

Penndel Borough Council Meeting
Via Zoom Communications

November 9, 2020

Council President Barbara Heffelfinger 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 Barbara Heffelfinger
Councilman Gary Nickerson
Councilman Mark Moffa
Councilman John Stratz
Councilman Joe Dudash
Councilwoman Laura Germain - absent
Council Vice President Beverly Wolfe - absent

Also present via Zoom Communications

Dave Truelove, Solicitor, Hill Wallack
Sean Perry, Police Chief
Carol Schuehler, Value Engineering
Nick Foufas, Fire Marshal/EMC
Marie Serota, Secretary/Treasurer

Council or Borough Announcements

Barbara Heffelfinger reported that we received a notice from Bucks County from the Credit Counseling Center. They have a new grant program that will pay delinquent mortgages for qualifying individuals and families in Bucks County who have experienced reduced income as a result of the COVID-19 pandemic. That information will be posted in borough hall in the vestibule so it can be viewed without coming into the offices. Barbara said since Laura is not here tonight, she would like to compliment her on what she did for Halloween. She did a beautiful job of decorating. They had numerous kids submit their pumpkins for judging and if any of the parents of anyone who brought a pumpkin would come to borough hall and identify their pumpkin so that they can give them a prize if they have been awarded one.

Presentation by Ed Preston, Lower Bucks Vietnam Memorial Design Unveiling 11/11/20
Ed Preston thanked council for having him there tonight. He has a few titles. Most of them probably know him from the Penndel/Hulmeville Memorial Day Parade which he is the chairman of. Also, he was the one that did the Wall in Bucks County. They started a new 501 C-3 for the Pennsylvania Vietnam Veterans Memorial. Part of that is a memorial here for Lower Bucks County but also for the state. They're starting here in Bucks County. They're looking to recognize as many of our fallen Vietnam Veterans as they can. In Bucks County there were 136. In Lower Bucks County there were 96. In our four boroughs, Hulmeville, Penndel, Langhorne Manor and Langhorne there's actually 11 that were killed in action or missing in action. One of the things that they are looking to do is to rename and dedicate the Hulmeville Ave. Bridge. Last year in June, they dedicated a street to Sergeant Edward Boorman. They'd like to do the same here. Dedicating a bridge is a small act for a man who was killed 53 years ago. He died in October of 1968. He was in country for eight days. He was a US Marine who lived in Langhorne Manor. Dedicating a bridge in his name in memory does a few things for everybody. For one, it certainly allows them to honor him and his sacrifice to not only our

community, our hometown where we live, but for what he gave for his country. It also dedicates his legacy. He didn't have the opportunity to sit here in front of this Zoom meeting, maybe being one of your chairs, as one of your Councilman, or as a community leader. He didn't have that opportunity. This gives his family the opportunity to always remember and to have his legacy live on in a way that he never could. He is looking for a resolution to dedicate that bridge when it's finished. It's a joint resolution that would be between Penndel Borough and Langhorne Manor Borough as the bridge ends or begins in either one of the boroughs depending on how you look at it. What he'd like to do is present that resolution which he believes they have. They presented an example resolution of what they would like to see the resolution look like. It doesn't do anything except allow them to dedicate that bridge in his memory. His name is Pfc. John Elton Candy from Langhorne Manor. He has had this similar conversation with Langhorne Manor and they are 100% in favor of doing this. Unfortunately, the bridge isn't going to be finished for quite a while and that's OK. For them, the important part is getting this taken care of. Let's get the details done and see if they can dedicate the bridge to him and then worry about when it's finished, placing that plaque there when it opens and dedicating it officially to this young marine who didn't make it home. Barbara read the resolution which is attached.

MOTION BY GARY NICKERSON TO ADOPT RESOLUTION #2020-38 CONCERNING PFC JOHN ELTON CANDY BRIDGE WHICH WAS READ INTO THE RECORD. SECONDED BY JOHN STRATZ. Mark Moffa said to Ed Preston that he doesn't think they've ever met in person and he thanked him for coming. Mark said he has heard so many incredible things about the work that he does, not only on the parade committee but for all the veterans in this community. His name comes up probably more often than the name of any other person he hasn't met yet and it's always good things, just to clarify that. Mark said he is always inclined to support something like this when it comes up, especially when it's being backed by someone like Ed who is known and trusted in the veteran community. He's certainly more in touch with what's going on with all of those individuals than some of the rest of them. Since he mentioned that there were 11 individuals who lost their lives in these boroughs, he wanted to know if there was a particular reason why this particular person for this for this bridge. Ed said he lived in Langhorne Manor. It is literally in proximity and his family still lives there. They're very happy and honored that they thought of their brother to be able to do this for them. They are very grateful and his sister Joanne is head over heels with the idea that her brother will live in Langhorne Manor forever. It really had nothing to do with anything except proximity. There are some places already named for those 11 folks. In Penndel, there is PFC John Dalola Ave. Last year, they did Sgt. Edward Boorman Ave. in Hulmeville. There is Harry Simmons park in Langhorne. He's looking forward to naming as many things as he can for all of these folks. They are working right now with Bristol Township on the New Falls Bridge that goes over Rt. 95 to dedicate that one when it is finished. Mark asked if he's comfortable with the fact that they wouldn't be sort of stepping on toes or upsetting other families of soldiers who lost their lives that did live in Penndel or Langhorne Manor. Ed said he doesn't think they will. He's spent 8 1/2 years researching the wall and he's still researching for the memorial they're getting ready to build. He is very aware of Gold Star families that are still in the area and is quite confident that they all support all the projects that they work on like this. None of them take it personally that it's not their family member. There's an understanding there between veterans and Gold Star families of that process and what's involved and what it means to a family to have a dedicated honor like this. He doesn't think that's really an issue. Right now there's only five families in our four boroughs and they are in contact with all of them. They are doing a Veteran's Day ceremony where they are unveiling their memorial on Veteran's Day. Those five families will be at that ceremony to see the memorial they are about to debut. Penndel Council was kind enough to cosponsor an RDA grant for them last year. Mark asked if they were going to present this to Langhorne Manor tomorrow night at their meeting. Ed said they were going to go but

