

Penndel Borough Council Meeting  
Via Zoom Communications

July 7, 2020

Council President Beverly Wolfe called the meeting via Zoom Communications to order at 7:30 p.m. with the Pledge of Allegiance.

Present at the meeting via Zoom Communications

Mayor Robert Winkler  
Council President Beverly Wolfe  
Vice President Barbara Heffelfinger (arrived late)  
Councilman Gary Nickerson  
Councilman Mark Moffa  
Councilwoman Laura Germain  
Councilman John Stratz  
Councilman Joe Dudash

Also present via Zoom Communications

Dave Truelove, Solicitor, Hill Wallack  
Chief Sean Perry  
Carol Schuehler, Value Engineering (arrived late)  
Nick Foufas, Fire Marshal  
Rick Halbom, Barry Isett & Associates  
Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Beverly Wolfe stated they are going to add under new business, the authorization of advertisement of the ordinance for a borough manager.

Correspondence

Letter received from an Oakford resident complimenting Chief Perry and the Penndel Police.  
Letter received from Tom Wheeler from Wheeler Brothers regarding 151 Bellevue Ave. concrete work which will be addressed at the July 20th meeting.  
Letter received from Victor Fiori requesting cancellation of sewer service at 25 Bellevue Ave. Beverly said that must be researched and asked Rick Halbom from Barry Isett and Assoc. to look into it.

Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE JUNE 15, 2020 WORK SESSION AND TO PAY THE FOLLOWING BILLS FOR THE MONTH OF JUNE 2020.

General Fund	\$61,145.32
Fire Tax Fund	\$ 916.96
Refuse Fund	\$16,644.06
Sewer Fund	\$36,032.10
Capital Reserve Fund	\$ 9,520.00
Sewer Capital Fund	\$ 6,185.45
Liquid Fuel Fund	\$ 63.20
Escrow Fund	\$ 8,300.25
Payroll Fund	\$ 569.56

<b>Police Pension Fund</b>	<b>\$</b>	<b>125.00</b>
<b>Non-Uniform Pension Fund</b>	<b>\$</b>	<b>125.00</b>

**Payroll**

General Fund		\$18,778.53
Sewer Fund		\$ 3,469.20
Refuse Fund		<u>\$ 578.19</u>
	<b>Total</b>	<b>\$22,825.92</b>

**Escrow Fund Bills**

Auto Zone:

Hill Wallack	\$1,740.00
Value Engineering	\$2,147.25

Schoolhouse Court:

Value Engineering	\$4,336.50
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Mill Creek Apts.:

Value Engineering	\$ 76.50
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SECONDED BY GARY NICKERSON. Roll call vote was taken. Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

**President's Report**

Beverly Wolfe said they will be revising the agenda again. We are finalizing the meetings for advertisement and will hopefully be done by July 20th. She asked John Stratz if he picked a date yet for his committee meetings. John said his meeting would be the last Monday of the month at 5:00 p.m.

Beverly said as for paying the bills, they are still waiting for the final information from Hill Wallack because they had some concerns about the resolution and were going to look into it. She asked Dave Truelove if they've made any progress on it. Dave said he would talk to Ben and see where they are.

**Mayor's Report**

Mayor Winkler reported not much activity. He attended the council meeting and work session last month.

**Chief's Report**

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

Joe Dudash commended the chief and officers for the fantastic job they did with Falls Township and the DA's office on that case with child. He said he appreciates all he does. Beverly said he did a wonderful job under very difficult circumstances. John Stratz thanked the chief for the wonderful job they did with the fireworks. It was like trying to stop the Titanic from sinking with a bucket but was a magnificent job. He saw our officers flying around Penndel on July 4th night trying to keep the entire town from burning down it was quite a task, but his presence kept them out of the rec field for the first time.

Mark Moffa said a couple days after the last meeting, he saw that he had put out about the black lives matter movement and thanked him for doing that. The chief said he meant every

word of it. Laura said it was on the borough and police Facebook page and will be in the newsletter when it goes out this week.

#### Fire Marshal/EMA Report

Nick Foufas read his reports which are on file in the secretary's office.

Mark Moffa said it was his understanding that fireworks are prohibited right now perhaps not via a specific ordinance but he recalls the chief addressing this issue last year around July 4th that they are currently not permitted essentially anywhere in the borough. Nick said it's not that they're not permitted anywhere in the borough it's that there's nowhere in the borough without landowner permission for them to utilize. There are ordinances in other towns that further defines what areas or how to go about obtaining permission from the municipality to utilize fireworks within the municipality borders on both private and public lands. Mark asked if he could send them to the ordinance committee so he and Gary can take a look at them. Joe Dudash asked if with the state override and everything is that what's putting the wrench in this. Chief Perry said they released different rules and regulations for the sale of fireworks and the possession of fireworks. They did simplify the regulations for the ordinance and put some restrictions in place as to the use of those fireworks which Nick just addressed and that he addressed in the previous meeting. Without explicit permission from a property owner in Penndel Borough that would meet the guidelines, all of the quarter acre lots of private residences would be in violation because they would be too small of an area and wouldn't be beyond that 150 feet from an occupied structure. But the state has made it easier to purchase those which now makes it more readily available to the people in the borough as well as the rest of the state. Dave Truelove said a few years ago the laws were boosted with respect to what kind of restrictions both from his own perspective and otherwise that any municipality could put on the seller of fireworks so that's exactly what the chief is saying about the regulation of the sale. Mark said so when they say the explicit permission of a property owner does that mean that since he has a quarter acre lot and he's surrounded by quarter acre lots, would he need permission from all of the folks surrounding him. Sean said what he was trying to explain would be something along the lines of like the rec field where they would need permission from the borough who owns the rec field, to fire them off in that area which would be under the scope of that law that would allow them to fire them there safely because of the area if the borough gave them permission and they could do that there under the scope of the law safely because of the area. If the borough gave them permission, like a professional fireworks company to go in there and shoot them off, they could do that in that location because it is large enough. Beverly asked if it is within 150 feet of an occupied structure or vehicle. Sean said yes and a quarter acre lot at a 100 feet by 100 feet for the entire aerial mass of the entire property so what that would mean is that nowhere in the borough, because they butt up against each other, that they would be far enough away from an occupied structure whether it's occupied or not at the time. Mark asked how it works if his neighbor is doing fireworks and it's starting to be a bothersome and he wants to call the police. What happens? He knows John referenced you guys running around like crazy. Do you tell them to stop or is there a citation issued? Sean said the most important thing that he's been telling everybody is call them immediately. By the time people are annoyed by the fireworks and they call the police, by the time they get there like if there's any type of delay with the County getting them the message, by the time they drive to the area it's over with. They usually tell people when they see it happening, be a good witness but they would need somebody to testify that they saw the person or if they can get there quick enough and they can witness them setting it off then they can file charges. They cannot be everywhere at once so call them as soon as you hear it if you can see where it's coming from, and a more specific of a location the better. If you just say in Penndel Borough, it could be anywhere. If you can give them an intersection and address or if you can even identify the person or even if you

can get a cell phone camera video they can prove that somebody is doing it and then they can certainly take action but for them to get a conviction beyond a reasonable doubt if we don't have an eyewitness we're basing everything off of circumstantial evidence. Because if there's 20 people standing around the fireworks display, they can't tell who is committing the violation. Mark asked what's the charge on that. Sean said it's usually a non-traffic citation. They may be able to charge them with reckless endangerment of another person or an accompanying charge. Most of the time on a holiday when it's in the middle of the evening, they're not sober, so there could be additional charges as well. If it's just a random person who is sober doing fireworks, it would be a non-traffic citation and strictly a fine. Mark asked if he knew what the fine was, and Sean said he didn't know off the top of his head.

