

**Penbrook Borough  
Caucus Meeting  
Minutes  
September 16, 2024  
6:30 PM**

1. Call to order and roll call: President Deardorff called the public meeting to order at 6:25 pm. Shaw, Moore and the Mayor were absent. Hogarth and Kern were also in attendance
2. Citizen Comments on Agenda Items – N/A
3. Discussion and Action Items
  - A. Asst. District Attorney Zwally presented to Council regarding the street gangs and the issues and challenges associated with them. Officer Maley was also in attendance as he is part of the County’s gang task force.
  - B. Hogarth distributed the MMO worksheet and memorandum for both the uniform and non-uniform pension plans as required by law.
  - C. Hogarth asked Council if there were any other considerations regarding Portnoff Law handling our delinquent tax collection. Kern suggested she get the approval of Council before reviewing the documents associated with the potential agreement. Armbruster had several questions about the content and meaning of parts of the agreement. Newcomer would like to see PLA provide regular reports of their collection activities. Kern will review and reach out to PLA regarding Council’s feedback.
  - D. Hogarth presented Council with a line-of-sight study that was done for the intersection of N. 28<sup>th</sup> and Herr Streets. The intersection, because of the grade and parked cars, makes it difficult to safely cross or turn onto Herr. The study reveals that the current no parking regulations in the ordinance would have to be changed to prohibit parking on the south side of Herr from 28<sup>th</sup>, west to the west side of Parrish. Kern asked if there was a traffic study. Hogarth believes the line-of-sight study that was done with a PennDOT worksheet suffices as a traffic study but he would follow up.
  - E. Hogarth asked Kern to recommend best practices regarding the payment of the quarterly CRW bill considering the rate dispute. Currently Council has approved, along with several other municipal partners using the CRW conveyance and treatment facilities, to not pay the 2024 rate that CRW established. Hogarth suggested that the difference between what CRW claims we should pay and what we actually paid based on last year’s rate should be kept separate until the dispute is settled. Kern suggested either opening a new fund or her law firm would keep the money in an account. She believes that is best practice. She also believes that the fund be a non-interest bearing account so the interest earned doesn’t become part of

the dispute later. Deardorff suggested putting the issue on the October Consent Agenda for approval.

- F. Kern advised Council that she'd like to change the borough's Right-To-Know policy to include explicit language prohibiting automated or anonymous requests for records. Kern explained that there is recent case law from the Office of Open Records, siding with municipalities that have such language. There has been an increase in AI generated requests that are designed to solicit records as a nuisance or for data mining purposes.

4. Citizen Comments – N/A

5. Council Comments

a. Stokes said that there are purchases that need to be made for fall fest and wondered what the best way to do that is. Hogarth said that a person can be reimbursed but cautioned about paying sales tax. Armbruster suggested that Stokes could be given a copy of the tax exempt form. Otherwise if the vendor is willing to invoice the borough that would be another option.

b. Deardorff asked all of Council to keep information discussed in an executive session private and not to discuss or solicit information from persons other than other Council members or the Solicitor.

6. The meeting was adjourned at 8:06 pm

Respectfully submitted,

Joseph Hogarth  
Borough Secretary