apparently something very big has come up in Langhorne Manor so they pushed it to next month. He's been in contact with Dawn and some of the other council members and they are all supportive of the idea as well. It's really just the matter of officiating it through the council meeting. Mark said the middle of the bridge is Middletown and asked if Ed was going to approach them as well. Ed said he's spoken with Paul and Stephanie at Middletown. They all agree that there's nothing that needs to be done because it's a strip that's this big and they feel, and they all agree, that a third name is going to make it more complicated. Their system of government is certainly much more complicated than ours if you will and they think this is probably the easiest best remedy. As far as PennDOT is concerned, there's no issue. They've also been in contact with Representative Frank Farry and he has everything drawn up to submit to PennDOT to take care of this so there is no opposition from Penndot. Mark asked if there would be a sign put up there. Ed said he would like to get a bronze plaque or something that won't wear off. PennDOT does have some requirements for that. He's waiting to hear back from them through Representative Frank Farry to get those details so he can't really answer that right now. A plaque would be adorned to the bridge in dedication of it. Mark asked if they needed to get Representative Tina Davis involved. Ed said she is involved. Frank happens to be writing a different resolution for us for something and Tina actually preferred him to write it anyway. They are cosponsoring the resolution together. Gary Nickerson thanked Mark for asking all the questions that he had. He thinks this is a fantastic idea and he thanked Ed for presenting this to them for review.

A roll call vote was taken. Joe Dudash, yes, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Barbara asked Ed to tell them about the service being held on Veteran's Day. Ed said they are building a Vietnam Veterans memorial for the folks from Bucks County, specifically Lower Bucks County. It all came from the Wall in Bucks County. When they started that project and he started doing the research, he learned that there's not a Pennsylvania memorial for Vietnam Veterans which he thought was odd so he decided he would build one. He realized he didn't know how to build a memorial so he put together a bunch of the people they had from the Wall and decided to build a local memorial first. PennDel Borough cosponsored an RDA grant with them last year that they submitted to the RDA to get some funding to help us. It was one of the first if not the first cosponsored grant that the RDA got and was approved by every municipality in the program. They've been able to build a 1/3 scale model of our memorial. On Wednesday, Veteran's Day, at the Veterans' Park in Middletown on Rt. 413, Veteran's Highway, they're going to have a ceremony and they're going to unveil that memorial for the first time in public. It is a beautiful memorial. Not only is it a memorial to the 96 killed in action with one still missing which is Captain Walter Sigafos but one of the panels, it is a two-panel memorial. The other panel is dedicated to all those Vietnam Veterans who served. Some made it home and some died there and came home. The third part of it is a sculpture that they had commissioned by a woman named Abby Godwin who is a nationally acclaimed sculptress. If you're familiar with Camp Lejeune, last month was the anniversary of the 83 bombing in Beirut. She did a piece called The Peacekeeper that is down in Camp Lejeune. She decided she wanted to work with him so she's molding the statue to go along with this memorial and that will be unveiled on Wednesday. Ed said they are all invited to come out to see what their RDA money helped them build. The ceremony will start at 1:00 o'clock and will be about 45 minutes to an hour and the unveiling will be towards the end of the ceremony. They are all invited to come out. They'd like to see them because they really truly appreciate the support they gave them to do it. He thought they'd be much further along with Covid and believe it or not, the RDA grant has sustained them to be able to get where they are so it became much more impactful than it was going to be. It will be at the old Middletown Police Station.

