Perry got his job as chief. John said he was. There was no vote of no confidence. He said he's not asking about the vote of no confidence. He asked how he voted for the gentleman with no experience; did you vote for him. He asked isn't that contradictory to what he just did here. He asked if he is just going to vote along party lines. He said they are screwed up.

Dave Cahill said what he is going to read to them is from the chief's 2018 contract. He told Mayor Sodano to listen up. Dave said when he questioned why the chief didn't come here for the home invasion, he said isn't the chief entitled to a personal life. Dave asked Mayor Sodano if that was correct. Mayor Sodano said it was correct. Dave said Article 4, section 2, under salary, it says it is understood that the chief is a salaried employee. He shall be on call 24 hours per day, 7 days per week and such obligations shall entitle him to no additional compensation including overtime wages and comp time. It also goes on to say that the chief shall remain in constant communication with the borough by cell phone, by paging, by electronic mail, by police radio by providing the borough with the address and telephone numbers of his whereabouts. The chief signed the contract, all by himself. He's a big boy. He doesn't get a personal life. He is obligated to come here and do his job, 24 hours a day, 7 days a week. They had a home invasion with an officer tied up at the hospital on a medical call and the chief decided he wasn't going to respond. Dave asked why, since he knows it's his job. Dave asked if he is still entitled to a personal life. Mayor Sodano said he absolutely is, and Dave is incorrect on many of his points. Dave said he just read it from his contract. He doesn't know where he's wrong. He said

this contract was probably made up for Sciscio and is just carried through. The chief has been violating his contract the whole five years that he's been working as chief.

Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE DECEMBER 4, 2022 COUNCIL MEETING. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Committee Business:

Public Safety

MOTION BY BARBARA HEFFELFINGER TO APPROVE AND SIGN CHIEF PERRY'S EMPLOYMENT CONTRACT. SECONDED BY JOHN STRATZ. Joe Dudash said in this contract, it has that he is a salaried employee. He's assuming that's 40 hours. He said there's no overtime. Dave said that's correct. On page 7, section E, it says when the chief has worked more than 40 hours in a work period in a calendar year, the chief will be permitted to earn compensatory time. Dave said that's common with police chiefs. They cannot collect overtime but under certain circumstances, if they work beyond 40 hours in a week, they can earn comp time as indicated here. Joe asked if that includes overtime. Dave said no, there is no overtime. He's earning time by working over 40 hours. It's not unusual in this area because they don't get overtime. Joe said he would have to agree with some of the comments, he shall be on 24 hours a day and he should respond to major events. From what he's seen, and he's given a car, which in the real world is considered \$10,000.00 extra, he hasn't seen him come in for the major crises they've had. Dave said he can't answer that. He has the car for police work to and from home. That's the purpose of the car. Joe said from his experience with law enforcement, he's got the car with the equipment inside for like what just happened with the drug overdose, he would be in here. Dave said car allowance is not uncommon for command officers, chiefs and other high ranking non rank and file officers like captains and lieutenants. Obviously, they don't have that here. They just have the chief. Joe said but he's 24 hours. Dave said what that means is it depends upon the circumstances. Joe said he doesn't see the man coming in here. It says shall meet with the Public Safety Committee with the mayor's approval. Joe asked Dave to explain what that's about. The mayor is his supervisor and the issues discussed at the Public Safety Committee meeting would be appropriate given the circumstances on whether it would get into personnel issues or operational issues or if the Criminal History Information Act would be violated. That's why it has to be done on a case-by-case basis. Joe said in his contract it says to develop relationships with businesses, residents, policy, communicate with council on various projects. He's not happy with what's in there because he is not complying with that. If you look at the council workshop of April 18, 2022, when he was asking the chief questions, during the whole sergeant thing, it says he is supposed to have a performance evaluation and he's supposed to give performance evaluations. He probably stated the chief doesn't believe in performance evaluations because it's too time consuming. The chief admitted he has had no performance evaluations since he's been here. He's supposed to take care of his officers. In his presentation he did in April, he said the officers are suffering fatigue. He asked the chief and said there should be a fatigue program. He declined to answer. He then went into basic police 101, he asked if they have a strategic planning report. He declined to answer. He asked if the department has a high visibility strategy. He declined to answer. Community drug safety awareness admissions statement. He declined to answer. Community traffic safety report plan. He declined to answer. The list goes on and on. He is not cooperating with them and the constituency with the issues. He doesn't quite understand what that is in there if he's not complying with it. Dave said most of the provisions in this contract you