#### Solicitor's Report

Dave Truelove said he's sure everyone knows we are in the green phase now but that does not return us to what we have, in the law business so lovingly referred to as the status quo ante, which means what life was like before March 13<sup>th</sup>. We're not even close to that and the reason why he is bringing it up is because he knows there's been some discussion apparently on social media and other places about why we can't return these meetings to in person meetings. From a practical perspective given the requirements even with the green phase for social distancing, mask wearing, things like that, the most number of people that we could probably house in the borough hall with spacing everything else, including those who have to be there such as the council members, the mayor, chief and others, would be 12 residents. We're not going to do a lottery and see who can qualify and send everybody else home to watch on Zoom and have the meeting. He's not even sure if it meets the requirements of the sunshine act. What we do now and the way that we've been doing it, here and in other places too, where he has participated in meetings for some other public sector clients, is this is the best alternative we have for the time being. Is it as effective? Perhaps in some ways, who knows although he thinks people have become used to it. He just wants to caution everybody that we're all in the same boat here so once we proceed hopefully to a phase that will either get us completely back to normal or loosen up even further, you look at the options at that time but we're not there yet. He just wanted to bring that up from the beginning if there's any issue with that. You'll note from some of the activity on the agenda tonight that they have some ordinances that they've been working on like the TOD at the last meeting or two. Their office has been very busy and that mostly goes to Ben Hauser who has done the lion share of the work but that's really where we've been focusing most of our attention lately.

#### Engineer's Report

Carol Schuehler read her report which is attached.

Barbara Heffelfinger arrived at the zoom meeting. Everyone wished her a happy birthday. Beverly asked if schoolhouse satisfied the issues that she had and Rick had. Carol said they were the storm water permit and they have to get permits for construction of the individual houses. She is reviewing the plot plans which depict grading and connection of utilities to the individual houses and no they have not yet satisfied her concerns for her to recommend those permits. Rick said there is an issue with the plans for the individual houses. Originally the plans that we have and tentatively approved show a walkway out of their basements in the rear of the building. They have decided not to install that and instead have a window which he assumes to be an egress window. He and Carol spoke about this today. He has also spoken to Mike Italia about it and what they want is a signed sealed addendum showing exactly what they're planning on doing. He is assuming it's going to be an egress window, but he thinks he would be ill advised to just proceed on that assumption without seeing something in writing. Beverly said she would tend to agree with that and asked why we would reduce the escrow amount if they're

changing things. Carol said reduction is based on the sanitary sewer that's been installed and it's based on items that have been installed to date but there's still a substantial amount of money left in that escrow. There is \$234,000.00 left in that escrow account to secure completion of the work, but a lot of the infrastructural work has been completed to an extent. The sanitary sewer lines are in and the water lines are in actually and she thinks they just got the testing done for that today. The hydrant is in, the new curb line is in and the new curb along the frontage of the property. The pieces that they have they have completed are what's reflected in that escrow reduction. It's not a guarantee that it's all complete, it's just a reduction based on the work that's been completed to date. It's just a reduction based on the work that's been completed to date in accordance with the developer's agreement. Beverly asked if the \$234,000.00 was the original amount of escrow required. Carol said that's what remains today after you process this. You will still have security in the amount of \$234,000.00 guaranteeing their proper completion of improvements. Beverly asked Dave Truelove if he agreed with this and was it a proper thing to do. Dave said the engineer's estimates which have line items for them represent the different tasks that are being done so the numbers relate to the tasks as they are completed.

Beverly asked Dave if it was ok to do the motions that were under new business under each of the items in the engineer's report since they are fresh in everyone's minds. Dave said it makes sense. Beverly said she was going through each of the motion items and then open it up to council for questions and if there's questions on the non-motion items they can be dealt with at that time as well.

MOTION BY JOHN STRATZ TO APPROVE ONE FULL AND FINAL PAYMENT TO ISIDORE CONSTRUCTION COMPANY LLC IN THE AMOUNT OF \$56,766.94 FOR THE BELLEVUE AVENUE LATERALREPAIRS. SECONDED BY MARK MOFFA. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY MARK MOFFA TO ALLOW BOROUGH ENGINEER TO SUBCONTRACT A SPECIALIST FOR RETAINING WALL REVIEW FOR THE AUTO ZONE PROJECT. SECONDED BY JOHN STRATZ. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO WAIVE THE CONTRACTOR'S LICENSE FEE FOR BITNER ELECTRIC AND G R ELECTRIC WORKING FOR DENNEY ELECTRIC ON THE MEMORIAL FIELD LIGHTS' PROJECT (G R ELECTRIC IS THE INSTALLING ELECTRICAL ON THE PROJECT, BITNER ELECTRIC WILL BE INSTALLING THE NEW POLE). SECONDED BY MARK MOFFA. Mark asked why they are waiving the contractor license fee. Carol Schuehler said they commonly do that for contractors doing public contracts in your borough. Mark said because they are doing work at the field and the borough owns the field. Carol said the borough is hiring the contractor. Dominic Frascella asked when the work starts, is there going to be an interruption in service for the lights. He asked if they were still going to be able to use the field for practice in September, October and part of November. Carol said she hopes they will be long gone by then. She said they are looking at starting on July 13th with Bitner Electric coming in on the 15th to put in the new poles and then the fixtures go in on the 20th. She's hoping by next month they will be talking about how nice the lights are. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

Carol said that in answer to Beverly's earlier question regarding School House Court escrow, she pulled the document and the original escrow was \$442,060.00. The remaining escrow amount if you authorize the release will be \$234,000.00.