Jeff Calhoun is here with us tonight and he's from the Delaware Valley Regional Finance Authority. We have a project that we needed some extra money for and since the rates are so low, and grants are not to be found right now, they decided to go with DVRFA and borrow some money. Mr. Calhoun is here to explain that. The project is the sewage line running parallel to the Neshaminy Creek. They have had numerous problems with that and they've been trying to get that project done for years. They have now been able to get the easements that they needed. They also have a grant from the Pennsylvania Small Water for over \$200,000.00. They need another \$300,000.00 to complete the project. Dave Truelove said what they would be asking the council to do is to authorize advertisement of the proposed financing to be approved at a special meeting to be held next Monday. Also working with Mr. Calhoun, is his colleague Georgeann Fusco from Hill Wallack. Mr. Moffa has been working closely with Georgeann and Jeff on these issues as well. Mark Moffa asked Carol how much the grant was for. Carol said it was for \$213,155.00. He asked her if they need to use that money by next year. Carol said if they do not use it by June 30th of 2021, unless we get an extension, it evaporates. Mark said the sewer line project which he believes there is an agenda item tonight to authorize her to go out to bid for this particular project. Carol said that is correct. Mark said obviously they're going out to bid so they don't have numbers yet but it's reasonable to believe this could be an approximately 1/2-million-dollar project. Carol said yes. Mark said realizing they are approximately \$300,000.00 short on this project and that we will lose the \$213,000.00 in grant money if they don't do something quickly, they started looking at a way to borrow the money. They started looking at the pieces. It all seemed to fit together fairly well because just recently all of their current debt had kind of gone over to a variable rate. They had some fixed rates and variable rate, a mix of debt and a couple of issues of debt from 2006 and an issue of debt from 2012. They had an opportunity now to lock in at the very low rates that we're currently experiencing for all of their existing debt and then take out a little more sort of package it all together to fund this sewer project and actually save money hopefully over the terms that are left on the existing debt. They're not refinancing. They are just locking in at the current low rates on the current debt. The length of the terms of when they would be paid off are not changing. They are working with the Delaware Valley Regional Finance Authority, Jeff and Lucien Calhoun on this and they've come up with the ordinance that is on the agenda tonight. The reason why the ordinance tonight is for \$500,000 and not the \$300,000.00 or so that they feel they really will need for the sewer project, is that the \$213,000.00 in grant money, they don't know exactly when they will receive it. Certain granting authorities have been very slow lately in actually reimbursing us so to make sure they have the cash flow to do the project, the recommendation, particularly because money is cheap right now, is to borrow for the whole project and then they get the grant money. All that grant money goes to paying off whatever that is. \$285,000.00 is being packaged with our existing debt to be locked in at the current low rates and then with the \$215,000.00 being taken out as a separate issue at a variable rate that they will pay off as soon as they get the grant money. That is what is before council tonight. He hopes he didn't make it sound too complicated. Jeff said the ordinance will allow a little more flexibility than Mr. Moffa indicated in that they could change the fixed rate to say if you next week \$200,000.00 seems to be the grant for whatever reason, you can change and adjust that ratio of variable to fixed so going to \$213,000.00 to make it closer to match what you expect is possible. That would be the one thing he would add. Mark thanked Georgeann as they worked out the final logistics on this. Dave Truelove said this was near the end of the agenda and he thinks it's appropriate that the president brought this to the front to consider the motion to authorize advertisement of ordinance #2020-5. They are not approving the actual action; they are approving the advertisements. So, next week, if there's any further discussion or concerns remain, and the advertisement will be in the paper and any other appropriate measure that can be done and then next week there will be a formal vote on the actual rest of the debt.

MOTION BY MARK MOFFA TO AUTHORIZE ADVERTISEMENT OF ORDINANCE #2020-5 AUTHORIZING THE INCURRENCE OF NONELECTORAL, GENERAL OBLIGATION DEBT BY THE BOROUGH OF PENNDEL PURSUANT TO THE ISSUANCE OF THE GENERAL OBLIGATION NOTES, 2020 SERIES IN THE AGGREGATE PRINCIPAL AMOUNT OF \$500,000. SECONDED BY JOHN STRATZ. Gary Nickerson asked about the procedure. They're going to advertise the ordinance and then next week is going to be a special session. Dave Truelove said in order to get DCED review and hopefully approval by the end of this year, although nothing is guaranteed, the sooner the better. Basically, so instead of waiting until the 23rd that's why having it done next week is preferable. Barbara said the ordinance approval will be scheduled for next week's meeting. Mark said there is a resolution that sort of will go hand in hand. The resolution accomplishes the fixing of the interest rate on the current debt. They do not need an ordinance to do that and that will be on the agenda for next week's meeting as well. Barbara said she and Marie were looking over this paperwork this afternoon and they were trying to figure out when they could get this advertisement in so that they could get everything done before the November meeting of the board of the DVRFA and they couldn't do that. That's why they're doing this tonight, so that they have appropriate time to advertise because they couldn't make it within the seven days. What will probably happen is that they will go to the December meeting. Mr. Calhoun said that's when they expect to close should the ordinance be passed on the 16th. They would expect to close on the 18th of December and there wouldn't need to be any action from council after the 16th should the ordinance be approved. Barbara asked Dave if they have a seven-day time limit. Dave said if they get it in hopefully by Wednesday, they should be able to accomplish it. Mr. Hauser has been working on that so you can work with Marie to do that.

Terry McIntyre, 335 Hulmeville Ave., said they should keep in mind that the sewer system in his town, and he spent four years as the chairman, is a huge money pit. It is a bottomless money pit and Pennel doesn't have the equipment or the manpower to really keep up with everything that you have to be mandated to do with the sewer system. From what he understands, and he hasn't been on council in a while, is that the pump stations aren't even manned by the borough anymore. Any opportunity that comes up, if they wanted to take over the system, he would definitely keep that door open because we're just going to keep pouring more money into the sewer system and Pennel just can't keep up. As a taxpayer, you know it's not a good thing so just keep that in mind if you're borrowing money to use it wisely and keep your eyes open for anybody that wants the opportunity maybe take this system over or incorporate into their system. He thinks the rates would probably drop or stay the same and be stable more than them trying to keep the system. Barbara said that was not the case the last time Bucks County Water and Sewer approached them. It would actually have cost Pennel a considerable amount of money for them to take over this system. Terry said he's just looking at the long run because this is never going to end and they're just going to keep putting more money into it.

