

## WORK SESSION

July 22, 2019

(Rescheduled from 07/15/19)

Council President Beverly Wolfe called the meeting of Pennel Borough Council to order at 7:30 p.m. with the Pledge of Allegiance. Barbara Heffelfinger asked for a moment of silence for Chuck Jasper, former member of the Pennel Borough Planning Commission, who passed away last Thursday.

### Present at the meeting

Mayor Robert Winkler

Council President Beverly Wolfe

Councilman John Stratz

Councilwoman Laura Germain – absent, previous commitment

Councilman Joe Dudash

Council Vice President Barbara Heffelfinger

Councilman Mark Moffa – absent, previous commitment

Councilman Rich Flanagan – absent

### Also present

Ben Hauser, Hill Wallack, Solicitor

Carol Schuehler, Value Engineering

### Announcements

Beverly Wolfe said thank you to Mike Smith for sponsoring the Wildcats Cheerleaders and to everyone else who sponsored the team. They work very hard and are local girls. If anyone knows of any business owners or if anyone wants to sponsor themselves, she has the papers to fill out. It is \$75.00 to sponsor and have your name printed on the t-shirt.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE JULY 1, 2019 COUNCIL MEETING AND TO PAY THE PECO INVOICE DATED 7/17/19 IN THE AMOUNT OF #39.57 FOR TRAFFIC LIGHT ELECTRIC. SECONDED BY JOHN STRATZ. All ayes, motion carried.

### President's Report

Beverly Wolfe reported that the Holly Ave. issues that were brought up are being worked on as quickly as possible.

The Washington Ave. crater, thanks to our borough engineer, has a temporary solution. Thanks to the Mayor and everybody else involved, it has been temporarily resolved.

The Board of Health is coming in about the mosquitos and we have dunks to drop in Taddei Woods. They are trying to work on the mosquito problem. There is a plan to get the Spring St. swale unclogged.

### Mayor's Report

Mayor Winkler reported that he attended the Mayor's Conference at Penn State. There was a lot of information brought up, especially about the volunteer fire services. Joe Dudash asked if the fireworks tax was mentioned and is going to the fire departments. Bob said it is still being

worked on. They put in five resolutions to the state. Beverly said she would scan them and send them to council for next time.

There are quite a few tree branches down tonight. Beverly thanked Bob for responding to her text regarding the tree that was down. Bob said there are some down on Neshaminy St. and at Neshaminy & Dehaven. He and Bruce Stoneback cleaned off Crescent St. There was one on Fairview Avenue and one in the middle of Bellevue Avenue.

Engineer's Report - Carol Schuehler read her report which is attached.

Beverly Wolfe said this is the kind of thinking these people deserve from our professionals and thinking outside the box and finding another solution. Beverly thanked Carol and said the beauty of this is that is all part of the grant and except for 15%, it is not taxpayer funds. Joe Dudash asked if there is any way they can prevent rags in the future. Carol said there is a trash basket that tries to catch things going in but it is amazing what goes down sewer lines. Beverly said before PUE came on the scene, we were having problems at the station, weekly, every other week, daily, with rags getting caught in that basket. Mike Smith said they figured out where they were coming from but will not say at a public meeting. The guys that worked here then actually tracked it back. They went into some of the businesses and checked their rags out. Joe Dudash asked if it would be good to have a backup pump for the future. Carol said she wants to get this project out for bid and if there is still money left they can order one as a backup. Beverly said the backup pump failed and she can't find any notes from previous councils on it. We had an extra pump or we were going to get something and apparently it never went anywhere.

#### *COMMITTEE REPORTS:*

##### Public Safety

Joe Dudash reported that they got the new car. Joe asked the Mayor if he had anything. Bob said nothing except they have to go through the book he got. There are a lot of upgrades that they need to do. Bob said the snow ordinance signs are in and will be going up soon. Joe said the new police department sign is in and will go up as soon as it's not so hot. Bob said he thinks it will be in by next week.

##### Street and Sewer

John Stratz reported that he participated in a meeting with a company called Evari GIS Consulting. To move the street lights along, they had a crew out with a computer pad and took photos of every street light we have. They had a program on their pad which digitizes each one and gives each of our street lights its own GPS coordinate. What that does for us and PECO is if there are any problems, they are digitized and on the grid now and PECO will know exactly where it is. They should be up by the end of the year.

