

Penndel Borough Council Work Session  
Via Zoom Communications

July 20, 2020

Council President Beverly Wolfe apologized about the executive session running over. She said they would convene for the work session at 7:50 p.m.

Council President Beverly Wolfe called the meeting via Zoom Communications to order at 7:50 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

Ben Hauser, Solicitor, Hill Wallack  
Carol Schuehler, Value Engineering  
Rick Halbom, Barry Isett & Associates  
Marie Serota, Secretary/Treasurer

Announcements

Ben Hauser stated that there was an executive session at 6:00 p.m. Seven members of council, Carol Schuehler, the Mayor and himself were present. The meeting ended at 7:42 p.m. shortly before this meeting. The subject was prospective litigation, information and confidential matters relating to curbs and sidewalks and other issues.

Bob Winkler stated the car show set for September 19th has been cancelled because of the pandemic. Community Day set for August 29th will be cancelled as well.

Motion Item

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE JULY 7, 2020 COUNCIL MEETING. SECONDED BY MARK MOFFA. Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Beverly Wolfe, aye. Vote was 6-0, motion carried.

President's Report

Beverly Wolfe reported that an issue about the property of Mr. & Mrs. France on Bellevue Ave has been brought up a few times. She is reporting that it will be settled privately between the borough and the property owner.

Mayor's Report

Mayor Winkler read his report which is on file in the secretary's office.

### Engineer's Report

Carol Schuehler read her report which is attached.

MOTION BY MARK MOFFA TO PAY PASHOLLI \$1,869.00 FOR THE LOST DAY OF WAGES. SECONDED BY LAURA GERMAIN. Mike Smith asked what the lost wage thing was. Carol Schuehler said that on March 2nd, the contractor arrived with his crew to start work. The situation was changing that day because another contractor came in and gave the permits that morning that changed the scope of work for the contractor and the other contractor had also preceded to saw cut a number of the properties, some that he didn't have permits for. The borough contractor got there and there was a lot of wheel spinning time spent that day trying to figure out where that contractor was to start until he pulled out and said he would come back next week when this was figured out. He and his laborers lost time there and that's where the lost wages comes from. Mike asked didn't we as a borough say that borough contractor is going to do this work if this other contractor wasn't there. Beverly said yes we did but the other contractor unfortunately did some things that prevented the borough from allowing our contractor to proceed. Mike said if the borough contractor was there to do the work and the other guy showed up, the borough contractor should have went ahead and did the work or the other contractor should have paid the bill. Somebody else besides himself and everybody else in Pennel should be paying the bill. Beverly said duly noted. Roll call vote was taken. Gary Nickerson, yes, Mark Moffa, yes, Laura Germain, yes, Joe Dudash, no, John Stratz, yes, Beverly Wolfe, no. The vote was 4-2 (Joe Dudash, Beverly Wolfe) motion carried.

MOTION BY JOHN STRATZ TO PAY PASHOLLI RESTORATION \$1,800.00 FOR THE BACKFILL OF MACADAM AT K&M AUTO TO RESTORE THE SPACE IN BETWEEN THE NEW CURBING AND THEIR EXISTING PAVEMENT. SECONDED BY LAURA GERMAIN. Mark Moffa said this one he's going to vote no on. He believes it's a contractors responsibility to know what he's bidding on and he thinks he should have realized that on that property you're going to need to restore the blacktop behind it. Joe Dudash said he feels the same way and that will be a no with him because he doesn't like the way they did work around here and he feels that equal service is not given to all the residents in Pennel. Like one of the residents just said, it's not fair that the residents have to pay the burden of shoddy work from a contractor. Gary Nickerson said he would think this would be in the specs. so he's not sure why we would pay for it. Mike Smith said this is crazy that we just keep paying out money for contractors mistakes. It is absolutely ridiculous and now you want to hit us with more taxes. As a contractor, he eats this stuff all the time. If he misses something in a bid, he eats it. He doesn't get money from the town or the customer. He eats it, the same as this guy should. Laura Germain said she didn't know how much she could say from the executive session so she'll be careful but from her understanding from what Carol presented, there was a direction the contractor could take that would cost us more money then simply paying this. This seems like the smarter way to go. Mike Smith said he gets what Laura is saying but as a borough, we have to start standing up against some of this stuff. It's wrong to be just giving money away. if these guys bid on a project and they screwed it up, then they have to pay for it. That's not our responsibility. It's not Laura's or John Stratz's to give away the money. You have to start standing up for the residents. John Stratz said he agrees with Laura. Roll call vote was taken. Gary Nickerson, no, Mark Moffa, no, Laura Germain, yes, Joe Dudash, no, John Stratz, yes, Beverly Wolfe, no. The vote was 4-2 (Laura Germain, John Stratz), motion failed.

Gary Nickerson asked Carol what the duration of the construction of the lights at the Memorial Field. Carol said they are out there working now and it's about a two week window of work. Beverly said the Wildcats have been informed and they are with us every step of the way.