see in police chief contracts. It's the responsibility of not only the chief, but the entity that employs him to make sure that those terms are met. He would suggest over the next five years that there be more of an effort made to do that. There is a mayor who is obviously involved. The council, mayor, police chief relationship is unique, certainly in Pennsylvania, and the borough code talks about that. Everybody has to understand their roles. There's an appropriate way to balance that. There would take a lot of cooperation from everyone to do that. Joe said he is right about cooperation. That's what they don't have with this council. There are issues like this brought up and nobody answers. Joe said he has all the minutes, and he has declined every time that he's asked something. Dave said sometimes maybe the chief feels like it should not be discussed in a public forum. Joe said he even declined him in private. Mayor Sodano said it's important to understand every facet of his position on council. Under PA borough code, sections 1121-1 and 1123-1, it specifies in detail what the role of council persons and police department are. Most of the questions he asked are illegal. Joe said it's not. Mayor Sodano said to check the borough code. Joe said he's got the Police Chief's Association and the strategic plan is basic 101. Mayor Sodano told Joe it's not legal for him to directly ask him. Joe said they asked him in an executive meeting, and he declined. Mayor Sodano said he's trying to tell him what the law is. Joe said he is trying to distort the law. He asked what the policy is of the police department as far as the drug plan for the citizens of Pennel. He asked what was his accident plan for here. High visibility plan. He told Mayor Sodano that's not what he's saying. Mayor Sodano said he can't ask those questions directly of the chief. Joe said he can because the Chief's Association says it. Mayor Sodano said it's wrong. Joe said he doesn't know why he protects this. The people want leadership skills and that's what the problem is. Half the residents say that. Mayor Sodano said he doesn't think half the residents say that. Joe asked how many people feel safe with their kids with the drug issues and to raise their hand. That proves the point right there. They're losing cops right and left. This whole thing with the sergeant is stupid. Gary said he knows Joe is very passionate and he made a bunch of points, but he should let Mayor Sodano continue. Joe said he doesn't like being told it's illegal. Here's the Chief's Association, so don't give him that crap. Mayor Sodano said there's a chain of command and he needs to understand what the laws are. Joe said to the mayor that he doesn't know how to run the police department. Mayor Sodano said he never professed to being a policeman. Joe said it's worthless talking to all of them. He is against this contract and there needs to be some changes. He is not complying with what they have here. Barb keeps saying they don't want to hire retired police officers because they are lazy and won't do anything. This guy is the same way. He's acting like he's a retiree. Gary said he's made several points. He is going to see if there are any other council persons who want to speak. Dave Truelove said he wanted to talk about the council-mayor relationship. In the past, in 2013 and the 2020 letters sent by the DA's office to Pennel about striking the balance between the council and the mayor and the police chief. It wasn't even the same chief the first time. He's not saying valid, invalid, anything like that. There have been discussions like this in the past. The police chief, under the borough code and the Police Tenure Act, once he achieves one year of employment here, he can't be removed except for certain designated circumstances. Having said that, does that mean the contract can or shouldn't be complied with. The issue is what is the mechanism to do that. The mayor's role is one thing. Council's role is another. There has to be a way for everyone to coordinate that so they can do it in a way that benefits everybody. If people feel that improvement needs to be made, then improvement can be made. He would say that any police chief anywhere, if they really truly want to grow in the job, will accept that type of oversight. Policing is different now than it was ten years ago. It's drastically different than it was twenty to thirty years ago. Joe Adams said he's going to say things that Joe may or may not agree with. The reason he is not as concerned about going after Chief Perry is