Patch Management sent him an email saying thanks for his patience and that they should be getting to us Monday or Tuesday. Beverly said she saw the places were marked with spray paint.

##### Finance and Administration

Barbara Heffelfinger said budget time is coming. She doesn't want to end up in the same place as last year so she would like everything in by September 15th. List all of your items with the monetary value so that they can begin working on the budget. They are having a finance meeting on August 1st. As she mentioned, anyone who gave money for Lee Delano, there is

still some money left. She hasn't heard from anybody if they wanted the money back from what is left that they did not use. She will send notes to those people. One suggestion was that we give it to the food pantry. Mary Ellen had surgery so she hasn't been able to get in touch with her. She will ask her where she would like that money to go. Mike Smith suggested a piece of playground equipment down at the rec field in his name. Mike said he did not want his back.

#### Community Development/Open Space

Barbara Heffelfinger said whatever projects they are doing right now, Carol has already told you about. The RDA grant is coming up again. They are going to need suggestions on what should be done or what you would like. It will be advertised in the paper when that meeting will be, sometime in August. Barbara said there is quite a lot that has to be done here in this building. The parking lot needs to be redone, the sound system, the lighting in here and the floor. Those are four things they thought of so far. Mike Smith suggested a handicap ramp out front and get rid of the steps. John Stratz asked if the streets could have anything from the RDA. He would like to seal some of the new streets. Beverly said they have to see what the terms and conditions are. Typically it has to tie into the casino. John said the tourist's cars and tires are on the streets to get to the casino. Beverly said you have to come up with your ideas and costs. Mike Simpson, 204 Bellevue Ave. suggested new street signs.

John Stratz said they have a healthy population of wood frogs in the woods.

Joe Dudash said Young's Tree Service took down the tree in Taddei Woods at the end of Holly Ave. They've been in contact with the health department. He went back there today with Universal Pest Services which the health department told Karen to contact. It is wicked back there. They both were attacked. They are a Delaware Company and they have a new thing called a pot system. The females go in and lay their eggs but they touch this cotton that has a chemical on it so when they drop down to lay the eggs in the water. The eggs get sterilized. The female leaves and goes to let's say Smith's tires where there is water and lay the eggs but they're sterilized so they won't go anywhere. Plus there's this chemical that the female eats and it creates a fungi and it's growing in her and kills her. He's going to give us an estimate but to put these pots in, we have to worry about a security problem also the cost and it goes to September with the mosquitos. We're on the tail end of it. He said he would probably do a spray that would only last a month and then hit it with the pots. What we're coming up with is on Oak Ave., you don't need it at every house, you only need it at every third house. Put the pot down another three then around so we would have to hit some of the Middletown residents that are bumping up to Taddei Woods. That way it would kill the whole area out. Beverly said she doesn't know how that would work on private property. Ben said you would have to get their agreement. He'll get the information and present it.

#### Building and Maintenance

Joe Dudash said he has been working with the mayor. The mayor and the chief have been doing all the work as far as security for this building. Bob has been compiling contractors. Beverly said she wants more security. Joe said they had that one incident here and Beverly said it only takes one.

#### Refuse

Joe Dudash said that there have been problems on this side of Pennel. We just found out that our contact person was fired. We have a new contact person and he's going to sit down with him and ask if the problem was with him or is it a problem with what we are doing as far as residents putting stuff out. Beverly said a resident stopped her to tell her about how nice the refuse guys are and how pleased they are with them over Republic. We only hear the negative, not the positive.

### Ordinances

Joe Dudash said the only thing they did was go down to the new trucking company to clean up because the grass was too high and also trash. They cut it and they fastened the plywood to the front.

Beverly said ordinances are the ones we are working on, the ones we passed and the ones with the TOD but Mark is not here. She can report that the TOD work is absolutely continuing. Hill Wallack along with Carol are continuing to push this forward.

### Community Relations

Beverly reported, since Laura was not there, that the website looks great. There are a few problems. The mobile site has a few problems. It is an improvement over the other one. Barbara said they are having a training session Friday morning on how to use it. Beverly said someone is going to have to teach her. Each website is different. The calendar is out there with all of the stuff that Laura has going on. She has stuff going on and it is great. The community gets together. You get to meet people you didn't know lived here. She's doing a great job with that.