### Zoning/Code Enforcement Report

Rick Halborn said there is one issue which is the tree between Walker Ave. and Crescent St. He has been in conversations with both of the adjoining property owners, there is a real issue as to where the tree is. There is not a good survey marker that he can find that would tell him which side of the property line that tree is on or if in fact it's in the middle of it property line. With the help of one of the residents, they're looking for prices and looking for ways to get this thing handled. He has approached PECO as has the mayor, to try and find see if they would step up since it's right next to their lines and they said they're not going to pay for it. There is not going to be an easy solution to this one. Beverly asked if he issued them a letter and time frame. Rick said he only issued a letter to one of the two residents and the one resident he issued it to has been very diligent with seeking quotations. He's had some difficulty getting quotations on it. He called two guys and one came out and looked at it flat out refused to give a price. The other one didn't even come out. This is a very complex tree removal and it's something that a lot of people are looking at and saying there's not enough reward here to deal with the risk.

Barbara Heffelfinger joined the Zoom meeting at 8:12 p.m.

### Committee Reports

Gary Nickerson said they did not have a Long Range Finance meeting so he had nothing to report there. With regards to trash, they are still trudging along with looking at mechanisms for adding or subtracting refuse units in our contract. They are basically researching the best way to do this. For insurance and pensions, they got the results back for the pension plan and they rebounded substantially in the second quarter so the losses were not nearly as bad as one would think.

Joe Dudash said he didn't have anything to report right now. He asked the mayor if he had anything to report on the playground and Bob said no. Beverly said we did get the mulch down and we're just waiting for replacement parts. Also, the trees that were a problem were taken down.

Mark Moffa said to dovetail on what Gary said with the insurance and pensions, we also had the inspection that our insurance company does of our borough hall. A representative came out and the only problem they noted was the parking lot which we are already in the process of replacing. On finance, there is an issue that is of significance. We are looking at a situation where we have \$250,000.00 in grants to repair the sewer laterals expire in June of next year if we don't act now. That only funds about half of the proposed cost of the project so the finance committee has been trying to figure out how to find the other \$250,000.00 to \$300,000.00. It happened somewhat serendipitously that our financial advisors contacted us and said all your debt that we still have from 2006 and 2012 and he thinks there's two different issues from 2006 and one from 2012. Right now we have all variable rates, we've paid off the fixed rate portions of our debt so the only debt left is about \$800,000.00. If you combine all those three debt issues they're all in variable right now. The variable rate debt is fantastic. We're paying like zero point 8 something percent on the interest on that debt. Because they don't know what's going to happen going forward, most financial advisors, not just for municipal debt but anyone's, if you had that opportunity, they are advising now to lock in at these ridiculously low interest rates. That advice came from our advisors. It presents us with an opportunity because if we want to try to fund the other half of this sewer project, we could do so by borrowing right now because while money is dirt cheap, they can borrow the balance of the money to do that project and not forfeit the \$250,000.00 grant that we received that will expire if we don't act very shortly. He met with the Finance Committee. He and Barbara met outside on her porch six feet apart

and looked at all the numbers that were presented to them and their recommendation to council is actually going to be that we do all of those things and that they restructure our debt to lock in the absurdly low interest rates that we're experiencing right now. It will save us a significant amount of money on our payments because they're low right now but just a couple of months ago we were paying six point something percent on that debt. It fluctuates wildly. Right now on the \$800,000.00, on our payment plan, we're paying about \$106,000.00 a year. To lock in at the 0.8499 rate which is where they were the last time he talked to the guy last week, that's going to drop to \$94,000.00 a year on the existing debt. That's how much we'd save. If we take the opportunity to add \$300,000.00 and bring the debt up to \$1.1 million, because of the low interest rates right now you're looking at \$110,000.00 payments just for the peak five or six years of the repayment and then of course it drops down. For \$4,000.00 more a year, we get to borrow the \$300,000.00 that we need to complete the sewer project that we've been talking about. When you look at the numbers, it's a bit of a no brainer. He knows we're getting a little bit of the financial weeds here for council members so he's just trying to simplify it as much as possible. We can't really take out money for less than \$1,000,000 in a traditional sense. He was talking to them and Del Val Finance Authority said they don't do business under \$1,000,000. \$300,000.00 is a very small amount of money for a municipality to borrow. To do that they need to combine us with other towns. Even for the refinance of the \$800,000.00 they were looking, because it's less than a million, at combining us with another municipality which is not a municipality that has as good of a credit rating as we do and so actually they were very concerned. Barbara and he both expressed concerns that we did not wish to be combined with this other municipality for the sake of refinancing this debt. They backed off and said they can probably swing a deal for \$800,000.00 even though it's lower than they normally do. They got rid of the other municipality. To add \$300,000.00 right now just makes a whole lot of sense. We bring our debt load to \$1,100,000.00 and they will be able to green light the sewer lateral repair that's desperately needed. The debt repayments would go to \$110,000.00 from \$106,000.00. Money is so cheap right now and grants are drying up. We're not going to have the opportunity to do this project in if they don't borrow this money now while money is cheap and it's literally on the table. Mark said he didn't know what kind of vote they need. A resolution or just a sense of council but he thinks they need to just sort of get a green light from the body tonight to go ahead. He is still discussing this with Marie but there's a couple of things that need to happen. If they are going to borrow the money it does need to go through the same process even though they are tying it into a refi. so it needs to be advertised as such via an ordinance and file with the state. They need to comply with the state's new debt act so there's a series of things that need to happen and he is still in discussions with Marie about what things they can do internally and what things they will need to utilize council to do. He thinks all we need tonight is a sense of council. Do we have a green light to go ahead and add \$300,000.00 to the debt load? It will be via a new issue a 2020 debt issue that they will then add to the what's left from 2006 and what's left from 2012 to get this project done. Beverly asked council to give their feelings. Gary said he doesn't know anything about any of these loans. He asked what the basic terms were. Mark said it would be a 20 year term and they are looking to basically lock this in and combine. The 2006 note expires in 2027. They're variable right now and there are two notes and they both expire. There's a general obligation note and a sewer revenue note and they both expire in 2027. They're not extending the old debt. The 2006 notes which end in 2027 will still end in 2027. They would see the payments drop off significantly. It's not like when you refinance your house where you have 20 years left and now you've got 30 and our payment drops. The 2012 note expires in 2032 and that will still expire then. The new note would be a 20 year note so the \$300,000.00 that they'd be borrowing now we would not finish paying that off until 2040. Beverly asked Carol what the amount of the sewer project was. Carol said it was just shy of half a million dollars. And that was actually put together for the first grant and then updated for the second grant so that would be a year ago. Gary asked if she anticipated the estimate going up.