MOTION BY MARK MOFFA TO RELEASE \$173,570.00 FROM THE PHASE 2 CONSTRUCTION ESCROW ACCOUNT FOR THE SCHOOLHOUSE COURT DEVELOPMENT. SECONDED BY GARY NICKERSON. John Stratz asked if that is the maximum amount we have to let go is there a minimum amount. Carol said this amount is by going through the line items of what has been completed so that's an engineering estimate of work completed to date based on actual quantities of things installed. Joe Dudash said he doesn't feel comfortable releasing the escrow because they've had issues with this contractor and a couple of her residents like Mr. Sodano and a couple of others had continuous water issues. He doesn't want to get in another quagmire with another contractor where they're not finishing the work. He's bought a lot of new houses in his time and has held up escrow accounts so he doesn't believe this should be done. They're changing things now towards the 7th hour here in midstream and he doesn't have a good reputation with this. We've had issues with our residents with them ongoing and he thinks get your act together get it over to our engineer and our zoning officer and all and tell us what you're going to do here because he doesn't want to get caught in another contractor mess. Beverly asked Dave what the legal ruling on that is, particularly when it comes to escrow. We don't want to be in a position where we would be out of time. Dave said we rely on our engineering professionals in this situation to make sure that the work is done. That's why there's no recommendation for releasing this until they're satisfied from an engineering perspective. As Carol said, you go through the line items to make sure the work is completed. Not minimizing the concerns people had with the developer in the past but it seems from what they're hearing now there's much more focused oversight than it had been in the past so hopefully that makes a huge difference in terms of following through plus there is still money left in the escrow in the event that it has to be withheld down the road for some other reason. Beverly said they don't know what the time limit is because she knows there's always a clock running with this kind of stuff. Carol said the request was made by email on June 3rd from Brian with Premium Excavating so we're at 30 days. Her recollection is that it's a maximum of 45 days. She thought if they didn't take action in that time period then he gets what he asked for which was why she recommended less than what he asked for. Dave said so he asked for more and you recommended less. You are still withholding more so that it is part of that process at least to make sure that he's held responsible at least to some extent. Beverly said for the record she's uneasy with this builder. She has full confidence that on the checklist of the items that this escrow covers what has been taken care of. She is just now very leery because of these changes that were just mentioned. Carol said he asked for \$181,432.00 and she changed it to \$173,570.00 based on quantities actually installed and facilities actually installed. Beverly asked Dave what the time limit was. Dave said you have to approve it tonight because 45 days runs out the 12th of this month which is next week. Joe asked how they hold his feet to the fire. They don't even know that he is properly abiding by the fire departments with the egress windows. Rick Halbom said the permits are not going to be released until he is satisfied that he's given him the documentation that it's going to be done to code. He doesn't have any money in his project so he can sit here until December if he doesn't want to give him the paperwork. Mark asked Carol if she knows of prior complaints associated with this project or any outstanding complaints related specifically to the items that are associated with this particular release. Carol said she did not know of any particular complaints that are associated with this release of escrow. One of the concerns that was raised some time ago was the discharge of the sump pumps from the two houses that were built in, she believes 2017, on Woodland Ave. Those still need to be connected to the to the storm bed. She has been in touch with Brian from Premium Excavating and he told her they will be connected on the 17th

but in the meantime they are thankfully not directed towards the neighboring properties which was the source of complaints about a year ago. Mark asked if there was anything in this particular escrow being released that's related to the drainage or to that type of water issue on the property. Carol said yes and she specifically did not release the money for connecting. Mark said so that's in the \$8,000.00 that she didn't release and Carol said yes. Beverly asked Carol if he also addressed the storm water filtration tank issue that was mentioned by Tom Sodano. There was some kind of a stormwater collection in that project. Carol said there are two big infiltration beds that are interconnected with piping and they now connect to the PennDOT system from Humeville Ave. to Lincoln Highway, so they did do that. It is now connected and done. The water is now carried away.

Tom Sodano, 126 W. Woodland Ave., said just to shed a little bit of light Joe and Carol have both mentioned that he's been dogged to say the least with this contractor. Premium has pretty much done everything that he said he was going to do and they have been on this job at this point they know him well and they see him coming. Additionally he made it a point to talk personally with the inspector that came from Bucks County Water & Sewer when he was there and he questioned him on a number of things including the fact that he chided him that if they would made that fire hydrant about 3 inches taller they would have needed a white light on top of it for airplanes. He assured him that he has been on top of it. Tom said from what he's seen, being the pain in the posterior that he has made of himself, these people have done everything they said they were going to do so far in this site preparation. That said he's 100% in agreement with Joe and with Rick that from the site prep to the actual building which will then become much more and now we're looking at requests to change things and that's one you will have to keep a much stronger eye on. You all know what his concerns have been and you've heard him voice them and he can assure everyone that they've addressed everything. They've invited him to come and actually look and it satisfied all of my questions. So, Joe, Rick and all of you who may wonder with all of his whining and complaining about it, he has made sure that they've done what they said and Carol is 100% correct about the money that she says to release. All of those things are done. And he completely agrees with the portion she's withholding for the areas where they still need to finish what they said they were going to do with what their contractors do. Rick Halbom said once they are satisfied that they've given them the documentation that they need and they issue the building permits, one of the things that he would like to have happen is a pre-construction meeting where they talk to them about what their procedures are and what their timeline is and give them some information regarding the 2015 code that they're building under. His conversations with the people at this company indicate to him that they are not used to building under the new standard and if they don't build to the standard from the get go, they're going to have an amazingly difficult time passing the new test called a blower door test that they're going to have to pass under the new code. It's not just them but a lot of this is a conversation they've had with a lot of contractors that they need to be aware of the requirements of the 2015 code or they're going to find themselves in a situation where they won't pass the blower door test. That's the conversation he wants to have with them. Not a confrontational, just an informative thing that they need to know. How he would like to do that is have the permits in his hand and say you guys come to him and they will sit down and talk about these things and then hand you the permits. He doesn't want them to not pass the test because of these few extra steps to make the building airtight enough to pass that.

Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

Beverly said to Dave, she understands that they are going to have a Homeowner's Association and she has never seen a document or anything on this. It may not have been given to her because it was so long ago, but she wants to know what the details of that are. She wants to see it if there's something they can do about it. Dave said they have to record it so they will take a look at that. Joe Dudash said he and Gary found out that the Homeowner's Association is supposed to be taking care of the trash. Beverly said they need to know exactly what's in that because how are you going to get a snowplow down that street. Dave said most HOA's do trash removal and snow removal, those kind of things.

#### Zoning/Code Enforcement Report

Rick Halbom read his report which is on file in the secretary's office.

#### COMMITTEE REPORTS

##### Administration/Cable

No report.

##### Building & Maintenance

Joe Dudash said he is mixing it with public safety. The generators they are getting with the RDA funds was from 2019 and they had all the estimates and had everything going and then we got hit with the virus. The committee went back to all the contractors and two of them basically said there would be no change or increase and one said there would be an increase because of material costs. They compiled all the information and there's more to just buying a hall or PD generator. You need oil changes and checkup, stuff like that. Harris came out with a 10-year warranty on labor and parts and Litwin's came with five. The difference is Litwin's uses Honeywell generators and Harris uses Generac. Ray is technically the cheapest of them all but the problem was when they went to Ray, he's busy on other projects and they couldn't get a definite answer from him about the warranty and was there an increase and they wanted a service agreement. Litwin's is \$20,545 for both generators and then Harris came down to \$19,539.28. The difference is Harris is giving us a 10 year warranty, parts and labor they will give us a service contract now but the key to this is you have a 10 year warranty so that covers your parts and labor service. And like Barb and the mayor said, if it goes down in a bad storm and all these guys are busy, he doesn't want to be waiting because we're not a customer. Harris said In addition if you want something, he says no matter what, if you buy from them and Litwin's said the same thing, we are on their list so they would be out there in an emergency. We wanted to check service contracts after the warranties and Harris came up with \$181.00 in addition if we wanted it but he said you have a 10 year warranty so they're coming out anyway and they are going to get paid by the company. Plus, Harris is Carrier and are distributors and seller of the product so that's a plus. Litwin's is the same way they are Carrier and sell the product of Honeywell so that's a good thing. Ray buys it from I don't know where and then he brings in sets it up that's basically it. He doesn't know what the warranty is because he never got back to them. Litwin's does have an agreement but the way they do it is you're on their list and the same way the parts and labor on the five years would be covered but after that if you wanted to have an agreement, how they do it is they just come out and then they bill you.