Joe Dudash said the car show was great.

### Recreation Board

Beverly Wolfe said Laura has the new pavilion rental agreement, the final revision. The rec board has not met. They need to approve it before it goes through. Joe Dudash asked if the rec board can talk to the baseball Wildcats about paying for the fire inspection. We've paid our fire inspector for the inspection. Beverly asked if they sent them a bill and if they paid it. Beverly said she would look into it because they should be paying for fire inspections like everybody else.

### Revitalization

Beverly Wolfe said she was approached by another potential entity interested in property in Pennel. They had a meeting with them and they are interested and are looking at us and it's another developer looking at us. The first questions they asked were about the TOD. And they heard we are part of the Keystone Enterprise Zone. The other thing they were interested in was the possibility of ALERTA. For those of you who don't know what that is, it is a tax incentive for existing business owners or ones coming in to make improvements on their property. Only the improvement part gets a tax break and it is on the improvement that they did. If you wanted to ask someone who had a terrible looking storefront and sign and you have an ALERTA program, it is an incentive for them to spruce the place up. On the improvements, they get some kind of graduated scale tax break on it for a certain period of time. That is something developers look for. Joe Dudash asked about property tax breaks. Beverly said ALERTA would still do that but depending on how they structure it, still give us something. It would go over a period of time. For an example, year one, they would pay 10%. By year two it goes up to 30%. Year three it's at 50% and so on. By the time you get to year eight, it's 100%. That gives them time to get everything done, whether it's mixed use to get stores in, get residents in the apartments or condos, whatever it might be, get their axe throwing license, whatever they want. Mike Smith asked if that was for all taxes or just town taxes. Beverly said ALERTA would have to have meetings with the school district and the county. Mike said our taxes are nowhere near the school taxes. Ben Hauser said in his experience usually it's the school district that has the major say. Beverly said it has to be a coordinated effort. We have a consultant on the task

force who is versed in this and has offered to help us design it when we get to that point. The TOD is first.

#### New Business

Joe Dudash said they would like to hire a new part-time police officer who is from Amtrak Police. MOTION BY BARBARA HEFFELFINGER TO HIRE MATTHEW RINK AS A PART-TIME PATROLMAN FOR THE BOROUGH OF PENNDEL EFFECTIVE IMMEDIATELY. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO EXTEND THE DEADLINE FOR THE BELLEVUE AVENUE CONCRETE WORK TO SEPTEMBER 1, 2019. Carol Schuehler explained that the borough sent out notices and there was a deadline of August 1st. The contractor doesn't expect to do the paving before September 1st. There are a number of people working diligently to repair the curbs and sidewalks and this will give them a little more breathing room to the contractors and residents to extend the deadline for another month. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPROVE AND SIGN THE MAINTENANCE AND SERVICE AGREEMENT WITH JR MICHALSKI FOR THE PERIOD OF 7/1/19 TO 7/1/20 FOR TWO OIL HEATERS AT THE PLANT PROPERTY, ONE AIR CONDITIONER IN THE POLICE DEPARTMENT, ONE AIR CONDITIONER IN BOROUGH HALL, TWO GAS HEATERS AT BOROUGH HALL AND ONE GAS HEATER IN THE POLICE DEPARTMENT AT A COST OF \$760.00. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPROVE THE PROPOSAL FROM GIUSEPPE'S RESTORATION DATED MARCH 14, 2019 FOR CONCRETE WORK TO BE DONE AT 300 BELLEVUE AVENUE NOT TO EXCEED \$3,900.00. Joe said this would be the curb work for the Bellevue Ave. project. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPROVE PAYMENT TO YOUNG'S TREE SERVICE FOR EMERGENCY REMOVAL OF A TREE ON HOLLY AVENUE FOR \$300.00. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Joe Dudash said they have been putting this off but now have a deadline to get it done. We have several contractors for the windows. Joe said he gave everyone a copy of the windows. The second time this was brought up, council had questions. Joe explained the specs for each window. They are going to take the windows out but want to keep the same design and function for historical purposes. A couple residents asked if it was a lifetime warranty. It is unless you do something to the windows that would nullify it. The workmanship is the same. If you do something to them, you nullify it. All of them are the same. Joe did a comparison. Beverly asked Joe if this was for his house, which one he would choose. Joe said it shocked him but if you compare Pella and 21Build, which are the two most expensive, the 21Build will allow more heat to pass through and will retain the buildings heat. Additionally, at the cost of \$1,000.00 less, they allow more light to flow through to better resist condensation. If you compare 21Build and Banner, Banner allows more heat to enter the building. 21Build has better performance for retaining the heat in the building, allowing more light to pass through and to resist condensation. If these are not necessary, the windows from Banner will be best because they are \$3,000.00 cheaper compared to Pella and the others. Banner uses Ocana windows. Barbara said Pella are great. She has them at home. Joe said the statistics on them aren't that great and are the most expensive. The ones from Banner perform better than the ones from Dennis and Sons which let more light through and resist condensation buildup on the inside. They are also