Carol said we are in strange times and some very unpredictable things have been happening so she didn't want to give any clear concise pictures that things will go up or things that will go down as a result of all this Covid stuff. She doesn't really know there seems to be a lot of competition among contractors out there right now so hopefully that works to the borough's benefit. Beverly asked how comfortable Carol felt with what we have in grant funds and the proposed \$300,000.00 to add on to the loan to complete the job. Carol said she believes that would complete the job. Beverly said this is the sewer main that runs down by the Neshaminy Creek. The one that manholes 49 and 50 keep blowing off when we have high water events. Joe Dudash asked Carol if Bucks County Water & Sewer is supposed to give us some money towards that. Carol said there is an agreement relating to the Pennhill contribution to that line and by that agreement it appears to her that we could ask for 5% towards the contribution but she thinks somebody needs to reach out and negotiate that. Beverly said they intend to do that. Joe said we should get on it right away. Beverly said they can't until they have the scope of work. Joe said we also have the turtle issue. Carol said that puts them to not doing it in the summer months which if the swim club gets to reopen, they'll appreciate that they are not working out there in the summer months too so it might be a win win for working with that property. Mark asked Carol if the \$250,000.00 grant that they currently have in hand, if the project had to be completed by June of next year. Carol said she is going to have to double check that grant contract to give him a firm answer but with that grant and similar grants that the borough has benefited from, they have been able to go to the granting agency, to the DCED and Commonwealth Finance Authority and say we're underway but we need an extension. They've been great so she wouldn't be too stressed about that aspect. Mark said they need to be showing that they are doing the projects. Carol said going back to the turtle issue, she thinks they need to be done by March or April for the turtles so that may actually be more of a driving force than the grant. Mark asked if they actually need a vote to prepare this. This would just be to give a green light to the borough professionals, Marie and Hill Wallack to prepare the things needed. We're not even voting to advertise yet tonight. They are not even at that point. He thinks they should just get a sense of how everyone feels. Beverly asked Gary Nickerson how he felt about it. He said it sounds like a great idea and it could be a great opportunity. Joe Dudash said it sounds like Gary wants more info. Beverly said absolutely. They are just seeing if they are agreeable to having Mark and his committee pursue getting us more information. Laura Germain said she always like to get more information. Barbara Heffelfinger said if we do not do this we are giving up quarter of \$1,000,000 in grant money and we are saddled with the problem of those lines. It has to be done. It will also affect our 537 Plan and our MS4. We are under all these mandates. She said she doesn't think we have any other alternative because we're not going to get any free money. It's almost free and to not do this she thinks would be absolutely absurd. She said to go full speed and the sooner they do it the better because we don't want the rate to fluctuate. John Stratz said he worked very hard trying to drop the price for the street lights and he ignored advice telling them to finance. They did not and that gives them the opportunity to finance now so he would very much like to do this and put this Pennel problem out of our minds forever. Beverly said she is all for it because that sewer main is way undersized and nothing but a headache and has been that way for years and we have to fix it. Mark said for the record, he and Barbara agreed. Mark said they will have additional information for the next meeting and maybe then can authorize to advertise and do the the filings with the state that needs to occur to get the ball moving. That would be an authorization to advertise and then like any other ordinance then there's the public hearing and then you actually vote on it. The next thing would be just be the vote to move forward and then after that you would actually be voting on it. Barbara said to make Lucien aware of what they've discussed and how they feel about it. Mark said he's waiting to hear back from him as to whether they are interested in pursuing the additional \$300,000.00 because he's not going to do the refinance if we're going to take out the additional debt. They need to have it done at the