They just come out. They don't do it like a Harris. So, they came down to Harris as far as the contractor for both projects. Harris is \$19,539.28 Ray was \$20,400.00 and Litwin was \$20,545.00. Beverly said Generac is the name. She asked Dave if they have satisfied the conditions of the quotation process. Dave said they are just under the threshold. Jay Moser said he is an employee at Harris and wanted to make one clarification so that everyone understood. The 10-year parts and labor warranty is on the Generac components only and does not cover maintenance and does not cover yearly maintenance. You still have yearly maintenance that will be required on the generator over the course of the 10-year plan which is over and above. He has nothing to do with the sales department. He is the service manager. Joe said it would be \$181.00 a year for the maintenance contract. Beverly said that is not covered by the grant and would be a separate item. When you have a piece of machinery of any kind, you have to maintain it otherwise it's going to turn to garbage.

MOTION BY JOE DUDASH TO AWARD THE RDA GRANT MONEY FOR THE CONTRACT FOR THE GENERATORS FOR THE POLICE BUILDING AND BOROUGH HALL IN THE AMOUNT OF \$19,539.28. SECONDED BY BARBARA HEFFELFINGER. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

Joe thanked Nick, Barbara, Chief Perry and the Mayor for their help with the generators. Beverly thank Joe and for his hard work too.

Joe reported that the two trees were taken down by the playground. Near the pavilion where they were having the problem with the invasive plants, Burcz Landscaping came out and went all the way down the line and put down poison and it looks like it's dying but they might have to go through it a second time because the roots underneath spread. The Mayor had someone for community service and he and Mr. Diaz have been laying the mulch at the playground and the kid's parent was helping as well. Also, the mayor has been researching and getting the items needed for what was vandalized. They are hoping to have this thing done pretty soon and then open it up. Beverly asked the mayor if there were any donations made. Beverly asked the mayor if there were any donations of product or services. Bob said the borough only had to pay for the mulch. Davis' Trucking provided the truck and delivered the mulch. Beverly asked Marie to get a thank you note to them. Rick Halbom said that one of the issues they were dealing with was invasive species. He said they might want to consider and he'd be happy to sit down and talk with them about it. It's an ordinance on invasive species such as bamboo and things like that because they can be extremely destructive. Mark said they have been working on that. Beverly said that the TOD, snow and some other ordinances kind of came first. They can only do so much. Mark said the ordinance committee looked at it. Gary was not yet on council so in essence he was the ordinance committee and he did look at some ordinances from other municipalities and basically just had some discussions with Beverly about it and they were very specifically oriented toward bamboo. It wasn't high on the priority list, but they can add that to the list. Curbs and sidewalks needed to be taken care of first. Mark said they have to address it before it becomes a problem. Joe said Barbara and the mayor have been really pushing to get this the playground open. Beverly said they will soon and it will be safe with the trees gone and the new mulch down and they will be making the repairs to the equipment.

#### Community Development

Barbara Heffelfinger said for the other half of the RDA grant they are looking at the parking lot. They need three quotes on that and they only have two. It's been over a year ago and Carol did give them a quote, but it was so expensive. They have to come up with a third quote. Beverly asked what the amount of the grant money is for that part of the project. Barbara said not off the top of her head. Beverly said if it exceeds the bid threshold then they have to put it out for

bid. Joe said one of them was \$43,000.00 the other one was \$57,000.00. Beverly said they have to put it out for bid. Beverly asked Carol if she had done anything with that yet. Carol said she got an email from Barbara today and she looked in her files and had a quote that the mayor had obtained and it was in the \$57,000 range which sounds like Joe may already have. If they want her to put bid package together, she would need to have access to those quotes and understand exactly what the borough wants to have done so that we can assemble that package. Beverly asked if she could have that ready to go out to bid before the next meeting and Carol said yes, to put the project out for bid and to advertise it and then it would be about a month later that they get the bids in.

MOTION BY BARBARA HEFFELFINGER TO AUTHORIZE THE BOROUGH ENGINEER TO ASSEMBLE THE BID PACKAGE FOR THE BOROUGH HALL AND POLICE STATION PARKING LOT RDA GRANT PROJECT. SECONDED BY JOHN STRATZ. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

#### Community Relations

Beverly asked Laura Germain if she picked a day for community relations committee meetings and Laura said she hasn't been able to connect with Barbara about that so she hopefully will do that today and send it to her tomorrow. Beverly said she wants to authorize the advertisement at the work session. Laura said the newsletter is done with the final editing process and Barbara said that she will be able to get it out within a week or so. Laura said they are going to do the next social distancing event over the weekend of July 18th and 19<sup>th</sup>. She is getting bulk rocks for people to paint and people will be able to come and get the rocks after she figures out the logistics. The idea is like with the other social distancing events, you walk around and sort of see what other people have put out and just like our last two events, they will offer a prize like some sort of gift cards to encourage people. They've really had great participation for the last two events. Beverly said she has a relative in London England who this is what she does she paints rocks and leaves them everywhere and people find them and post them on Facebook. Barbara brought up maybe they can help people with the art supplies in case they don't have them. Chalk is really cheap and she has some leftover from other events so she could put that out as well. Beverly said maybe they can get some paint donated. Barbara said they do have money that was donated and they could buy bottles of paint for people if they don't have the supplies. Beverly said there's a lot of people who are unemployed right now and if their children want to participate but they can't afford it, they could let us know and they could give them a small supply of some things so their kids can participate. It's a great idea. Barbara said Laura's neighbor is an extremely talented artist. Maybe she can do some samples. When people come to get their rocks, they can see what they can do with them. Beverly said for Laura to get in touch with her because she would like to donate some supplies.

#### Finance

Mark Moffa said he and Barbara have planned a meeting for next week and they have a lot to discuss. There is a question about restructuring the debt. They will have to start to figure out what the financial picture looks like based on decreased revenues due to COVID-19. They are going to start talking about them next week and over the course of the next couple of months before they start having budget meetings, they are going to try to figure out how bad it is. Beverly said she thought he mentioned last year that they're going to assemble the budget and get some input once it's assembled. Mark said he attended a very helpful PSAB webinar on putting your community in a better position to recover from the impact of COVID-19. He thinks there's some things that he learned there that they can take into their planning and of course the Bucks County Consortium where Marie is always forwarding information and they participate in.

They've collected information from our municipality and all the others throughout the County and they've been sending some resources out so there is a lot of help out there right now to help try to plan for the difficult economic times for next year's budget. Beverly said she started looking at mercantile revenue which will be down. Mark said also real estate transfer will be down. We need to know more get into more detail of that and he's been talking with Donna Caracappa our tax collector so we can get some real numbers from her as to how things look as they come in. And they are looking at the EIT and that will increase our sources of revenue and also diversify them so we can capture a lot of money that is already being paid that's not coming here.

#### Insurance/Pensions

Mark Moffa gave a shout out to Gary. Since the last meeting he pointed out an interesting thing in the state workers insurance fund which is through the workers comp. Gary noticed there's a provision for a discount they might be able to take advantage of if they establish a safety committee. This is a little different and a little more involved than the public safety committee that we have as a standing committee already here in the borough. It has additional requirements but he initiated some discussions with their insurance broker about that and going to get together, himself, our broker and Gary to figure out if there's a way they can take advantage of establishing this committee and get some kind of additional insurance discount.