because he doesn't think some of the things that are happening are necessarily even in the control of Chief Perry. For example, the meth house or the fentanyl house, whatever it is, some little girl had to watch her mom basically die and get revived by some Hulmeville cop who had Narcan. There was a cop who he doesn't know the name, who Narcaned some citizen in Pennel and should receive some notable thing, he doesn't know what the process is. Dave Cahill said it was Dimeo. Joe said that was great. Someone is alive. This is where he sometimes feels government fails in this situation. He's not talking about their council, but he thought it was highly advised or suggested that in these type of cases where they ask where is the chief and what is going on, people almost died, drugs are being sold, he thought it would be good for Pennel to get out in front of this and make some kind of statement and make a public relations announcement to explain to the people that X is under investigation and they can't talk about it but they can say that this and this government agency got out there and the person is okay or not okay. He feels that there should be some type of response they can give to the people legally and that they're not jeopardizing a drug investigation. He thinks they could have done a better job getting this out to the people. He is questioning where the chief was, but he bets there's a decent answer for it that hasn't been given. In this case, he's not necessarily thrilled with the chief, but he doesn't know that he's necessarily thrilled with the way they handle these things. There's 2,500 of them. If cops and ambulances and neighbors start showing up with cell phones, it's Pennel Borough and you have Mike Smith in the room. Once he's there, everyone knows everything. He thinks they are screwing up and not doing a good job. He'd like to know more when they are having these incidents. He's going to abstain because he feels as a council person, he doesn't have enough information to vote on this.

Barbara Heffelfinger said she thinks Sean is an excellent chief and he is an excellent person. He has done an excellent job. She is completely for the contract. They have done everything to make this a joint contract submission. The mayor was part of the contract in putting it together along with the Public Safety Committee. It's fair. Not fair enough, but fair and she is all for it.

Mayor Sodano said in addition to the sections in the borough code, they ought to familiarize themselves with the PA Criminal History Record Information Act. It limits how much information is allowed to be given. It specifically restricts access to intelligence information, investigative information and treatment information gathered by a police department and is restricted to authorized employees of that agency. Members of council are considered unauthorized individuals while the mayor, as a civilian head of the police department by law, is considered an authorized individual. This is PA case law. It was established in 2013 in Hoffman vs. the Borough of Macungie. The explanations of the duties of what the mayor and what council can or cannot publicly say are very specific. While he would be happy to answer for instance, since Mr. Adams asked about the little girl, he can tell you that but publicly he is not allowed. It's not that there isn't an answer, it's how the questions are posed, where and whether the chain of command was followed on whether he will get the answer that he seeks. Joe said what doesn't track about that is if he is not authorized personnel, how can he get the answer privately but not publicly. He is still unauthorized either way. Mayor Sodano said the answer to that is, he has seen on a number of occasions that he is familiar enough with where the lines in the sand are, so that he doesn't violate the Sunshine Act and he doesn't violate other things. He knows how much of that information he is allowed to say to him, and he will do so, and he would tell him where that line is, and he can't say anymore. He hopes that's a satisfactory answer. Joe said he appreciates the mayor's intent. The general point is if he can know then the public can know. The criticism he has of the police department in this particular case is it has been radio silent on the drug issue. Even a statement of, they see it and they are investigating it and they

know what's going on, things are being handled, there's an active investigation and they can't say anything has yet to be broadcast. That is what has made him feel comprised in this particular issue. He said Dave Truelove said there's a right way and a wrong way to discuss Chief Perry moving forward, he doesn't want to violate that. He does want to eventually have that discussion but Mr. Nickerson and Mr. Truelove, this does not seem like the particular time to do so. Dave Truelove said the appropriate thing to do is for the mayor who is the head of the police department, and somebody designated by council to have the conversation. If they have performance evaluations, they should be done every year, who does them, how are they drafted. The mayor should be part of that. Is there a model for that. Is it from the Police Chief's Association. He's sure the Borough's Association can provide some access to that. The mayor should be part of that. They can maybe get a model from the Police Chief's Association or the Borough's Association can maybe provide some access to that. There are resources out there that can help with that, but they need a plan and a structure. Joe Adams said they may have 2023 action items that involve the review. He asked if they don't vote for it, is he still the chief. Dave said he would have his previous contract still. This contract is for the terms, his salary, benefits and duties. As far as whether he keeps his job, that's governed by the borough code, and he can only be removed under certain things. Joe Adams said he could work with Mr. Nickerson and discuss possibilities for what those action items look like next year so that they don't get forgotten but at the same time, they can kind of take that conversation offline and try to carry that forward to a later meeting, if that would be good. Gary said being recently voted in as council president, he's looking at the interaction of the police department and how the police department interacts with council. Barbara said nobody called the Public Safety Committee. As of right now, she is the Public Safety Committee. Gary responded that he would now serve on the committee too. A roll call vote was taken. Joe Dudash, abstain, Joe Adams, no, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. Motion passes 3-1-1.