same meeting. Barbara said to do it sooner than later. Beverly said they need to do this even just for the revitalization project. They need to upsize that line eventually then you can upgrade pump stations. If the line is still too small they are still going to have blowouts at manhole 50. Mark asked Marie if she found the loan documents from 2012 to see how things went procedurally with the filings with the state. Marie said not yet. Mark asked Barbara if she happened to grab the 2012 loan docs from the office and she said she didn't have them. Marie said the 2006 and 2012 loan documents are not in the file.

Laura Germain mentioned the event that she talked about last meeting. She said Mary Lowe reached out to her and offered to help. She was planning something similar so she pushed it back a little bit till the first weekend of August. Next week the supplies will be available at borough Hall. She talked to Marie and Karen and they are OK with giving them out to residents. She already posted some stuff on Facebook and the website today and she will keep promoting it and it will show some examples. Then on the weekend of August 1st and 2nd is when residents will walk around and find them and also try to show any outside your house. Like they've done for the last year, they will do a drawing for a Wawa gift certificate for everyone who posts a picture of a rock that they did at their home. She thinks it'll be fun. People are already responding to her posts which she only posted a few hours ago and she already got some good responses. Beverly said she thinks people are looking forward to any distractions at this point for their kids.

Barbara Heffelfinger said the newsletter would be out by the end of the week.

John Stratz said they are still working on the coiled dead phone lines that flop at the bottom of the poles. Beverly said they were Verizon lines. John said the mayor is helping him with that. He's going to reach out to somebody he's known that has helped the borough in the past.

#### New Business

MOTION BY BARBARA HEFFELFINGER TO WAIVE PERMIT FEES FOR HARRIS COMFORT LLC FOR THE GENERATOR INSTALLATION AT BOROUGH HALL AND POLICE DEPARTMENT. SECONDED BY JOE DUDASH. Beverly said they are doing work for the borough. Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE PITNEY BOWES LEASE (COSTARS CONTRACT) WITH QUARTERLY BILLING AMOUNT OF \$121.65 FOR A NEW POSTAGE METER TO SIGN IN AUGUST FOR REPLACEMENT IN NOVEMBER AT THE END OF THE CURRENT LEASE. SECONDED BY MARK MOFFA. Marie said she spoke with a rep from Pitney Bowes and they said that we could if we wanted to, midway through the contract to get the bar code printer. They don't have to decide right now. The rep. said it would be better if it was done now. It would be cleaner and you wouldn't have two leases but you could do it later. Beverly said she hopes that they have need for that. Mark said this is what they talked about at the last meeting but with some additional information, if we have the need for the additional piece of equipment, they can go ahead and add that. Gary said he isn't that familiar with the borough's postage measuring devices. Marie said the one we have expires in November. Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY JOE DUDASH TO APPROVE AND SIGN THE MAINTENANCE & SERVICE AGREEMENT WITH J R MICHALSKI HEATING & AIR CONDITIONING, INC. FOR 5 HEATING UNITS AND 2 AC UNITS FOR JULY 1, 2020 THROUGH JULY 1, 2021 AT THE COST OF \$800.00. SECONDED BY BARBARA HEFFELFINGER. Gary Nickerson asked where the five heating units and two air conditioning units were located. Marie said one in the garage, one at the plant, one in the police station and two at borough hall. One air conditioning unit in the police station and one at borough hall. Mark said it's a twice a year service. Beverly said they have to replace the filters. Gary said he still didn't know why we are heating the pump station. Beverly said if you don't, the pipes will burst. The old sewer plant is down off of Neshaminy St. and then you have the garage where they keep signs and paint and so on. Gary said it sounds like they have two heaters down there one in the garage and one in the building. Beverly said it is a valid question which she's asked before of why they continue to do that and the one big problem they have down at the garage is that there is no toilet facilities down there other than in the old sewer plant. If you're working at the garage and doing something and you have to go to the bathroom, where are you going to go? Beverly said this is another discussion. She told Gary she wasn't trying to make light of it. She said his questions were valid and it is something that is going to lead to a larger discussion. Mark said to dovetail on Gary's comments, they've talked so many times about what they are going to do with that sewer plant and why are they still paying for so many things to keep this property. He said he knows it's difficult and he knows they think no one wants it but you know as they address the most important things that come up week to week, month to month and that always gets put on the back burner. He thinks they all would like it if it someday that wasn't on the back burner and they were able to actually talk about what they are going to do with that property. Beverly said the question is what can be done with it. She said she and Mark had this discussion before. The bottom part of it is she thinks is designated as open recreation by Middletown because it does reside in Middletown. Beverly said this is a discussion though that they absolutely need to have. Mark said we all might decide it's best that they just continue to hang on to this for whatever reason or because they might sell the sewer system someday and that might be a key part of it. He said they can probably minimize costs. He said at the last meeting there was an issue of the security system that we pay for. There are cheaper security systems and he knows that because he just installed one. He said there's got to be a way to save a couple \$100 here and a couple \$100 there. So to Gary's point maybe they don't need two heaters down at the sewer plant. Beverly said there's a whole bunch of questions about that property that she has had for a long time and it's just that they need to get through some of these big projects that they are trying to do but that one shouldn't be on the back burner anymore. More like it should be in the middle. Mark said it's not a reason to vote against the service. Beverly said it is something that needs to happen. Every time they look at one thing they find 20 more things that are a problem. But to Gary's point, these are the questions that need to be asked. Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-17 IN SUPPORT OF LEGISLATION ENABLING ALL MUNICIPAL POLICE TO USE THE SAME MOTOR VEHICLE SPEED-TIMING EQUIPMENT AS THE PENNSYLVANIA STATE POLICE. SECONDED BY JOE DUDASH. Beverly said this is a resolution and they're just asking that they let our police use the same thing. Mark asked if this was the first of three resolutions that the mayor mentioned in his report and Beverly said yes. Gary asked if they were radar guns. Beverly said yes, this is any motor vehicle speed timing equipment. The mayor said Pennsylvania is the only state that doesn't have it for the police. Everybody else has it. They could use it on back streets. They can't even use radar guns. If they get approved and this legislation goes through, the officers can use it. He thinks people will still be able to go 11 miles