Jay Moser, 525 Hulmeville Ave., said it may be a point of him not knowing the total structure of the borough, but is the sewer authority a separate entity of the borough or is it all of the borough. Dave Truelove said he believes that it is technically a separate entity but his understanding of this is the borough itself incurred the debt assumed by the authority. If there was a separate authority, there's no separate board that he's aware of anymore so whether it was dissolved or what happened, but the borough itself has assumed the debt. Jay asked with the interest of the borough outside of the sewer side should this loan be named sewer authority in the event that something does happen that the borough doesn't get this debt or keep this debt in the event that the system is turned over to another company. Dave said if another entity would come along, and this would answer some of Mr. McIntyre's questions too, is that you

want to make sure the system is in the in the shape where it's desirable enough for somebody to want to purchase it. He thinks the way he would look at this, given what he knows about it, and he's only saying this because he's working on a similar project in another municipality which is a client of his, is that there's a balance between making sure you have it in the shape that's desirable and not spending too much money so that it doesn't make sense as an investment. He thinks from what they've heard tonight, this is necessary just to maintain it because he knows in the last two or three years, he's heard about problems occurring frequently, especially when there's heavy rains down to the creek. He's certainly no expert in it as an engineer, but he knows just from seeing that that it's created a problem, so with that he would think that as they get to a certain point where after this work is done it may be advisable and he's not saying that it should happen, but it may be advisable to consider talking to other entities about the system. This is step one just to make sure the system is maintained so that DEP and other entities don't fine the borough for any kind of problems that might occur. It's that balance you're stuck trying to strike. Jay said he agrees with him 100%. The system needs to be straightened out. He doesn't know if this is a 10- or 20-year loan, but in the event that the authority sells the system, the debt needs to go with it. He's trying to protect the borough. Dave said if a transaction occurs, the acquiring authority or entity, whether its authority or something else, they would assume all the assets and liabilities. It just can be a liability and that's how that structure is used and there's a whole inventory done of the physical structure of the entity itself and then of course there's still the financial aspects that have to be reviewed as well as part of that so it would be a comprehensive project.

Mike Smith, 127 DeHaven Ave., said you can put all the pipes you want down in there, but unless the Neshaminy interceptor accepts what you put in it ,which it won't because it's always flooded, it doesn't matter how many pipes you put down there. He's said it before and he'll keep saying it. It's just going to back up. It's a waste of money but that's OK because you're good at that.

A roll call vote was taken. Joe Dudash, yes, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried. Dave said just for the record, that would be the item near the end of the written agenda that now was moved up to the front of the agenda. Barbara thanked Mr. Calhoun for all the help he has given her. Mark and Barbara thanked Georgeann for her help as well.

Mark Moffa said he has an item that is not on the agenda that he would like to address now. It's the creation of the special meetings. He said there was a little bit of an issue or confusion as to the November meetings. The council had intended on moving from the first and third Monday this month to the 2nd and 4th. This one was advertised correctly but he's not sure the next one was. They need additional ones now anyway both for budget and the passage of the debt that they just voted to advertise. They're asking tonight to advertise for meetings on Monday the 16th of next week, Wednesday the 18th which might not be necessary but they'd like to advertise it and have it as a possibility for passing the budget and then Monday the 23rd. Dave said they would need to specify what the meetings are for.

MOTION BY MARK MOFFA TO ADVERTISE THE MEETING FOR NOVEMBER 16TH FOR THE PASSAGE OF ORDINANCE #2020-5 FOR THE DEBT ORDINANCE AND TO CONDUCT OTHER BUSINESS, THE MEETING ON NOVEMBER 18TH FOR THE PURPOSE OF ADDRESSING AND POSSIBLY ADOPTING THE BUDGET IF NECESSARY AND NOVEMBER 23RD FOR THE REGULAR WORK SESSION, EACH MEETING AT 7:30 PM. SECONDED BY JOHN STRATZ. A roll call vote was taken. Joe Dudash, yes, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Consent Items

MOTION BY MARK MOFFA TO APPROVE THE MINUTES OF THE OCTOBER 19, 2020 WORK SESSION, THE OCTOBER 26, 2020 BUDGET WORK SESSION, THE OCTOBER 29, 2020 BUDGET WORK SESSION AND THE BILLS FOR THE MONTH OF OCTOBER AS FOLLOWS:

General Fund	\$38,161.20
Refuse Fund	\$ 475.30
Sewer Fund	\$32,366.95
Capital Reserve Fund	\$39,209.00
Liquid Fuel Fund	\$ 5,225.37
Escrow Fund	\$ 5,499.90
Payroll Fund	\$ 722.51

Payroll

General Fund	\$25,483.43
Sewer Fund	\$ 4,220.54
Refuse Fund	<u>\$ 703.44</u>
Total	\$30,407.41

Escrow Fund Bills

Auto Zone:

Hill Wallack	\$ 263.00
Value Engineering	\$1,359.75

Schoolhouse Court:

Hill Wallack	\$2,586.40
Value Engineering	\$1,290.75

SECONDED BY JOHN STRATZ.

Jay Moser, 525 Hulmeville Ave., said when he printed the voucher offline, there were no dollar figures. Barbara said it was updated late this afternoon. They would try to have them in next time.

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

Reports:

Mayor's Report

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

Chief's Report

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

Mike Smith, 127 DeHaven Ave., said to Chief Perry that he has the utmost respect for him with everything he's acquired in his time here. Mike said he's going to put him on the spot. He asked if either the fence installer or the owner of the fence has been cited. Chief Perry responded that is an open investigation by the Bucks County District Attorney's office and the Bucks County detectives. Mike said so if he provides him with information and Chief Perry said that any information that he has given to him has been forwarded right to them. He said if he has information for the detectives that are handling it, he can reach out to them directly because they are the ones handling the incident. Mike said he would take that as he hasn't done anything. Chief Perry said it is their policy that if it involves one of their police officers, they forward all of that to the Bucks County District Attorney's office. Mike said the fence guy is not his employee. Dave Truelove said no but the fence guy is involved in a transaction with one of his fellow officers.

Fire Marshal/EMA Report

Nick Foufas read his report which is on file in the secretary's office.

Engineer's Report

Carol Schuehler read her report which is attached.