\$900.00 cheaper. Therefore, Banner is most likely the best short term purchase, however, the windows from Dennis and Sons, are slightly more expensive but may be best long term and perform best among all of the competitors in retaining the buildings heat and allowing heat to pass through the glass and both of these factors may save the borough more money in the end. Dennis and Sons has done work here so we know their work. 21Build is Sean, one of the fire department guys. He did Nick's house. Ideal has done work in Penndel. All of them have done work here and nobody had complaints. Everybody was not worried about the price but sometimes cheap is does not mean best and most expensive doesn't mean it's the best either. John Stratz asked about the grids for windows and Joe said they would be the same. Beverly said the ones from Dennis and Sons is her choice and is for long term. Beverly asked Joe if he was putting them in his house, which one he would go with and he said Dennis and Sons. Barbara Heffelfinger also said Dennis and Sons because she was here when he came in. John Stratz mentioned flimsy locks. Beverly said she is not as concerned with that as she is with energy efficiency and keeping the condensation out of the windows. She does not want to be doing this again in four years. We don't open the windows often enough that in her opinion the lock makes that big of a difference to her. It's just a standard window lock. They look like they are the most efficient. John Stratz said ok for Dennis and Sons.

MOTION BY JOE DUDASH TO AWARD THE CONTRACT TO DENNIS AND SONS FOR INSTALLATION AND REMOVAL OF WINDOWS AT BOROUGH HALL IN THE AMOUNT OF \$14,296.48 AND TO BE REIMBURSED WITH RDA GRANT FUNDS. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE THE PURCHASE OF THE PUMPS AND CONTROL PANEL DIRECTLY FROM XYLEM, QUOTE #2019-MAL-0962, UNDER CO-STARS CONTRACT 016-081 AT A TOTAL COST NOT TO EXCEED \$49,258.00. SECONDED BY JOHN STRATZ. Mike Smith asked if it was a bypass pump or one for outside. Carols said they are the two new pumps to rehab the station. Beverly said in Carol's report she said if there is enough money left over from the grant, they will be looking at getting a backup pump. Joe Dudash asked if it was better to buy in bulk. Carol said she doesn't think it will make a difference if they order the third pump now. Beverly said its through Costars and won't make a difference. All ayes, motion carried.

MOTION BY JOHN STRATZ TO AUTHORIZE ADVERTISEMENT OF THE PUMP STATION #2 REHABILITATION PROJECT FOR BIDDING. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFEFFINGER TO APPROVE AND SIGN THE REVISED AGREEMENT WITH BUCKS COUNTY WATER AND SEWER AUTHORITY ACCEPTING THE SANITARY SEWAGE WASTE FROM THE PENN HILL SECTION OF MIDDLETOWN TOWNSHIP. Beverly said council has already received a copy of the newly negotiated Penn Hill agreement. Mike Smith asked how many houses they are including. Beverly said it is metered by Bucks County Water & Sewer. They great detail and reports that have been confirmed with BCWSA. SECONDED BY JOHN STRATZ. Mike Smith asked Carol if it included the additional seven that he knows of that are hooked up to our main before it goes through the Penn Hill line. Carol said this is specifically about the 70 homes that connect below the sewer treatment plant property. This is specifically for the Penn Hills connections, not anything else. Mike asked if anyone went out and counted those homes. Beverly said if she's not mistaken, Mr. Butler sent someone down here to count the connections with this new agreement their board decided to sign to make everything we said was included, to make sure we were right with the EDUs. Mike said he would suggest that before you sign it, have Carol go