over before you can get that ticket. Beverly said they just wanted to say that they support it. Bob said the Association of Mayors is asking that they support it. It's been in a fight for about 10 years now. Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

**MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2020-18 OPPOSING THE SALE AND DISCHARGE OF FIREWORKS. SECONDED BY GARY NICKERSON.**

Beverly said this is just a resolution that we're saying that we don't want them to do that anymore. John Stratz asked Ben Hauser if this was a conflict of interest for this borough. We are making a resolution against one of our very own stores. Ben said the shorter answer is no and the longer answer is you could certainly have a store within the municipality that sells the items and if he remembers before the law was changed in 2017 there were a few stores in Morrisville that would sell them to out of state people but he does not believe it to be a conflict of interest. Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

Beverly asked Mayor Winkler to explain the next motion. Bob said it is in regard to trucking companies who want to make bigger trailers. We have problems with 50 footers and 45 footers. We have had the red light get hit down on Bellevue Ave. and the fire hydrants. This is happening all over and they want a lot more weight so they will be able to carry more. The Mayor's Association is totally against this. Mark said he wasn't sure he understands. Joe said they want bigger trailers than what they are now and heavier. Bob said that is what they are trying to pass in the state. Mark said the state is trying to allow larger and heavier trucks. Beverly said if you have two 40 footers tied together, can you imagine them trying to turn at Bellevue Ave. and so they are asking municipalities to come out against it. Beverly said if she's not mistaken 52 feet is the maximum they allow in the state right now. They want to go to 55 or 60 feet. Imagine them trying to make the turns here. Nothing will be left. It will be crazy.

**MOTION BY TO ADOPT RESOLUTION #2020-19 EXPRESSING CONCERN WITH THE WELFARE OF MOTORISTS. SECONDED BY.** Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

Beverly Wolfe asked Ben Hauser to explain the next motion. He said that they have been talking tonight about a sewer line that runs out of the borough to the interceptor. The 16 parcel number indicates that portion of that property does not sit within Hulmeville Borough. However back in the 1960s and minutes the municipal authority did all the legal actions required to condemn an easement over that property which is today the Shore swim club area. A lot of those documents are archived so to make the title clearer that the borough has a sewer line easement, besides the fact that we have a pipe running under the property. They found a very simple memorandum easement on the property just to show and clarify for the historical record here is why we have our property right over the years over that property so when they go through and upgrade the sewer line there can be no doubt.

**MOTION BY MARK MOFFA TO AUTHORIZE THE FILING OF THE MEMORANDUM OF EASEMENT AND ANY OTHER DOCUMENTS OR INSTRUMENTS AS MAY BE NECESSARY TO MEMORIALIZE THE BOROUGH'S EASEMENT WITH RESPECT TO TAX MAP PARCEL NO. 16-001-006. SECONDED BY BARBARA HEFFELFINGER.** Steve Lowe, 409 Cynthia Ave., asked in relation to where the actual pipe is, how do you get to that pipe from any public