Joe Dudash asked Carol if she's saying they're done with the borough parking lot. Carol said yes, it is substantially complete. Joe said he's confused. The hump, the way he read her report, they're just going to leave it. Carol said she doesn't have a problem with what he's describing as a hump. They were meeting the existing grades of the lawn area, the sidewalk area and the sidewalk on the other side so they were working to match those existing grades. They've gotten positive drainage through there and it's not a not a challenge or difficulty. Joe said it looks like the rest of Bellevue Ave., so he's supposed to accept that because we got shoddy work and he's got a hump there with water laying. Carol said she didn't see any water in that area and it seems to be draining appropriately. Joe said he would send her photographs. He doesn't like the hump so he's telling her right now that he's saying not to pay them. The second thing is that she is kind of contradicting herself because in what he got from her from a report, she said Haines Paving will return in the coming days to address their concerns. Barbara said they were here on Friday. Joe said so they see nothing wrong. They have water pooling over at the two handicap plus the handicap at borough hall. If it freezes, all the integrity of the asphalt is going to deteriorate, then somebody's going to fall and Mr. Truelove gets richer because he has to represent us in suits. Does this make sense to you? Dave said it would go to the insurance company. Joe said so the insurance lawyer would get rich all because he won't accept shoddy work. It seems like all the projects they do they do shoddy work but when it comes to the borough residents, we're after them like you know what. He's confused. The curbs were a mess and now this is a mess and he's supposed to pay them \$54,000.00. He knows it's not his money but it's still taxpayer's money from people gambling. He asked what the change order charge of \$4541.16 is. Carol said the change order is about these soft soils that are described in her report. When they took the five inches of material off of the southeast area of the parking lot, the soils were not stable. It was too wet it was like walking on a waterbed. The simple answer to that is to excavate material and replace it with aggregate. The problem is if they did that at the unit prices bid, it would have gone over budget. There is a clause in the contract that allows them to negotiate project adjustments with the contractor for that kind of a situation. The contractor offered them, and this is why she's saying he worked with them, a 35% discount on materials. They worked on quantities throughout the job to do that

extra work and still completed the project in within budget. Joe said so that change order where that work was conducted that's over near Nick's house where he's talking about there was problems. Carol said yes, it's between the borough hall and Nick's house. Joe said so they would be paying \$4,541.16 and it's still got the same problem. Carol said you don't have puddles. She's been there after rain and it dries up. Joe said he doesn't know where she is because he took photographs. He was there today and it wasn't dry. Carol said when he was there it was still raining when he was taking those photos. Across the street at the funeral home parking lot looked like it had puddles too in his photos but she knows they don't have a ponding water problem over there or at least not that she's aware of in that front area. You can't take a picture during the rain and be talking about the puddles. You have to give these things a chance to dry up. They have a 1% slope in that parking lot that's a challenge with bituminous surface. Joe asked what they are going to do with the handicap spots. Just have a senior fall and break a hip and say hey, we do shoddy work so just let it go and we'll just put her in the ambulance or him in the ambulance and say adios amigos? Carol said it's not wet after the rain. Joe said it is and he'll take you over there. We're having rain this week and then you and I will go over there and then we'll take photographs and show council. Carol said borough council has her report on these issues and if she can answer anybody else's questions because she doesn't think she's going to satisfy Mr. Dudash. Joe asked when did this change order occur because he doesn't remember it being brought up to council. Carol said it couldn't be brought to council because it happened that day in the field. Joe said so you made the decision with taxpayer's money without council. John Stratz said that's not true. The streets department was there. Joe asked him when he was going to tell the taxpayers and the rest of them on council. John said it didn't come up until now and he haven't been asked to give a report yet. Joe said that would be like him going out and saying we're cutting down all Taddei Woods' trees for \$200,000.00. Hey, I did it. Barbara said let's get off this subject. Joe said no, he's not done yet. Barbara said he has one more question. Joe said don't even attempt to mute him. Joe said to Carol, during the preconstruction meeting, she got these pros and cons. He asked when she brought them to council. Carol asked what pros and cons he was talking about. Joe said it's in her notes at the pre- construction meeting to mill and repave up to the bollards without removing the bollards. He said he didn't remember hearing that. Barbara asked if he was at the pre-construction meeting. Joe said again, this is council. Why wasn't council told this? This is what the problem is. They keep getting rogue contractors and then we don't even know what they are spending the taxpayer's money and they don't even know what they're spending it on. No wonder these people keep saying stuff like that on this Zoom meeting tonight. Barbara asked Joe to please finish his question. Joe told Barbara to be quiet and let him talk. Barbara told him he was out of order. Joe said he was not out of order. He said he is on a particular subject and she's interrupting him. Barbara said he is out of order. Dave Truelove said he has the right to ask a question. He said to get to the question so they could finish. Joe said he's not getting the answer. He said this is getting a little ridiculous. Carol said there was no reason to remove the bollards. The pavement between the bollards and the building was fine. That would have been an added cost in the project so that's why the pavement was cut at the bollards. There is no traffic behind the bollards. There's no pavement damage behind the bollards and they couldn't overlay behind the bollards without raising the pavement to the level of the siding of the building and that certainly would not be ideal. That's why there was no reason to remove the bollards as part of this project. Joe said he's not asking. He's just saying that nobody on this council knew about it except for John. We must not even have a council. The integrity of the asphalt deteriorating because of the ponding water, what are they going to do when that starts breaking up with the freezing and then the unfreezing. Carol said as far as the ponding of the water, it is dry shortly after the end of a rainstorm and the PennDOT 408 gives them specific tolerance within the straight edge over the pavement. It meets those tolerances and she does not foresee the freeze and thaw concern that he sees with puddles because she doesn't see