New Business

Gary said this was something that they voted to advertise at the last meeting. This is the sewer rate and that is something that is handed to them by Bucks County Water and Sewer Authority. The proposed rate increase was somewhere around 16 1/2 percent, and the borough is contributing somewhere in the neighborhood of \$60,000.00 to soften the impact of that rate increase.

MOTION BY BARBARA HEFFELFINGER TO ADOPT ORDINANCE #2022-2 AMENDING CHAPTER 322- "SEWER," ARTICLE 11 – "SEWER RENTS" OF THE PENNDEL BOROUGH CODE OF ORDINANCES; AMENDING SEWER RENT RATES; REPEALING PRIOR INCONSISTENT ORDINANCES; CONTAINING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE. SECONDED BY JOHN STRATZ. Joe Adams asked if the ordinance is simply stating the price and the budget reflecting the contribution or does the ordinance also say they're paying for it. He wanted to know specifically what he is voting on. Dave said it's part of the budget process that is built into the budget. Mayor Sodano said the manager proposed that half the rate would be subsidized for 2023 and again in 2024. In 2023 the homeowners will pay 8.3% more and then in 2024, the entire increase goes into effect. A roll call vote was taken. Joe Dudash, yes, Joe Adams, yes, Gary Nickerson, yes, Barbara Heffelfinger, yes, John Stratz, yes. All ayes, motion carried.

Public Comment

John Lo Piccolo, said he wishes the chief was here because it was part of the reason he came

tonight. Moving forward with his new contract, he would like them to relay to him and he will also when he sees him, that he has to pay more attention to the inside of the borough. He understands there's a lot of criminal activity driving through the borough, but the way people cut through the inner streets is not getting addressed. When he walks his son to school, he sees people driving through the school zone at high rates of speed and the crossing guard at that location sits in her car most days staring at her laptop, so she does not help his child or himself. The chief needs to have an officer there with lights on twice a day, the entire time. Their most precious gift in this borough are their children. He said Mayor Winkler told him when he was on council, that they can go up to 42 miles an hour before they get stopped. The police should just sit there with their lights on. They don't have to write everyone a ticket. It should be the priority of this borough moving forward with his contract. He watches the cars fly by. He has yelled at so many people and has gotten the finger and yelled at but if it saves one kid or adult getting hit, it's okay. He received a picture of the chief eating breakfast at 7:40 in the morning. He's not saying he can't eat breakfast but if that's when school is active, he needs to be in the borough. He has a lot of respect for Chief Perry, but he's wrong. He can go eat after the school is in session. They need to be making people aware and it needs to be fixed.

Terry McIntyre, said every job has accountability. If it doesn't, then it's not a quality organization. Performance reviews are a bitch but they're effective and they're important and they're necessary for a quality organization, no matter what it is. A lot of times people want to use excuses why they don't have to give out information or whatever. He went through this for five years or four years when they had a different chief here, but every job has to have some accountability or they're not going to get good performance. As far as the contract, he was wondering if there's any wiggle room on the amount of years but that's beside the point at this stage. For Schoolhouse Court, the one house that's not supposed to be occupied, there's been moving trucks there and Xfinity has been there and lights on and there's people in there. He asked if they got a U&O that they don't know about. He didn't know if the problems were resolved and he knows that there's other problems with the contractor and once that happens, they're not going to see him again. Dave said there's still things outstanding and they're not off the hook yet.

Tim Weaver, said at the end of last meeting Carol mentioned there's a little bit of an emergency getting a grant passed by the end of December. It's an 85/15 matching grant to deal with quadrant one. There has been nothing advertised in the Bucks County Courier Times. The whisper down the lane is claiming there's a meeting on December 21st. Nothing has been mentioned about this meeting. He understands the grant application is going to be in jeopardy on the 21st of December and it has to do with a copious amount of money to get in regulation with the MS-4 program. Every resident is going to be paying a long time for the MS-4 program. Dave said there's a Planning Commission meeting tomorrow night for the sole purpose of that. **Tim** said it hasn't been advertised. He has looked every day in the Bucks County Courier Times. Marie said it's been advertised, and she has a receipt. Dave said it's tomorrow night at 7:30. Gary said it's on the website. Tim said he has a flip phone and relies on the old school newspapers to get his information. There's a lot going on and it would be a little bit better if they all had more information.