#### Open Space

John Stratz said they have been working on cleaning up the entrances of both sides of Taddei Woods. He needs to get in touch with Burcz Landscaping to make sure that they're doing the entrances as often as they do borough hall and the other grasslands. Beverly thinks they have haven't been. John said he knows he's prohibited from going past the entrances but there are some giant branches specifically on Washington Ave. in the entrance. He is going to get down there and haul them out into the street and take a saw to it if he has to. Beverly asked Marie to pull the current agreement with Burcz and find out what exactly he is responsible for and send her a copy so she can review. If that is part of what we're paying him for, we're not doing it, he's going to do it. John said he is cleaning up the signs and the mayor generously donated gold paint for them. Beverly said she would help him if he needs it.

#### Public Works

There is a public safety nuisance that has come to his attention and it is becoming his newest project and that is to remove the unused wires that are hanging from the poles which people generously coil up. But there still a hazard and his intention is to take ladders around the poles and test the wires for safety and then cut them as high up as he can. He's tried his best to call Verizon. Beverly said she appreciates him wanting to take an initiative and do this, but she doesn't want him touching these. John said it's what he used to do professionally. Beverly said she understands that but doesn't want him doing it and will talk to him later. John said for the record, he and the mayor have called Verizon. Beverly said she was concerned about him up on a ladder doing this on behalf of the borough. John said for sewers, they have a big project that they really need to start discussing. He and Carol talked about this last week. They have a very sizable grant that is expiring unless we make decisions about what to do with the upsizing of the pipe. It's on hold right now because of the turtles. Beverly said she and Carol had a discussion earlier this week about acquiring the funds to complete the project. Beverly said she came up with an idea that she's researching because she's not counting on any grant money. She thinks grants are going to dry up for the next several years and we need to do this, even for our act 537 Plan and before we have manhole 50 exploding into the Neshaminy Creek. She will have an answer for council probably next meeting.

## Ordinance

Mark Moffa said under new business we'll see a motion to advertise the earned income tax ordinance and advertise and the borough manager ordinance. These are motions to advertise and not for passing these tonight. Beverly said since they are on the topic, if he would like to do it now it is fine. Mark said it's been circulated to council and discussed quite a bit since last fall. They are going to have Keystone collections come on August 17th and they did as they promised the residents they would do. The notice went out on the sewer/refuse bills alerting people to this. August 17th they will have Keystone to make another presentation on the earned income tax and they will be able to ask some questions specific to what's going on now with COVID-19. The municipalities that have enacted tax, which is the vast majority of them, have seen a reduction in revenues and so they will need to take that into account. He has some questions for them and he'd like projections from them. They gave us some projections last year on the revenue they might be able to recover but he's sure those numbers have changed. They might not know the new numbers yet, but they can have a discussion anyway. The reason why they are doing this tonight on the advertisement for the earned income taxes is so that after the presentation, they can actually vote on the ordinance. They need to start the whole advertising process now so that is why it's on tonight's agenda. It's a motion to advertise and there's two parts to this and the solicitor might want to expand on this a little more but there's a motion to advertise the ordinance just like there would be a motion to advertise any other ordinance. There is a separate motion of notice of intent to adopt and so there are actually two separate motions related to the EIT and then they're going to add as Beverly referenced in her announcement at the beginning of the meeting, borough manager. Ever since they started talking about this last year, we've sort of tied it to the fact that we feel they need this position in town. Whatever form this position actually takes, which they still have yet to determine, however, it's been determined by council that you can't establish this position without an ordinance and so we're going to tie that to this.

**MOTION BY MARK MOFFA TO ADVERTISE THE EARNED INCOME TAX ORDINANCE.**  
**SECONDED BY GARY NICKERSON.** Mike Smith said the situation we're in here, with everybody being laid off, it's not the right time to be raising taxes. He gets what they're saying about collecting from wherever this money is going. It's not the right time to do it. In the Long Range Finance Committee meetings, they talking about a LERTA where they are giving people coming in here a break on taxes and then you turn around and tell the residents that have lived here for however long, sorry, you have to pay. He knows this is a done deal and nothing that the residents say or will come out to because right now everybody's hiding behind a computer. There's no way anybody is going to have a meeting where 200 or 300 people can show up because of the situation that we're in. He thinks it's wrong to do it and he thinks it's against everything that Pennel has ever been for each other. He gets about the borough manager but maybe you have too many employees as it is and you do away with some of the employees and then hire your borough manager which is a part time manager from what he's understanding. Money could be found for this by eliminating jobs. Right now the whole country is in a bad situation. This is only going to make it even worse for some of the people that don't have the money coming in. And listening to what you just said a little while ago for the people that are unemployed, you're going to donate paint and stuff like that for them so they can be involved. What about when they get back to work and now you're taking away \$200? It's going to hurt them. Again, he knows it's a done deal there's nothing that any resident in town is going to be able to say so he's just making it known. Steve Lowe said he wanted to piggyback on what Mike said. He feels in his heart and he's one of the very few people in this town, property owner who's been here 32 or 33 years, that lives in this town and works in this town. He's never paid any EIT before. He actually took a job here to reduce the city wage tax and took a pay cut to come here. He doesn't feel that now is the time to enact it. Not to pick on Mark or Beverly, but

you've talked about the reduced mercantile tax, reduced grants and reduced income to the borough. He agrees wholeheartedly with what Mike just said about why we are putting this on top of the taxpayers. He did some research in Bucks County and out of 54 municipalities in the County of Bucks, Pennel Borough is the third highest municipality as far as taxes at 30 .8 Mills for a half mile by half a mile or three quarter by three quarter mile borough. He doesn't think this is the right time. He does not know what the percentage of the EIT tax is going to be and he's sure we'll find out, but to him personally as a property owner here, he doesn't have that kind of disposable income. That's the way he's approaching this, that this is not a disposable income. He gets the fact 100% where you're looking at some people, because most people already pay that and yes it would be nice to have that money come in. Jay Moser said he doesn't want to go further with what Mike and Steve said but he moved in 33 years ago did a lot of expenses that were forced upon him by this borough when I moved. He doesn't want to get into sidewalks and curbs but back when he moved in, it wasn't even a year that I moved in and he was forced to do that. It is going to be a burden. He does not currently pay it and he does not work in Pennel. You waive permits, you take into consideration on your mercantile taxes or whatever you may do to bring business into the borough but I think some of those things should not be on the citizens of this borough. You're not charging outside contractors for doing work in the borough and profit from it even if it's for the borough. He still thinks they should be charged a fee. Laura Germain wanted to clarify what was in Mark's emails that we're not voting on the actual motion today, it's just to advertise it and we can get more information at that August meeting. We'll be updated with the new current situation everything. Beverly said that is correct. John Stratz said he's not sure what percentage and how many people actually do have the privilege of working within Pennel's limits. His wife works in Yardley she has a line item on her paycheck that says Middletown Township and instead of it going to Middletown Township, he would like to see it benefit Pennel. That's all we're after. For those who do work in Pennel, he's sorry but the benefits outweigh that for Pennel. Mike Smith asked how the benefit outweighs it. He said John is retired. John said his wife works and she pays Middletown's tax. Middletown gets that money not Pennel. Beverly asked Mike if his comments had to do with the motion. Mike said every time he brings up a question, Beverly side swipes it and take it off the computer and out of the area. Just like when he asked Dominic about a question last year at the last meeting which I've been asking for months and you Dominic you were going to talk to Dominic off to the side. You're going do the same thing here. Tom Sodano asked if John Stratz said that he lives in Pennel, his wife works in Yardley and she pays Middletown. John said she does. She has a line item on her paycheck that says Middletown. When he worked for Verizon, he had a line item that said Middletown also. Tom said six years ago he was paying it when he lived in Middletown. When he moved here, they attempted to still charge him and he went to Middletown and showed them that he's a resident of Pennel and he's not subject to the Middletown EIT and they stopped charging him. Tom said if he is unaware of the technicalities then there's the question of whether he should be voting. Beverly said they are only voting on the advertisement of the ordinance only. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY MARK MOFFA TO ADVERTISE A NOTICE OF INTENT TO ADOPT AN EARNED INCOME TAX. SECONDED BY GARY NICKERSON. Dave Truelove said this is required under the local tax enabling act which is the legislative mechanism that allows the borough or any municipality to enact an EIT. Beverly said it's just the notice of intent. Joe Dudash said what they're trying to do tonight is just to get them educated on this whole system. He knows how the residents feel. As far as Mark and his committee, that's all they're asking for tonight. This is not the final vote. Gary and Mark and his committee are not going let this thing go through hog wild. Beverly said