ponding based on the criteria for this project. Joe said he went to three asphalt companies and they said that that's going to be a problem. Joe said his last question is.... Barbara said that was his last question. Joe said he can still finish. He still has a question. Joe said he's not out in the peasant section here. He's council. Barbara said she's very well aware of that. She said for him to ask his question. Joe said the whole thing over at the police station with the driveway that was broken up, was that fixed by the contractor. Carol said if he's talking about the concrete driveway apron, yes it was, same as Mr. Diabelko's sidewalk. Joe said not Mr. Diabelko's, the police station. Carol said they were both repaired. Mark Moffa asked Carol about the timing on the bids for the sewer pipe along the Neshaminy Creek. He said in her reports they can authorize her to prepare the bid documents tonight and that you could have them authorize the advertisement for bids at the December meeting. He doesn't know how long she needs for the preparation of the bid documents but he's wondering, now that they've added these additional meetings in November, that would give them a bigger window. Carol said she should be able to have those documents assembled by November 23rd if they want to do it at that meeting. Mark said they can target that meeting window. Carol said that would be super.

Terry McIntyre, 335 Hulmeville Ave., said you can check the ponding pretty simply by taking a garden hose and lay it out there and put it on full strength and create the puddles. When you have the puddles, shut the hose off and then time it and you'd be able to see if you're getting the drainage you need. He knows what Joe is saying that if that freezes up, somebody is going to take a spill especially on a newly paved driveway. He asked if anybody resolved the issue that Value Engineering had to come down several more times to check on the broken sidewalks and the things that the contractor had faulted on. He was wondering who's paying for that. Is the taxpayer or did they hold back enough to pay for the extra inspections. Barbara said she didn't have an answer on that. Carol said its part of the overall inspection of the project. There's nothing separate about it. Terry said she charges per inspection obviously. Carol said yes. Terry said so if they get an itemized bill there won't be extra inspection fees for the borough for this project. Carol said there is the hourly inspection rates that are agreed upon with the borough for projects that they work on. Terry said so when she came out to reinspect that sidewalk or whatever, that's another inspection that we paid for correct? Carol said that would be correct. Terry said the taxpayers are paying for that. That's all he wanted to know and hear that out loud. Barbara said she just wanted to remind everyone that this is RDA money. They worked very hard to get that grant. They are doing everything to comply with all the regulations from the RDA. They have worked with the contractor and he has been very cooperative keeping them under the quoted amount that they were given by the RDA. Terry said he understands all of that and whether it's borrowed money or taxpayer's money or grant money. It is still money that comes through the town that has to be spent very wisely and to make sure that they're not being taken advantage of. His time on council there was so much back bidding it made him sick at night. Contractors come in and something happens and they just throw another change order or do something during the day. Barbara said she understands where he's coming from and they're trying to do their very best.

Mike Smith, 127 DeHaven Ave., said he thinks what Terry's making the statement of is why would the taxpayers be paying for those inspections to be revisited every time Carol comes down. Shouldn't that contractor be paying for them? Barbara said they will look into it. Mike said they're voting to approve the money tonight. Barbara said they are appropriating the money that was given to them by the RDA. They will probably have a few dollars left because the contractor worked with them. It is not coming out of his pocket unless he lost a bundle at the casino.

MOTION BY JOHN STRATZ TO PAY HAINES PAVING \$48,273.75 FOR THE BOROUGH HALL DRIVEWAY PROJECT AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY MARK MOFFA. Mark said this is 95% and they are still holding back 5%. Barbara said that is correct. Carol Schuehler said the value of work that was completed was \$50,814.00 and they are retaining \$2,540.72 so she is recommending a payment of \$48,273.75. Mark asked what the process was for releasing the additional monies. Carol said she's waiting to receive his maintenance bond and another payroll document to finalize and also a consent of surety document. They are just some documents that she needs to complete the project file before they issue final payment. Dave Truelove said for the benefit of everybody he asked Carol to explain how long the maintenance bond is for and what is the purpose of the maintenance bond. Carol said there will be a 12-month maintenance bond so that if there is a problem with the pavement or with the work that's been completed within that 12-month period, they have that as their guarantee. It's bonded and you can ask the contractor to come back and resolve any outstanding issues or any problems that arise resulting from this project within she believes 12 months of the time that this work is accepted.

Mike Smith, 127 DeHaven Ave., said they should reduce it by 10%. That's typical. You split the 5% off after you're sure that you're getting closer to getting what you want done. The borough is the only place that he knows of that doesn't withhold 10% all the way through to the very end. Carol said it's actually a legal problem and she doesn't know if Mr. Truelove is familiar with this piece of code or not but after 50% of the project is done, they can only withhold 5% based on the Pennsylvania law with which she's familiar with and that's also how their contracts are written consistent with Pennsylvania laws. Mike said he begs to differ with her on that because he has withheld 10% on every job he does in the of state of Pennsylvania, New Jersey, Delaware. It's always 10%. Carol said this is very specific to government contracts. Dave Truelove said that is the difference. Mike said they should do 10%. A roll call vote was taken. Joe Dudash, no, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried 4-1 (Joe Dudash).

MOTION BY JOHN STRATZ TO AUTHORIZE BOROUGH ENGINEER TO BEGIN PREPARATION OF BID DOCUMENTS FOR THE SEWER LINE UPGRADE PROJECT. SECONDED BY MARK MOFFA. A roll call vote was taken. Joe Dudash, yes, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE PAYMENT OF \$134,968.19 TO DENNEY ELECTRIC SUPPLY FOR WORK COMPLETED ON MEMORIAL PARK LIGHTING PHASE 1 (THE PAYMENT REPRESENTS 95% OF THE COMPLETED CONTRACT VALUE) AS RECOMMENDED BY THE BOROUGH ENGINEER. SECONDED BY MARK MOFFA. A roll call vote was taken. Joe Dudash, yes, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Zoning/Code Enforcement Report

Mike Italia's report is on file in the secretary's office.