out and do her own survey. Reason being that the last time BCWSA came down here and drove around with him, they had 79. That's why he's suggesting having Carol back up what's being said here before you put your name on it. Beverly said Carol did a lot of work on this based on inflation and current rates. Beverly read the amendment to the original 1988 agreement to accept sanitary sewer waste from the Penn Hill section of Middletown Township for transfer to the Neshaminy interceptor. Penndel acknowledges that Middletown Township paid to Penndel a one-time capital contribution of \$20,000.00 back in 1988. All the dwelling units located in the Penn Hill section of Middletown Township and serviced pursuant to this agreement shall be considered and remain customers of BCWSA. BCWSA will pay Penndel semi-annually for those customers located in the Penn Hill section of Middletown Township which use Penndel's sewer lines. BCWSA shall pay Penndel at the rate of \$75.00 per year per EDU for the use of the Penndel sewer system. Said rate shall remain the same for a period of ten years commencing with the date of execution of this agreement. Upon expiration of the first ten year term, both Penndel and BCWSA shall have the right to review the rate. If a conflict arises regarding the rate, the conflict shall be submitted to the American Arbitration Association. Parties agree that a flow meter has been installed at the connections between the Penn Hill section of Middletown Township and Penndel. In the event it is determined that an inflow and/or infiltration problem has increased the flow through the Penndel system, BCWSA agrees to repair their system. BCWSA further agrees to pay for all costs associated with the cost to certify the accuracy of the meter on an annual basis. The operation of the sewer mains of Penndel shall be and remain under the exclusive direction of Penndel. Penndel shall not be liable to BCWSA for any failure of inadequacy of said sewer mains by virtue of any emergency breakdown or conditions causing said mains to be inoperative. It's basically mirroring the same as we had before. BCWSA agrees that representatives of Penndel may have access to, at reasonable times during normal business hours, its books and records so they can go look at them at any time. Parties further agree for the purpose of this agreement that each connection by BCWSA to be serviced by Penndel shall equal one EDU and shall constitute an average daily flow of 300 gallons. That is the highlights. Beverly asked Carol if she missed anything. Carol said it also asserts the 5% contribution to repair costs so when the borough goes to upsizing that line, it's beneficial to the borough to have it specifically spelled out in the new agreement with BCWSA. This agreement is specifically for the Penn Hill people that are connecting through the line that goes through the meter that BCWSA connects to manhole 50. She thinks what Mike is referencing is he believes and she has no right to say he is wrong is that there may be some Middletown Township people connected into the lines somewhere upslope of our sewer. She does not know if that is the case or not. This agreement does not address those people. This is talking about Penn Hills that comes in below the meter. Beverly asked Carol about the dwellings that he might be suggesting where they were in relation to the meter. Carol said they are not part of the Penn Hills. Mike said they are uphill of all meters. He dye tested some of them so he knows they are connected. They are paying BCWSA and they are paying BCWSA for the same flow. BCWSA is double dipping us and giving us nothing back. That's what he's been trying to say all along. Beverly asked Carol if that would be a separate issue and she said yes. Some of the names of some of those people were on the original Penn Hill agreement. Beverly said this is an amended agreement and what does it have to do with that. Mike said they are included in the Penn Hill agreement and we are still paying for their flow. No matter what you do, until those names, we are reimbursed for their flow, you say its 300 gallons, then we should be reimbursed 2,100 gallons a month. If those seven units are connected to our main, and I will show you where they are so that you are aware of it. This has been going on for many years. He just wants to get it so that it is right. Beverly said we've had two opportunities since 2008 to do something about this. They've been paying \$35.00 all this time. Mike said he thinks nobody realized it was renewing. Beverly said our former solicitor was supposed to be doing that. He kept telling her it was on his desk, on