Unidentified male, said that Joe Dudash asked about how to acknowledge that Hulmeville officer. They can invite him to a borough meeting and give him a little plaque or something like that. They can Google how some of the other townships have done it, when they've got a code save. The other thing that can probably be handled, since the contract is a done deal but they

might want to define what the responses are really intended to be out of 24/7 because it's not realistic. He does not think it's a great idea for the chief to be running hot. He believes he comes from the Warminster area and would be running a high risk for the police vehicle. He asked what their actual expectations are because when they're running hot with lights and sirens, they want to limit that because that exposes the borough to liability.

Dave Cahill said the Pennel Police Benevolent Association was kind enough to put a partial ticket on their Facebook page that the fine for going through the school zone with the flashing 15 mph is \$500.00 and the fees are \$129.50 for a total of \$629.50. Dave asked if the chief is going to honor his five-year contract, since he didn't honor any of his contract from 2018 until the end of 2022. He hopes that he honors his contract from 2023 to 2027 because starting in January 2027, he's going to be making a lot of money. Dave asked Dave Truelove if there is a time limit for the Zoning Hearing Board notification. Dave T. said there is but couldn't think of it off the top of his head. He said it wasn't advertised. Marie said it is advertised at the beginning of the year for every third Wednesday as needed. Dave asked if they have to advertise the one on the 18th. He said they should have posted the property today. Dave T. said he will have to look at that. Dave C. said for 435 Cynthia Ave. where they had the two overdoses and the shooting, the house where they had two deaths by heroin overdose and the other one by the shooting, there are two new renters in that house. He asked what are they doing about it. He asked if they are keeping an eye on the drug activity on Cynthia Ave. and the low life renters that are coming into town and renting these houses. He believes the homeowner was sent a letter and that they had to sign the affidavit saying it's two members of the family. Dave said the woman whose name is Bonnie, she's not family because she didn't know who died in the house. She thought it was the mother and the brother and she's dead wrong. He's a little concerned on how they're handling this. The borough sent the letter and told them they had to send in a signed affidavit, and he doesn't know if any of this stuff is happening.

MOTION BY JOE ADAMS TO ADJOURN THE MEETING AT 10:35 P.M. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Submitted by:



Marie Serota, Secretary/Treasurer

Question 1

Please tell us why you are interested in the Borough Council Seat? What special qualities, skills and interests would you bring to this position? And why are you interested in working for the People of Penndel (i.e.: Did someone suggest you apply; Epiphany; and or something in council you thought needed to be fixed)?

Question 2

What do you hope to accomplish as a city council member?

Question 3

Council Representative requires a significant time commitment, 2 Council Meetings a month (i.e.: Council and workshop meetings); monthly Committee and or more if needed; various Executive Sessions, Constituents/Business Officials assistance phone calls; as well as reading prep and research prior to meetings! How does this fit in with your other commitments (i.e.: Family, Business, etc.)?

Question 4

Who in your mind is your primary Boss as a member of this Council?

Question 5

What would you do to improve communications between borough officials and the public/ and businesses? Is it more important to be a good listener or a good communicator in borough council?

Question 6

What do you see as a major problem with this Council? What have you seen as the biggest professional disappointments of this council to you?

Question 7

How would you go about representing the interests of your Constituents? If appointed, what will be your Top Priorities?

Question 8

Hypothetical: You are the new councilman and have been on the council for 3 weeks. A resident/ and or business person contacts you and complains about an issue

concerning a borough contractor, borough Manager, and or staff? This issue and these staff have also been subject of several complaints over the last six months. It makes you suspect there may be performance problems with the staff involved. How would you handle the situation?

Question 9

Hypothetical: You are the new councilman and you're having communications problems with another representative who does not like you personally, in addition to Political Dogma. How would you handle the situation?

Question 10

What is your approach to handling controversial and complicated issues? What type of people do you work well with?

Question 11

Do you think our main street downtown is healthy and successful? If not, what would you do to change that?

Question 12

Do you feel PENNDOT (i.e.: Route One Road Change) plan and councils handling of the matter benefited the community and businesses? If not, what will you do to get some answers and possible changes for your constituents?