access. Ben said it's really three properties. It is the sewer plant in Middletown Township that the borough owns and has the right to access construct and reconstruct it basically that easement allows us onto the property to do that. Steve said he pictures an excavator on top of the pipe digging. He asked how do you get to that location. Do you have to physically enter the sewer plant and then go from there to the to the pipeline? Carol said you actually come in from the Hulmeville side, from the road on that side to access this easement. Steve asked if that would be the shore club and Carol said yes. Steve said he was just trying to figure out how you would get there without making somebody upset about excavating equipment driving through their property even though there is a legal aspect to the whole thing. Ben said it's the boroughs intention to make sure that there's minimal disturbance. Beverly said anything they disturb they're going to make it right. Steve said he understood that but it's just the fact that sometimes some of these business owners and people don't understand excavators and 40 foot trailers with 16 ton excavators on top. Beverly said she going to make a note of that because when they go to do this they can send out letters informing them of what the borough's intentions are. Mike Smith, 127 Dehaven Ave., said for Steve's knowledge, there is a road that goes down through there that basically goes right along side of the line now and that leads right down to our line down in the shore club so they would not have to go across anything in Hulmeville if they so desire to do that. Steve asked if that road through is from the sewer plant and Mike said yes. Roll call vote was taken. Gary Nickerson, aye, Mark Moffa, aye, Laura Germain, aye, Joe Dudash, aye, John Stratz, aye, Barbara Heffelfinger, aye, Beverly Wolfe, aye. All ayes, motion carried.

Ben Hauser said he had an item to discuss. He said this is a pro forma thing and he's not looking to raise any alarms. This is just to make sure that the borough is in the position to do what it needs to do when it needs to do it for unpaid amounts for Bellevue Ave curb and sidewalk work. In the event the property owners fail to pay those amounts, that the borough be authorized to file liens. This is just being done in advance so that step is taken care of. He hopes they never get there because what will happen is when property owners are assessed, and that has not happened yet, they will have an opportunity to pay those amounts. He just wants to get a condition precedence out of the way.

**MOTION BY JOHN STRATZ TO AUTHORIZE THE BOROUGH, ITS OFFICIALS, OFFICERS, EMPLOYEES AND AGENTS TO SEND ALL REQUIRED NOTICES UNDER STATE LAW AND THE PENNDEL BOROUGH CODE OF ORDINANCES TO PROPERTY OWNERS WHO OWE MONEY FOR CURB AND/OR SIDEWALK WORK PERFORMED BY THE BOROUGH AND, IF NECESSARY, TO FILE LIENS FOR UNPAID CURB AND/OR SIDEWALK RECONSTRUCTION, CONSTRUCTION AND/OR REPAIR ALONG BELLEVUE AVENUE. SECONDED BY MARK MOFFA.** Joe Dudash asked what happens if the resident disagrees with what was done. Ben said in the event the resident disagrees, there is legal recourse for them to address that. Joe asked how many residents are on that. Carol said she didn't have that tabulation in front of her. They are still building that. Beverly said just to clarify this, this is just to authorize them to start preparing to be able to do this. Ben said it's authorizing that you and any of the other professionals can start preparing and you can see how this process works in the borough code under streets and sidewalks but basically what will happen is once they determine about that property owner based on a certain computation, they will get a letter saying within 30 days if you don't pay. It doesn't mean liens will start tomorrow. Beverly said they don't even know the amounts yet. Joe asked what the cost would be to the residents. Ben asked in what respect and Joe said for their professionals researching this. Ben asked what researching. Joe asked if he was doing this for free. Ben said the resident has the right to pay the amount which would be in a letter and then ends the matter. If they fail to pay the amount on the letter, they get a second notice and if they fail again, that preserves the boroughs rights

to reclaim attorneys fees from any resident choosing not to repay the lien. Beverly said this is in the sidewalks code. Ben said this was in the tax lien act. Mark said this is a standard procedure. Roll call vote was taken. Gary Nickerson, yes, Mark Moffa, yes, Laura Germain, yes, Joe Dudash, no, John Stratz, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes. 6-1 (Joe Dudash), motion carried.