somebody's desk at BCWSA. It was a fib. Mike said he will go back to a former solicitor and he can explain to you what happened there and he will tell you Mr. Gardner was not going to do anything until our previous solicitor did what he was supposed to do. That's why it didn't go anywhere with BCWSA. Beverly said what Mike is talking about and she has to believe the borough engineer that it is outside the scope of this agreement. Mike said he agrees with what Beverly is saying but it's basically not out of the scope because you need to amend this agreement to include those properties down there that are pumping into our system. We're not recouping any of the funds that we're putting out. We're paying for it and BCWSA is getting our money and they're also getting their money. The reason that they're not being caught is because a few of them are on wells. Carol said this agreement more than doubles the amount per house that you're getting for Penn Hills. There is no attachment that she saw with this agreement that lists homes outside Penn Hills unless you have something that she doesn't. This agreement is specifically addressing the Penn Hill homes and she thinks it would be to the advantage of the borough to take the money, the additional Penn Hills money and then go back and investigate the additional connections that Mike is talking about. Mike said those names are on the original document. Carol said they are not on the document they are looking at right now. It's a new and improved agreement. Mike said we're going to get \$5,250.00 a year for allowing Penn Hills into our system. How much are we paying back to BCWSA for those other seven units? Carol said what comes in based on that agreement and what's coming in below the meter and Penndel is not paying. It's below our meter so we're not paying by the gallon for that. Mike said it's not coming in below the meter, it's coming in above. Carol said what's in this agreement is what comes in below the meter. What Mike is talking about in her prospective is separate from this agreement and should be addressed separately. Carol thinks they have an opportunity right now and a window closing on this ten year cycle that if you don't take advantage of this now, you're going to be losing out on the increase you can implement now. Beverly said \$40.00 an EDU. Mike said he agrees with them. This is something he had been trying to get done for many years. He just thinks you're losing an opportunity to rectify a problem that we've been paying for how many years. Beverly said it's a separate issue. Mike said there must be some kind of line you can put in there that it gets looked at because how are you going to do it. Beverly said she believes what he is saying and what her borough engineer is saying is what you are talking about is absolutely a separate issue from this. They can't be bundled together because of the metering. They have to go back to and look at what he's talking about and go back to them with something separate. And we will do something separate if there really is an issue. Mike said you're losing money every month. Beverly said they are losing money right now by the buckets with the 70 homes. Mike said she has one part of it but you need to get the whole thing. Ben Hauser asked, based on the increase of EDUs on the dollar per EDU, how much do you expect the borough to be gaining on a yearly basis? Carol said 70 times \$40.00. Ben said we would also be getting 5% of all repair costs. Carol said we are looking at a half million dollar repair in the next couple of years. Joe Dudash asked how much we're gaining and Ben said \$2,800.00 a year for ten years. Ben asked how easy it was to work with BCWSA in drafting this agreement. Beverly said John Butler was wonderful. They sent him the information, he looked at it and took it to the board. Carol said they have already signed the agreement. Beverly said it is ready for execution. Barbara asked Mike when he noted those other seven properties. Mike said he will tell them who they are and what you want to know. He will not out those people publicly. Beverly said she wants to know the addresses because in her mind, nothing is going to convince her otherwise. It is a separate issue from this. Mike said it could be and he's only saying they have the opportunity to tie it back in and get some of the money that we have been paying all these years. Joe Dudash said he thinks Mike is saying this is leverage to put on them. Beverly said we don't need it with them. They are very cooperative. Joe said the sewer line that we're having so much trouble with by the creek, Penn Hills is above that, correct? Carol said yes. Joe said so they are flowing into our