this is something that has not been taken lightly at all. Joe said if they have to go down to the park and put out six feet apart little signs that you could sit there and then we can do it that way but he knows how everybody feels about the EIT. How come nobody screams and yells about the Neshaminy School District taxes? Roll call vote was taken. Barbara Heffelfinger, no, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. 6-1 (Barbara Heffelfinger), motion carried.

MOTION BY MARK MOFFA TO ADVERTISE AN ORDINANCE TO AMEND CHAPTER 41 – “OFFICERS AND EMPLOYEES”, TO REPEAL AND REPLACE ARTICLE I – “OFFICES OF SECRETARY AND TREASURER” WITH A NEW ARTICLE I – “OFFICE OF BOROUGH MANAGER,” TO CREATE A NEW ARTICLE II - “OFFICES OF SECRETARY AND TREASURER”, TO PROVIDE FOR A BOROUGH MANAGER.” SECONDED BY GARY NICKERSON. Roll call vote was taken. Barbara Heffelfinger, no, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, no, Laura Germain, aye, Beverly Wolfe, aye. 5-2 (Barbara Heffelfinger, John Stratz), motion carried.

#### Refuse

Gary Nickerson reported that he and Councilmember Dudash had a meeting on June 30th with the Rep from Advanced Disposal to go over some of the issues regarding our current trash contract that was prompted by a letter we received six weeks ago about dropping trash service. They are still working through that. There appears that there was an omission in our existing contract that does not allow for adding or subtracting trash units at all from the contract so we're still looking into this. They are probably going to have another call with the Advanced Disposal rep. There is some sort of language and they might have to possibly make an addendum to our existing contract. He is looking to give us something so that we might be able to start so we can revise it to get it to where we need it to be.

#### **SPECIAL COMMITTEES:**

##### Long Range Finance

Gary Nickerson reported nothing new since the last meeting. He just wanted to note that there was going to be a Long Range meeting tomorrow, but it's been cancelled because they don't really have any updates or anything for the meeting. He emailed Laura to see if she could just post a note on the website. Laura said she would do that and on the calendar as well.

##### Revitalization Task Force

Mark Moffa said once they get those committee meetings set and see what the calendars look like, he intends on calling a Revitalization Task Force meeting. He did have some communication with the Bucks County Planning Commission in the wake of the passage of the TOD ordinance just thanking them for their help. He did also inquire as to whether they would be available to continue to liaise with the Revitalization Task Force since they were so important in the work we've done so far and Evan Stone has indicated that he would and either himself and or other staffers would be able to continue to participate. He thinks that's really valuable and he was happy to hear that. He and Gary did a PSAB webinar which was Crosswalks, Speed Management and Pedestrian Safety. Going for a Walk is what it was called but basically just on creating walkability and some helpful things in there as well.

##### New Business

MOTION BY BARBARA HEFFELFINGER TO AWARD THE 2020-2021 FUEL BIDS FOR #2 HEATING OIL AT \$0.2582 PER GALLON OVER COST TO PAPCO, INC. AND OFF-ROAD DIESEL FUEL AT \$0.3000 PER GALLON OVER COST TO SUBURBAN PROPANE, INC. THE RESULT OF THE BUCKS

COUNTY CONSORTIUM 2020 FUEL BID. SECONDED BY JOHN STRATZ. Beverly said they are battery operated and can be installed anywhere. This is our new normal. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY JOE DUDASH TO PURCHASE 4 HAND SANITIZER DISPENSERS (2 BOROUGH HALL, 2 PD) AND 8 REFILLS FROM W. B. MASON FOR \$495.52. SECONDED BY JOHN STRATZ. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

Beverly asked Mark if he wanted to do the next motion because she thought he looked into it. Mark said he was asked to consult on it and he thought Joe had an opinion on it. He said Marie asked him about it because of his duties in administration. He did review the material she sent me and offered an opinion. Marie can explain a little further what the options were for postage. Mark said she asked him for a recommendation and based on the information that was presented, it seems to him that that renewing this Pitney Bowes lease is the best thing. He asked Marie to summarize what that scenario is and how they came to that conclusion. Marie said the current contract expires in November this year and Pitney Bowes sent her the information on the machine that would replace it and that machine is \$121.65 a quarter. There is also the same machine with a label printer on it that we could use to print out parcels so we could weigh them and then print out a barcode so we could send this right from the office instead of bringing it to the post office and that was \$156.87 a quarter. She said she doesn't know that that's absolutely necessary. We can just get the one without the printer but she sent them both leases. Mark said Marie seemed to think the additional expense didn't seem necessary, so they were going to keep what we have now. Marie said the current amount we pay is \$114.75 a quarter. Beverly said she was thinking future and asked if it was a one-year lease. Marie said it is four years. Beverly asked about the attachment to do like large size envelopes and parcels. She thought if they were mailing out to somebody like a developer maybe with some promotional marketing materials or if we want to send something out to the residents, they would have to be taken to the post office. Marie said if it weighs more than what our current scale is which she thought was 16 ounces. They have to take it to the post office and then they weigh it and then we pay for it there. Beverly said it might be worth going with the with the higher level. She is a little bit hesitant about signing a four-year lease right now before they even budget. Marie said it is actually a 60-month lease. Mark said that is actually five years. You probably can upgrade. Maybe they will have a deal. Beverly said her dealings with Pitney Bowes were a long time ago and they were the only game in town and they didn't deal. She just thinks it's a waste of manpower particularly for anything like this to make somebody drop what they're doing, leave their desk and go to a post office. We don't do that much right now and that's the problem. She's trying to look at a crystal ball and see what we're going to do but she thinks the expense of the machine that could do that is too much right now, \$150.00 a quarter is a lot more than what we're going to have to pay but she just wanted to throw that out there. She asked if they are getting some kind of a discount for early renewal and Marie said no. Marie said she checked the reviews for some of the other machines and didn't see any good reviews on any of them. She said we've had them since she started here. Mark said we could just take a look at that lease agreement and make sure that if we want to switch to another machine and upgrade that they're not going to charge us or penalize us for depreciation on the machine. Beverly said to put it on the agenda for August 3rd.