#### Persons to be heard

*Tom Sodano, 126 W. Woodland Ave.*, asked Barbara Heffelfinger what is the date that the newsletter is going to be going out. Barbara said when she gets it done. Tom asked if she had a guesstimate. Barbara said there are 825 that have to be folded, stickered, stamped, counted and taken to the post office, etc. Tom asked if the newsletter itself is done then is she in the process of getting it out. Tom said the reason he is asking is that the meeting for the EIT will be next month and they need to allow people who don't have a sewer bill or access to a computer be aware that that is going to be voted on next month at the work session. Laura Germain asked her far she was with printing because she could add it pretty easily. Barbara said it is already printed. Laura said they can do an insert like a small piece of paper within it because that is important information that needs to go out. Laura said she didn't have the info at the time she wrote the actual newsletter. Mark said every homeowner receives a sewer and refuse bill so they would have been notified that way. Apartment dwellers would not have been so we are undertaking an effort to notify apartment dwellers with the same message that went out to the homeowners. Ben said just to add to the additional efforts being made, there will be an advertisement coming out at the end of this week, Act 511 which requires them to notify in three advertisements in successive weeks saying that we have an intent to adopt an ordinance. It will be advertised in the Courier Times. Tom said he's aware of that but he sat outside at 5:00 o'clock in the morning a couple times to see who else of the four houses in either direction of him to see who gets the Bucks County Courier Times and there was none so again, it's very limited on who's actually able to read that. He did not go to the apartments to see how many people in get it. There's also a lot of family unit and a lot of homes we're not reaching with this and he thinks it's critical information that people need to be aware of. Beverly said she reads the Courier online. She doesn't get a physical paper anymore. She thinks there's a lot of people that are like that. And nobody on my block on either side reads it online because he asked. Ben said they could put those notices up on the website as well just to try to cover as many people as they possibly can. Beverly said they will be actively pursuing any and all avenues of getting the information out. Tom said he is concerned with the litigation and certainly wouldn't want the borough to put itself in a position where there are going to be people who create backlash that cost the borough legal fees that we don't need to incur.

*Pat Dicken, 35 Oak Ave.*, asked if the notice for the EIT was on the last sewer bill that they just got. Marie said yes. Pat said she was just curious because she opened her bill, looked at the amount and paid the bill. She didn't look at any other part of it and said there are probably a lot of other people that do that. She said you can read the Courier online but you still have to pay for the Courier online the same amount as if you got a paper delivered. Beverly said not for public notices. You can read them for free.

*Steve Lowe, 409 Cynthia Ave.*, held up the sewer bill and said it is on there so it is it did go out. He asked Beverly if they are still on Zoom next month, is she prepared or does she have a plan for a large amount of people to be on video. He asked if that has ever been done. Steve said going back to a few years ago when there was 100 people in the borough hall. He said you could potentially have 100 people on Zoom. Mark said it's much easier to accommodate 200 people on Zoom than it is in person. Steve asked if they could see all those people. Beverly said yes it just slows down the meeting a little bit because you have to make sure you're going

page to page. She said she just participated in an event over the weekend that there was 215 people on.

Rick Halbom said he is aware of Zoom meetings that have been in excess of 1500 people. Mike Smith said be prepared.

*Tom Wheeler, Wheeler Brothers-151 Bellevue Ave.*, said he knew they had an executive session but he hasn't heard anything about the letter he wrote. Beverly said the executive session was dealing with his situation and she would like to give him her phone number and arrange to sit down and meet with him and discuss what's going on and what he's unhappy about and to see what resolution they can come to. Tom said he thinks he wrote it all in that letter. Beverly said she'd rather sit down with him. Tom asked if he could have his letter read into the minutes. He said he didn't think this should be something that is handled in private. Beverly said she did not say anything about private. Marie read the letter which is attached. Tom asked what he could say to her out at the site that he hasn't said in this letter. Beverly said the borough engineer has provided them with some photographs. Beverly asked Tom if he could tell them exactly what he's looking at as a solution. Tom asked if everybody looked at the pictures. Beverly said most of them are not engineers or builders. She asked what needs to be done to make it right for him. Tom said it's not acceptable and that would have been marked by the engineer had that been there before that contractor was there. That's a busted piece that he put cream in. That would have been marked for replacement. Why didn't the engineer mark that as unacceptable? The next picture shows the slope that was cut with a grinder. He asked if that would be acceptable in front of anyone's or council peoples houses. He asked if the four blocks in front of the bank would that be acceptable in front of anybody's house. Tom said his proposal is that he will fix everything that is not proper and then bill the borough. That includes the one that has the corner busted. The one that was ground down, the asphalt that was put in without binder, the horrendous gray caulk that was put in. Do you agree. Your solicitor is present. He will do the work and send a bill. Beverly asked Marie when the first notices were sent out for the repairs that were required. Tom said they're not talking about the notices. Beverly said she understood. Marie said the first notices were send out in February of 2019. Then they followed it up with another notice was in May and that was a certified letter. And another sent out at the beginning of this year. Beverly said those notices were sent out and two of them at least were certified. Tom said it was irrelevant. She was just trying to understand why the work wasn't done by his construction company. Tom said it is irrelevant. Beverly said she gets that he's unhappy with it but wanted to know why his company didn't get a contractor and do it the way you wanted it in the first place. Tom said Giuseppe's was hired to do it. Ben asked when they hired Guieesse's. Tom said he didn't know because his brother handled it and also Dennis Keating, right next to them, hired Guieesse's and then the borough contractor came in and did it. The work is unacceptable so let's deal with that and not what they didn't do. Mark Moffa said he was sorry but this is not appropriate public comment. Joe Dudash said he is a resident and businessman of Penndel. They need to know what exactly the poor product that was produced here by the borough contractor so he feels it is relevant unless you want to stop the voice of the people of Penndel. He asked if that is what you want to do to the voice of the people. Mark said they've been on this issue for over 10 minutes and it's a 3 minute public comment. They are trying to work on dealing with his issue meeting after meeting after meeting. Joe said well then fix it. The problem is that the borough contractor screwed the project up. Don't give us this side crap that you're giving us. Joe asked what you're going to do to the contractor and show the people of Penndel, the voters, what you're going to do to correct it. Don't give him this dog and pony show. Beverly said It's one property. Joe said it's up and down Bellevue Ave. Tom asked Mark what his resolution was. Mark said nothing. Tom asked what that meant. Mark said the information from his engineer is that the work is done to