Question 11

Our community is very upset with having drug houses and dealers that are peddling death and creating a social and moral decay! Community Connection is the fiber giving our children a sense of belonging and helps them develop social and other skills! Our Children's community connections have included Grandparents, extended family, neighbors and local organizations. This drug issue has been a major problem since 2020, with no active plan to combat this horrible plight upon our community by this council? How would you mitigate the concerns of our constituents and change the situation?

Question 12

What are your views on the EIT and recent budget that has passed? If appointed, what steps would you take to put our borough on a firmer financial footing (i.e.: We are presently spending money like a drunken sailor)?

COMMENT: This position you have applied for is very important to the residents and businesses of this borough. This council has many issues, and if appointed you will be facing many political obstacles: Political Dogma, Personal Legacy Building, Inadequate Dartmental Leadership , Political Bias, Ineffective Solicitor, Incompetant Manager, Out of Control Contractors, Non-Transparency, and denile of the people of Penndel to be heard !

Thank you for applying and good luck in your adventure. Remember the people of Penndel are your Bosses, and they alone placed you here!

Joe Dudash

1/3/2023

The People of Penndel:

The end of Dec 2022 had quite an ending that affected me as your representative and our community as a whole. With me let's just say I received an interesting Christmas gift from our so-called professionals. As your representative and voice it's the typical everyday issues we experience together (i.e.: political morass, non-transparency, censorship, political bias, discrimination, and so on). I resolved this issue by obtaining legal counsel, to combat the non-legal representation of the borough council.

The second deals with my constituents contacting me over another police incident involving the area within the borough habitually known for drug activity. What I can gather from you the constituents, the incident occurred approximately 23 Dec 2022. The incident differs from the last incident of a drug overdose, but the players were the same. One of our officers along with the borough constable responded to the scene. At this time I would like to state for the record, Many Thanks to the Officer and Constable!

We ask these law enforcement officers to risk their lives to keep the community safe and protected. In turn, what has this council, and borough departmental leadership provided them? The council and leadership have a responsibility to protect them as well as the community.

Instead of a positive reaction by the Borough governing body, an implementation of a perverted illusion of laws has been practiced. This deflection cast doubt upon the low level issue for example community policing, strategic planning, internal and external assessment measures, etc.), and resulted in censorship. The agenda is to make the rules and principles of law become more and more uncertain in content and in application because of a political bias in favor of unravelling those rules and principles of law.

Our leadership continues to maintain an ineffective relationship with the community. This will end as a deficiency to rally support to achieve lasting positive change. Without a strong base of community and political support, our leader's tenure will likely be short, ineffective, and painful.

None of our Borough Departmental Leadership, contractors, and solicitors resides within the borough. They create and or prolong issues without resolution. You the residents are left daily to deal with drug houses and trafficking that is creating a social and moral decay. It leaves our children struggling to cope with the impact of their parent's addiction. It leaves them in foster homes. Drug trafficking threatens the civility of borough life and undermines parenting.

Our political leaders will know our priorities only if we tell them, again and again, and if those priorities begin to show up at the polls.

God Bless,

Joe Dudash
1/3/2023

31 Dec 2022

To the residents of Penndel Borough:

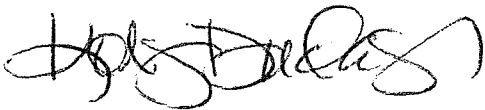
It has been my extreme pleasure to serve the people of Penndel since 2017 on the planning committee. The Borough planning committee has proven government can work and should be the model of how Penndel Borough government business should be conducted.

This committee consists of a diverse array of political affiliations, family structures, backgrounds, and education. The committee has been committed to full transparency, and community feedback. This combination has been a guide to well thought out decisions moving us in a positive direction for our current and future residents and businesses.

There is no denying that term limits will come in handy in injecting fresh ideas and perspectives in government. As new people participate sharing different viewpoints, histories, and new talents it enhances beneficial growth and development. With the same faces in council for a long time, it will be relatively hard to develop policies that align with the current borough needs resulting in stagnation.

As Chairperson of the planning committee, my tenure expired as of 31 Dec 2022. I will not be renewing my tenure with the Planning Committee. It has been a privilege working for the people of Penndel.

God Bless, and Happy New Year!

A handwritten signature in black ink, appearing to read 'Kory Dudash', written in a cursive style.

Kory Dudash, Chair

Borough of Penndel, Planning Committee