MOTION BY MARK MOFFA TO ADOPT RESOLUTION #2020-16 SUPPORTING THE U.S. POSTAL SERVICE. SECONDED BY BARBARA HEFFELFINGER. Mark Moffa said it came to his attention

from one of our neighbors from Langhorne Manor Borough, Stephen Perloff who actually is in attendance at our meeting. He was communicating to him about some concerns about the post office which he thinks most of everyone here in this zoom room share. We would like to see it continue too and some of them are frustrated at the political games being played. He helped him craft a resolution which was passed in Langhorne Manor Borough. Stephen is looking to get other towns to pass the same sentiment. Mark read the resolution which is attached. Joe Dudash asked where it is being sent. Mark said once they pass it the first thing he would do is send a copy of the passed resolution to Stephen as the person who brought this to our attention. A copy of a passed resolution can be sent by any of them anywhere. He doesn't know that they had a formal process in mind. He thinks Stephen did and has a list of people who they wanted them to go to once they passed. If we wish to distribute it to that list, we could get it and that it's basically every elected official. It's one of those things where he thinks if all of these towns all around the country start expressing this type of sentiment you start to feel a momentum. It's one of those things where we can maybe be like one of the drops of water in the pond that sort of sends a message. Stephen might be able to better answer the question as to where he'd like it to go. Beverly said he can give them list, but she thinks it should go everywhere. Joe Dudash said coming from Capitol Hill and seeing how these things are passed I think the way it's written, we're doing symbolism over substance because what you wrote means nothing. The whole deal with the Postal Service is their retirement. You need to go to the oversight reform committee and the speaker house. The president has nothing to do with this. Mark said in the original version of this there were very specific things to the likes of which Joe is addressing. There was a specific request to address the pension system and there was a request to bring back Postal banking. There were other things in here but the thought was that some of those are poison pills for municipalities that might not be so politically inclined to support the Postal Service in an eager way. For example, the first step for this was to get this through the borough council in Stephen's hometown of Langhorne Manor Borough which is Republican controlled. This has become a political issue so the thought was let's take any poison pills out of it so mentioning a pension system and getting very specific as to you what needs to be fixed. They thought it was a little too much so they said let's just express this sentiment and are asking for it to be adequately funded and maintained and sustained. They need to address the pension problem to do that so it's sort of built into it. If we're going to continue to have a Postal Service and have it adequately funded, that's what needs to happen. But Joe is right. It's a bare bones resolution but it's that way intentionally so that anyone and everyone can get behind this. It's the most basic version of the thing. Beverly said it's a resolution and it's a little vanilla but she thinks it needs to be a little vanilla.

Stephen Perloff said that everything Mark said was right and he thinks that adequately funding subsumes all those specific issues. One thing he pointed out in Langhorne Manor Borough and he said he doesn't know the exact numbers for Penndel or any other borough around, but if they're sending out 400 tax bills at \$0.55 that's \$220. If you take away the Postal Service and you have to send it by FedEx, the minimum number is \$8.50 so that's \$3,400 so just sending your tax bills is an enormous burden on every borough so that's kind of an argument they can make and to show people why this is important. Beverly said this is a resolution and we're saying we want the Postal Service, we are behind it and you have to find a way to fund it. Joe said the real issue is the 6.5 billion annual shortfall in the retirement. They want them to pay Medicare after they retire and Medicare B so that's the whole issue. It's not funding the post office. The post office is like office of personnel management. They're not truly a government entity, they're paying a fee for service and that's the way the office of personnel management runs. Basically what they're trying to do is bail out Social Security. They did it on his retirement. He's old civil service and they got rid of that which he was lucky to get but now the new agents have to go under it first and that's what the whole game is. Bail out Social Security. Mark said he knows so much about it but is getting lost in the weeds a little. Joe said if you don't point out



what it is, it'll just be in a circle or file. Mark said Joe could take the copy of this passed resolution and forward it to his people with a note that he attaches to it saying he has intimate knowledge of this issue, these are the things that need to be done and here is a sentiment that we passed. Joe said Brian was a union rep. for the Postal union. He told Brian about this and he said it's not going to do anything because you need substance. He doesn't need you to tell him how to fund the Postal pension. He knows what the problem is. Joe said it's the retirement system. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried. Mark thanked Stephen for his work on that. Beverly said John Stratz has been pushing for that as well.

MOTION BY MARK MOFFA TO APPROVE THE SETTLEMENT AGREEMENT DATED JULY 6, 2020 ADDRESSED TO LAUNDRY PROPERTIES LLC AS AGREED TO AT THE JUNE 15, 2020 MEETING OF BOROUGH COUNCIL. SECONDED BY JOHN STRATZ. Barbara Heffelfinger asked if this was the same figure that she came up with when she did the research. Beverly said yes and then less what they owe us in arrears. Dave said it is less that the borough has to pay because there's an offset for their non-payments. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried

MOTION BY BARBARA HEFFELFINGER FOR THE REATIFICATION AND PUBLIC COMMENT OF THE FOLLOWING MID-CYCLE INVOICES:

Comcast invoice dated 6/1/2020 in the amount of \$222.57 for PD internet service paid on 6/11/2020.

Comcast invoice dated 6/1/2020 in the amount of \$129.46 for internet service at the sewer plant paid on 6/11/2020.

Gettysburg Benefits Administrators, Inc. invoice dated 5/29/2020 in the amount of \$169.59 for dental insurance installment paid on 6/11/2020.

Independence Blue Cross invoice dated 6/12/2020 in the amount of \$5,232.35 for medical insurance installment paid on 6/12/2020.

Comcast invoice dated 6/15/2020 in the amount of \$187.55 for business internet & voice services paid on 6/23/2020.

Langhorne Postmaster invoice dated 7/2/2020 in the amount of \$267.26 for quarterly sewer/refuse billing postage paid on 7/2/2020.

SECONDED BY MARK MOFFA. John Stratz asked if the \$129.46 for internet service on Neshaminy Street was just to power the cameras. He asked if they use internet service for anything other than that. Beverly said it's for the alarm system. Marie said the Internet service is for the cameras and the alarm service uses the phone line. John asked if it's just for that, shouldn't there be a way of getting them to give a little cheaper price. Beverly said they could address that at budget time and the administration committee can take a look at that. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

Persons to Be Heard (time limit of three minutes)

Mike Smith said regarding the earned income tax, has anybody considered the Neshaminy School District saying they want half of it. We're probably the last one behind Langhorne Manor Borough doing this. So, we figure on all this money all of a sudden half of it's gone. We've already committed to borough manager and whatever else you've committed to. Where do you get this money to back up what was just lost or what you potentially can lose? It's very hard as a resident and a taxpayer to hear this. He's probably going to be one of the ones who is going to be hurt more than any others in town. The school district just raised taxes. But again, it is

the wrong time and you can't fight the school district. Mike thanked Barbara for voting the way she did. The rest of council needs to think about what this is going to do to people in town. We on the Long Range Finance Committee are looking at giving breaks up to 10 years on people coming in. He knows we need them, but you cannot do it on the backs of the people that have lived here like himself for almost 63 years. It's not right and it's not fair. Mike said to Dominic Frascella that he has nothing against the Wildcats. He's always been a supporter of them. He was asking a question for a reason and he thinks he knows who gave him permission for the trailers to be at the field. It seems like it was given without talking about it to some other people and without them knowing about it. Mike said back to the EIT, he said to Beverly that they were absolutely targeting the people in the apartments.