system down there. Joe asked if they are going to help pay for that and Carol said 5% which is \$25,000.00. Joe said the pipe down there is too small. If we go to a bigger pipe can they help pay for that. Carol said \$25,000.00. They contribute about 3% of flow that goes to that pipe and we're talking about getting commitment to the 5%. The \$25,000.00 contribution will be added to the grant money. Joe said, legality wise, he doesn't trust anybody so he would have something written in there. Beverly said it is. Barbara asked Mike if he is trying to recoup the money. Mike said you will never recoup what you lost. He's saying going forward. You can never go back. You have to go in now while the door is open and at least get it in writing what you're talking about. Tell them there are people they've been collecting from for 30 years. Joe Dudash said there's an issue and it's tapped into the system down there. Let's get the whole thing wrapped up. You're going to lose that extra poker play if we don't bring it up. Carol said the borough went hat in hand to BCWSA this hasn't been touched in a long time and we really think it should be X. Joe said if he was on council back when it was Middletown, he would have said take the pipe out I'm cutting you off. The problem here is \$20,000.00 was the initial tapping into it. Beverly said it was 1988. Joe asked how much they collected since then. Carol said \$35.00 a year times 70. Joe said if you go on their line, they do studies and their main thing is projected revenue requirements. The whole bit. He asked if we did that for this. Carol said no, they are already connected. Joe said they do reports. We're always shooting in the dark and get burned in the end. Beverly said we're not because we're the ones that told them we felt in today's dollars that the 3% that they're putting into that line is worth. Joe asked if that was including a 1.2% increase that we might have. Beverly said that's an over 214% increase. Ben Hauser said the original Penn Hills agreement perpetually renewed every ten years because of a deed dispute. This is the first time that this council has gone back to Middletown or its successor BCWSA, which is a very large sewer entity and very powerful and gotten any kind of rate change. Beverly said she is scheduled to have a conference call with John Butler on Friday and if she can get some information, that will be a part of the call, the seven properties. The Penn Hills agreement is strictly the Penn Hill development that put 3% into the flow. What Mike is talking about in her mind is not a part of this. He's also mentioning wells. When she mapped it out she identified some that were kind of off to one area that had wells. She asked Mike to give her the information. Ben Hauser said if council were to approve this agreement tonight as it is and they do find out that their initial connections, would it be councils pleasure to get an addendum to this agreement to cover those potential issues if they are in fact related. Beverly said absolutely. She said if somebody could prove to her that they are directly related, absolutely. If not, they would be a separate agreement. Ben said that would make sense to him. Mike thanked Carol and said she finally took the bull by the horns. Mike said make sure it is noted. Beverly said she put everything in writing. John Stratz said he thinks the idea of an addendum makes sense. Barbara said or separate agreements. She does not have any idea that they can't let Carol go ahead and once she finds out whose those properties are to go down and check it out. Joe said he doesn't trust any of them. He kind of agrees with them and if you can write it legally as far as the addendum and can hold their feet to the fire, then he's for it. As far as that bottom inlet that they are working on, the manhole, they will help pay 5% of repair of that line. Beverly said it's contractual. Joe asked Ben if he was ok with it. Beverly said he had a concern with the word repair. Ben said the only term used is repair in paragraph ten. There are other terms used alongside repair in other spots in the agreement. It is a possibility that if should BCWSA not have a friendly relationship with the borough, although everything otherwise tells him it does, that would be the one spot that there could be a difference of interpretation. He thinks they should use the word replacement. Barbara asked if they can change it after they had already signed it. Beverly said they would have to wait until the next meeting. Dave mirrored the old Penn Hills agreement, almost exactly although they did change a couple of things like replacing Middletown with BCWSA. They have already signed it and executed it but we have not. Until we execute it, it's not an agreement. Ben said the original agreement was

dated November 7, 1988. Beverly said they have only until then. Their board only meets once a month. Beverly said replacement is a big word. Mike Smith said how about rebuild. Beverly said they would have to go with what the solicitor's office would recommend to see if they can come up with something to send to Mr. Butler. Carol said they know we're working on that line. Ben said if they are willing to enter into that addendum, he thinks they're fine. Beverly said so they have two possible addendums. Beverly asked council if they could have the solicitor's office give her an example for her telephone conference with John Butler on Friday for the addendum to article ten. Ben Hauser said if council were to amend paragraph ten, add in the language and approve it as amended, then send it back to BCWSA for their approval. Beverly said she thinks the relationship with John Butler is good enough that he won't think that we're trying to pull something over him. We are not; we want to work with them. We have to work with them.

MOTION BY JOHN STRATZ TO AMMEND PARAGRAPH 10 TO INSERT THE WORDS OR REPLACEMENT AFTER THE WORD REPAIRS IN LINE 1 AND TO INSERT THE WORDS OR REPLACEMENT AFTER THE WORD REPAIRS IN LINE 2 AND TO INSERT THE WORDS OR REPLACEMENT BETWEEN THE WORD REPAIRS AND PUNCTUATION. SECONDED BY JOE DUDASH. All ayes, motion carried. Joe Dudash asked why it took so long until this council did something. Mike Smith the last council was in the middle of the agreement and couldn't do anything with it.

Beverly retracted the previous motion which was:

MOTION TO APPROVE AND SIGN THE REVISED AGREEMENT WITH BCWSA ACCEPTING THE SANITARY SEWER WASTE FROM PENN HILLS SECTION OF MIDDLETOWN TOWNSHIP. Beverly said she is withdrawing that motion.