spec. Tom asked Carol if it was acceptable to have the concrete that is so high that he took a grinder to it. Carol said the elevation of the concrete was not acceptable that's why it was ground down. She wanted to note that the bituminous material that was tack coated was applied to all horizontal and vertical surfaces and she wanted to note that it was mechanically compacted and she has photos of that as well. The project was done to spec. The thing that didn't meet spec. was the difference in elevation of that triangular piece and that's the piece that was ground down and sealed. Beverly asked Tom if he got estimates or anything that would make that to what he wants it to be. Tom said no. Beverly said that they don't even know what kind of money we're talking about to make it to what his specifications are. Tom said he knows the inspector and knows he hasn't inspected this project and it's not on his radar. Beverly said she is trying to wrap her head around what the cost would be to make it what he finds acceptable. She said she would need to know because he's asking them to authorize the borough to fix everything and they don't know what the price tag would be. Tom said he thinks he got his answer. He said you're backing your engineer who doesn't know what she's doing and he's stuck with it. Barbara Heffelfinger told Tom he's out of control. Tom said he met with the engineer out there and she's wrong, you cannot grind it down. Barbara asked why he didn't do it. Tom said it was immaterial why he didn't do it. He said because he was too busy making better money than what he would put out for that. He said get the inspector out there and tell him that's proper. He said you're only allowed to have so much difference. Beverly said she would go down there herself tomorrow and take time off from her job that pays her mortgage and see all this carnage for herself.

*Mike Smith, 127 Dehaven Ave.*, said they are talking about financing this sewer project at the shore club. He said no matter what you do and he thinks Carol will agree with him, if the interceptor cannot accept what we're giving it, it's not going to make a difference what we do down there unless the manholes are locked down with locks. Mike said Beverly is shaking her head. Beverly said she disagrees with him. Mike said she has no idea. Beverly said at least she didn't go down and run dye tests. Mike said they should have done the dye test to find out who the hell is connected to our damn system. Beverly said they did that last year. Bucks County Water & Sewer did. She told Mike to call them and tell them you don't believe them. Beverly said she's not going to address this again because they've already discussed this 20 times. Mike said to Joe, Mark the rest of them if they want to know exactly where they are, he knows. Beverly said that line goes into the interceptor and interceptor can't accept it and you're talking about welding down the manholes. That's not solving the problem. Mike said it doesn't matter because she's not going to listen. She has her mind set already just like you have your mind set on raising our taxes and everything else. Barbara said shut it down. Mike said you don't want to listen to the people. Beverly said she is listening to him. She said the part of going into the interceptor they've talked about a million times. Mike said so if they've talked about it, they're going to increase the pipes to allow more into that area that will not accept it. Beverly said it's part of Act 537 plan to make sure that we keep everything on our side of it running fine. Beverly said so Mike is saying to just give away \$250,000 that we had to upsize the line and just let it go because he doesn't want it to be upsized. You need to get Bucks County Water and Sewer to do something with the interceptor. They wanted us to put a tank down there. Beverly said she remembers that. The \$1,000,000 tank. They abandoned it. Mike said everybody abandoned it. Beverly said that would have been a good idea. Carol said if you look at the Act 537 plan that was submitted by Pennndel, attached to that Act 537 plan was the Bucks County Water and Sewer Authority plan to address capacity constraints in their interceptor so they're spending millions of dollars on pipelining and changes in reducing infiltration to manage the flow in the interceptor. We currently have a 12 inch line and an 8 inch line entering a manhole that is then drained by a very flat 8 inch line so that's where our sewer regularly pops up. She said she doesn't disagree that part of the problem is downstream

capacity but the primary problem is that we don't have a big enough line to handle Penndel's flows during heavy storms so this increase in line size is going to be a substantial improvement. In addition, any sewer lids that are within the Neshaminy Creek floodplain will be bolt down lids so that problem is also solved in exactly the way that he's talking about. All of the lids that are within the floodplain of in the Neshaminy Creek are bolt down lids and actually all the new manholes on that line will have bolt down lids and that's in the approved plan. Mike said he knows about the two different pipes and the sizes because he and Carol came together on that and figured it all out so he's well aware of what's going on down there.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:39 P.M.  
SECONDED BY MARK MOFFA.

Tom Wheeler asked Beverly what time she could meet him at his property. Beverly said since she has a boss to report to she will come down on her lunch hour at noon. Tom said he will see if that works.

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

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