Tom Sodano said he got a little confused with the USPS thing. First you were arguing over Postal meter and then immediately shifted gears into advocating subsidizing the USPS. They seem incongruent to him. You argue the cost of postage meter. If you pay what the postage should be then the USPS should be able to run efficiently on its own. He said they mentioned a mercantile revenue tax and something to keep in mind on that is Neshaminy has such a tax and theirs is redundant which resulted in them spending money they didn't have to spend on litigation. An example of it is that we have a number of auto parts stores and auto repair shops and the mercantile tax that Neshaminy charges is on gross numbers so is redundant meaning if Thompsons buys an item to install in an automobile from Penndel Auto Parts or Advance Auto, the gross of both businesses is taxed. It ended up being a legal fight so you have to be careful because we can afford a legal fight so you need to be careful how you institute it so we don't put ourselves in a position where we could have a problem. Beverly said we already have a mercantile tax. Tom said he knows but you were talking about how you're going to look at it, expand it, fix it. Beverly said she's just going to look at it to see what kind of revenue they're going to be short. Tom said his last item was that everyone got a mailing from a real estate firm and he wasn't going to name people, but he had some issues with it. The first one is where some of the mailing addresses came from. He found it odd that all voting members of homes in Penndel but not necessarily in other areas where the mailing went, got specific envelopes and yet adults in the same household who don't appear on Penndel's voting rolls didn't get one. It's unusual but what really bothered him about it is mailer mentions on one page, expertise in land use, zoning and local government at a time when we are instituting the TOD and some other things and then lists themselves on the other side as an elected borough official which no matter how you look at it, intimates to people who may not necessarily be familiar, that this person may be able to be influential toward them in areas of our TOD.

Jay Moser said he sees the police chief has left and he's sorry he didn't bring it up during his report. He has lived on Hulmeville Ave. for over 30 years it's getting horrible. He said John may be able to attest to it as he lives across the street from him. The illegal driving of ATV's, motorcycles and loud trucks after partying on side streets is getting completely out of control. One incident he had was that he was turning into my driveway could not see this young man on an illegal motorcycle coming up the street. He was driving with his head turned backwards because he was watching the police car that was turning around to chase him and almost ran right into the side of his car. This is happening every weekend, all night Saturday nights, all night Friday nights. They party and run up and down the street. It's been going on for years. He doesn't know if it's brought to the attention of the police, but he thinks it needs to be addressed before there's a serious accident. There's going to be an unfortunate young adult or elderly teenager that is not going to make it to college. He thinks the Police Department needs to address it and not only take them to their parents but confiscate the vehicle. There's got to be legal action that can be done before someone gets seriously hurt. If someone could bring

that to the attention of the police, he would greatly appreciate that. The mayor told him it would be taken care of the next day.

Steve Lowe said he just wanted to reiterate again that he supports what Mike Smith said about EIT. He's already received his tax bill for the school district and \$4,000.00 is just entirely too much. He's not sure what councilmember said this but why don't we go after the school district. He agrees with that statement. He personally would like to see if council feels the same way. He doesn't understand why the people he votes into council, don't make an agenda at the public school board meeting and say if you feel this way, constituents who are paying this feel as if this has gone too far. He doesn't know if they've ever done it but maybe you would think about doing that. He stands behind Mike. To him this is not disposable income.

Tommy Wheeler said he heard at the beginning of the meeting that they received a letter from him under correspondence. He asked why it was tabled. Beverly said it wasn't tabled. She asked Dave Truelove to explain. Dave said they're having an executive session since there are a couple of matters coming up that are similar in the scope and content and because they are what they call potential pre-litigation, they're going to have the discussion in an executive session before the next meeting and then they'll probably be some action after that discussion. Barney asked the July 20th meeting was strictly an executive session. Dave said not every meeting is preceded by an executive session. It depends on what's necessary to discuss in that format but there are some items that are appropriate for that are going to be discussed in the executive session before the next meeting. If there's any action to be taken, that discussion will be made in open session at the meeting. The meeting will be at the regularly scheduled date and time of 7:30 p.m. on July 20th. Beverly said the executive session is before that.

Mike Smith said it was stated numerous times during different meetings in the past about getting the people in the apartments to pay. It's in the minutes. But the notices that went out went out on the sewer bills. The people living in these apartments are not being notified of what your plans are. Beverly said they will be addressing that. Mike asked how they intend on notifying each and every resident of this borough. He wanted to know how because a while back when he went to the apartments, you questioned him and he gave you the answer. He wanted to know if they were going to get to each and every apartment. Barbara Heffelfinger said she will work on that. Beverly said they intend to get the information and they will get it to them. She said they don't know right this second how they're doing it, but they will do it and that's a promise. Mike asked if they were going to hold this meeting in person Instead of on a computer where it's kind of redundant to do it like this. Beverly said it's not redundant. Redundant means repetitive. Mike said the way that you want to do it here, you're not going to see what the people are. You're going to see a bunch of faces and you're not going to see what actually comes out of it. Like the police thing which he's sure she's aware of. Beverly said that police thing happened in September 2016 when we weren't under a restriction of how many people and social distancing and all that. That is exactly why they need to discuss it. They need to figure out how they're going to do this. Beverly asked Dave to weigh in. Dave said as he said in the beginning of this meeting on his report, they'd all love to be back in normal circumstances but there is no way of knowing, sitting here today, when that will resume. They keep hearing reports about surges in other places. He was looking at information last night about reopening schools and the different alternative plans are all over the place and we understand the reasons because they're trying to minimize the exposure at the same time maximizing educational opportunities. It's a very difficult balance to strike. The challenge is business goes on. Law firms for example, they are functioning with over 80% of their employees working remotely and doing very well but it's a very different circumstance. We would rather have in person contact and be able to communicate that way. But business has to go on. Same thing with the

business of boroughs, school districts, townships, authorities and commissions. There's no threshold and it's been very clear. They said if you have to conduct your meeting, you just have to make sure you give it enough access so that you satisfy the public comment requirements which obviously they are by doing that this way. Mike said he completely understands what he's saying because he deals with it every day. Beverly said this is going to be discussed at the meeting on August 17th and they are going to do it in the safest way possible and the best way that they possibly can under these circumstances.

MOTION BY MARK MOFFA TO ADJOURN BY THE MEETING AT 10:19 P.M. SECONDED BY BARBARA HEFFELFINGER. Roll call vote was taken. Barbara Heffelfinger, aye, Mark Moffa, aye, Gary Nickerson, aye, Joe Dudash, aye, John Stratz, aye, Laura Germain, aye, Beverly Wolfe, aye. All ayes, motion carried.

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