COMMITTEE REPORTS:

Administration/Cable

Mark Moffa said they received something on cable which doesn't normally happen, and they will be looking shortly at the new Verizon agreement that is sort of going through the process with the Bucks County Consortium. It is not on the tonight's agenda but it's something that will be coming up soon so just a heads up about that.

Barbara Heffelfinger stated that starting now all questions from the public will be at the end of the committee reports.

Buildings & Maintenance

Joe Dudash said he received notice that there was a swimming pool down at the borough hall. They had some rain, so he went down there and he was told that it was coming out of the walls and pipes and everything else. Well it wasn't and he got photographs he can show you. It wasn't coming out of the pipes and it wasn't coming out of walls because all the boxes were dry. It's hydrostatic pressure that's coming through the floor there which has been like that forever, not that he's saying it's a good thing. He's going to have three companies come in and look at that. They're going to need a French drain to solve that problem, but it wasn't coming through the walls. Barbara said she was down there and she saw it coming through the pipes. Joe said if it was coming through the pipes, all those boxes and legal papers and all would be soaking wet and they were dry as a bone. Barbara said she begs to differ with him but she saw what she saw. Joe said the photographs show that it was dry, but they do shoddy work anyway so what's the difference. They'll have Gary get insurance and they can rent it out as a swimming pool. But anyway, he's bringing three people in to look at that. The second matter is their Christmas tree, which the residents would love to hear that people want to cut it down. He looked at that and he thinks he spoke about it before. It's like the Richard Nixon tree down at the White House. He planted three of them and it kept growing crooked. The tree is naturally crooked and there's no issues with it but he's having an arborist come out and take a look at it. He doesn't think they need to cut the tree down. He's sure people would love to see that tree be cut down especially after they meet the MS4 credits. That tree has been handling 10,997 gallons of stormwater runoff so that would help MS4 credits. He thinks they ought to be more like Hulmeville and Langhorne with the tree thing and start using that for credits. On the budget, Mr. Nickerson helped him out on that. There was a debate over trying to cut costs because of what the situation of the economy is. Their revenues are down. Social Security is getting 1.3% which is \$20.00 more in your paycheck but then they take it away because Medicare has gone up. CPI for foods of increased 3.0% building materials has gone up 5% and like Nick said, there's a second wave of virus so he suggested that they do some cuts and personnel moves and they came up with Mr. Diaz doing some of the snow work and Gary checked it out with the insurance person and he said it was OK he could do that work. He hopes that the Finance Committee from what he sent in, the building and maintenance recommendations for cuts, that they really look that over and consider it being the taxpayers here are kind of strapped. For open space, there is a tree issue on Spring Street. He doesn't think it's one of the borough's trees because it's in the gully. Someone called and he will check it out. Barbara asked him if he meant the Spring St. swale. Joe said yes and they know that gully is not their responsibility but he's going to go over and look. It was confusing because the guy said it was the apartment's tree hanging over his driveway on Spring St. but there's another big tree there. He said he told him before that tree belonged to the house on the other side, so they'll see what comes of that. Mr. Italia isn't here but he would like to know two things that came to light down at the trucking company. They just installed a garage pit and he wanted to know if they had a permit for that. A garage pit is where you dig out the macadam and get into the hollow ground there and work on the trucks. He imagines they would need a permit for that. Also, Rick was supposed to get back to him about Oak Ave. which poor Mr. Diaz has been cleaning. The guy is shoving leaves debris down into the stormwater basin and clogging it up. Mr. Diaz had to use a wire to get that stuff out. Joe said he also wants to know. Also, he wants to know is about the many incidents here as far as the oil tanks at the old school property, what they call it the old halfway house down there. We have all these issues and he wants to know if he does reports on these things because he's been after these places several times and he hasn't seen anything

for council. If he does these reports, where do they go because it would help council for many of these situations. That is the common problem he's seeing here which he would ask Mike. The issue is the borough's accountability with their contractors they're just running rogue. They have continuous change orders, shoddy workmanship, no concern for taxpayer's money. He's saddened in one particular place on how highly paid the contractor professionals are and they could not assist two tax paying residents in satisfying the agreement between the two and they got along and all and I don't understand and he is especially mad at council and the mayor as far as these two people got along fabulously as neighbors. Even in divorce court you have mediators so that's where he's lost. Meanwhile and the borough and them are more spending for lawyers and possibly for court costs and nobody has really sat down with the individuals. He's sad the former council president Beverly is not here. She fought so hard to create this council based on the principles of confidence, integrity and transparency. There is no confidence with this council right now because the ineptness of their so-called contract professionals, council, and mayor. He is going to follow what Beverly alone told them and how to do it and the rest of you do it he doesn't care what they do. Barbara Heffelfinger called a five-minute recess and said they would return at 9:20. Barbara Heffelfinger called the meeting back to order at 9:24.

Finance

Mark Moffa said Beverly is working ferociously on the budget and he has been trying to help her where he can. She reminds everyone to please get her whatever she has asked them for. They are hoping to have something to look at Monday's meeting. Mark said she had a question that he's going to ask Marie. He asked her to see if they've been reimbursed from the 2017 Small Water and Sewer grant. Beverly is suspecting they might be missing a reimbursement.