MOTION BY JOHN STRATZ TO APPROVE AND SIGN REVISED AGREEMENT WITH THE REVISIONS NOTED BY THE SOLICITOR WITH BCWSA ACCEPTING THE SANITARY SEWAGE WASTE FROM THE PENN HILLS SECTION OF MIDDLETOWN TOWNSHIP. SECONDED BY JOE DUDASH. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2019-22 AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE BUCKS COUNTY RDA FOR FUNDS FOR REDEVELOPMENT IN OR RELATED TO THE TRANSIT ORIENTED OVERLAY AND/OR BUSINESS ROUTE 1. Beverly explained that this is Part 2 of the Multi-Modal that the executive director of the RDA Jeff Darwak is writing on our behalf. She sent out the details to council of the new project which incorporates with the half million dollar one we already have. This will be with no matching funds. It is 1.3 million dollars. Beverly passed out copies of the overlay. She said this is within the problematic area. Yellow is Phase I. Blue is Phase II. There is a change of radius and it is pedestrian friendly. There is proposed traffic softening along Bellevue. That was in Phase I. The intersection at Durham is radically different, particularly in the radiuses for turning onto Durham heading towards Levittown. That also includes some storm water management. Carol said a few years ago they upsized the lines at Legrande so they could accept the additional water we have been getting. Beverly said she sent to everyone what is involved in both phases. It will be street signs, new signage, bus shelter, new masts. The list goes on and on. Left only turn lanes. The RDA will have leverage with Penndot. New ADA ramps. It's an amazing amount of work. All of the new signal work is fiber optic timing. Beverly said this is the last year for no match. SECONDED BY JOE DUDASH. Mike Simpson asked how long that would be. Carol said it generally takes months because contractors want to get in and out of their jobs to do the work. Beverly said the grant will be awarded later this year. John

Stratz asked if they get a shot at another one of these \$1,000,000.00 grants, is there any possibility of buying out our favorite trucking company. All ayes, motion carried.

Persons to be heard

Mike Simpson, 204 Bellevue Ave., asked about the curb situation on Bellevue Ave. He handed out pictures to council. He went up and down Bellevue looking at the curbs because his curb was marked for replacement. Part of his curb is four inches. It was marked for replacement although they are four inches. There were other properties that were well under four inches that were not marked. As you can see from the pictures, the way that the street is paved, there must have been a repair along the curb recently. That repair is much higher than the road and that makes his curb under four inches. If the street is ripped out and paved evenly, his curb will actually be four inches. In the pictures you can see that there was patchwork done. There is some of his curb under four inches but he believes it is because of the patchwork. He does the curb work and they rip up the street and when they pave he finds his curbs are above four inches then he will have thrown away \$2,600.00. That's taking away from him doing some remodeling in his house. There is maybe one and a half to two feet of his curb that is four inches. Carol told him she is one of the ones who inspected the curbs. They had one other property owner who came and asked a question and she met with him on site and reevaluated sections of curb and she would be happy to do that with him. Curbs are usually in ten foot sections so you are replacing from joint to joint. If a small piece of that ten foot section is four inches, which most of that ten foot section is not four inches, she is not measuring every foot as she goes down the curb. She is measuring each jointed section to look at whether it is four inches. If any of it is less than four inches, it doesn't pass the inspection based on the code. His neighbor has a driveway cut out that is actually not a driveway anymore, which is actually a yard and that was not marked as being replaced. Carol said if it a depressed curb and it is in acceptable condition as a depressed curb, they may have not marked it. She has an inspector who is in town fairly regularly right now and she can point her to your address and take some updated measurements or they can meet him on Bellevue on a specific date and time. Mike said he would think that patchwork would affect many other people with the four inch line. You can see a sizeable difference in the roadway and that patchwork. If they repave Bellevue and it is completely flat, then he thinks his curb is going to be four inches or more. Beverly said they will make arrangements for the inspector to take a look. Mike said he was concerned that there are many people that this may have happened to. He has to do 30 feet and Giuseppe's gave him a price of \$2,600.00. Someone on a fixed budget who may have to do 60 feet, or a senior citizen or a single mom, that's steep. Beverly said they have the same concern. As Carol said they did have others who asked questions and asked her to come back out and take another look. The inspector will come out and meet you and address your concerns.

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

Submitted by: \_\_\_\_\_  
Marie Serota, Secretary/Treasurer