Insurance/Pensions

Mark Moffa said he's seen some emails flying back and forth from Gary to the broker. He got the health insurance quote and will be looking at that which I guess straddles both the insurance and pension committee and also administration. He will try to see what the damage is on that for next year. Gary Nickerson said they've been waiting for the health insurance estimates to come in and they just came in this week, so they are reviewing them. He sent them to the Finance Committee for debate so they can talk about that at the upcoming budget meeting. For insurance they are still reviewing the 2021 liability proposal that was submitted. Someone on council had some questions regarding some of the coverages and they are still waiting to hear back on some of those things. The specific agent who represents the borough wasn't able to respond in time for the meeting but he's still going through and learning about the particular liability.

Gary Nickerson said he plans on doing an inventory that they spoke about at the last meeting. He's been too busy to itemize all of their vehicles and what not, but he did find out that they're currently paying for the truck that's not operable. He's not sure if that's something that needs to rise to the level of making a motion or if that's something that they can just drop the coverage for this vehicle.

Ordinance

Mark Moffa said they have an ordinance on the agenda tonight. There is no further movement yet on the other ordinances they've been discussing with council - streets and curbs and fences.

Public Safety

Joe Dudash said that the chief had a good budget talk with them. They are still looking into how they can save money on administratively.

Public Works

John Stratz said he will be working with Mike Fuller to fully close out the streetlight project including final billing and PECO updates and rebates which go back into liquid fuels. The Cimcon Lighting Network Control System seems to be operating well with no outages or day burners reported. Mike will be completely releasing that to him in the next couple of weeks as well. All of the boroughs need training on this system and this falls under Cimcon to do that. Barbara said they have been given some dates. John said he gave them three dates but it hasn't been decided yet. Barbara said to set that up so they are not left in the dark. John said he's been involved in his adopted project of the memorial field lighting. He was at the final inspection meeting last week which is why they now have on the agenda to pay the bill. All is well with that. John thanked Carol for an excellent report. Basically everything she was involved in he has been invited to join in on which he does.

Long Range Finance

Gary Nickerson said they met last month but he thinks he gave the update at the previous meeting. This week's meeting is going to be cancelled because he has a conflict.

Revitalization Task Force

Mark Moffa said they have not met since the last council meeting. They do have a meeting this Wednesday on the calendar. Discussions at the last couple of meetings was about trying to sort of plan a special event next year but they're still in the very early stages.

Old Business

John Stratz asked what the disposition was on Ron Rudy at 115 Hulmeville Ave. regarding going from two sewer bills down to one since it has been shown that he has one EDU. Barbara Heffelfinger said she spoke to Mr. Rudy. He will now have one commercial and no residential. He will have trash collection continued until they can swap him out with another one so that they can comply with the contract. When he paid his bill, he did not pay for the trash portion and she explained to him that his bill covered July, August, September and that he owed us that. He very graciously came up and put that in the box the same day so that issue has been resolved.

New Business

MOTION BY JOHN STRATZ TO RATIFY APPROVAL OF THE FOLLOWING MID-CYCLE INVOICES:

Langhorne Postmaster invoice dated 10/1/2020 in the amount of \$266.80 for quarterly sewer/refuse postage

Comcast invoice dated 10/2/2020 in the amount of \$129.46 for internet at 790 Neshaminy St.

Comcast invoice dated 10/1/2020 in the amount of \$224.17 for internet and voice services at 37 W. Woodland Ave

State Workers' Insurance Fund invoice dated 10/1/2020 in the amount of \$4,251.22 for workers compensation insurance

Langhorne Postmaster invoice dated 10/19/2020 in the amount of \$216.24 for newsletter postage

Independence Blue Cross Invoice #201008161269 in the amount of \$5,232.35

SECONDED BY MARK MOFFA. A roll call vote was taken. Joe Dudash, yes, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Joe Dudash stated that Mr. Wheeler dropped off three estimates for the concrete work and a check. Barbara said they have received that and Beverly's taking care of that.

Persons to Be Heard

Tom Sodano, 126 W. Woodland Ave., said to Councilman Moffa, with the unfortunate situation with zoning enforcement and he doesn't mean to put any more pressure on him because he knows how busy he is, but you do have to keep in mind that any of these ordinances that you want to rewrite, you should try to get as many of them squeezed in as possible so that they have much less confusion with whoever they end up with zoning enforcement. For Carol Schuehler, he has a question which she can answer after he finishes. He asked if anything has transpired on the schoolhouse property getting further along on whatever it is that they have to do with the soil testing. He wanted to mention to her and should have done something sooner, when they were there digging one day last week. He saw her assistant was there and took some pictures he believes on Wednesday last week. They had equipment move in and out of there and then she showed up in the afternoon and took some pictures. I didn't get a chance to talk to her. About a week before that on a Wednesday afternoon, a truck showed up and she might have noticed that there was a small pile of debris. If you're entering from Hulmeville Ave. just to your left as you drive in, that looks like it could have been debris from pulling up concrete blocks and possibly some little bit of asphalt and stone. That had nothing to do with the contractor. He was too slow to get a picture but about 4:00 o'clock in the afternoon the week before she was there, a black colored Ford F cab about a 2005 or 2006 with a Gray dump body rolled in there and quickly backed into that spot and dumped that pile. The reason he wanted to mention it is with the amount of time that's transpiring he would think that the contractor should be aware that even though they have the private property signs, people who are nefarious to do things like that and it wouldn't be fair for them to be cited for that debris being as it was an illegal dump. Unfortunately, he couldn't get the pictures in time to give her any more evidence than that. It's a worrisome situation with it being open and them not working for so long. They are inviting such problems. Carol thanked him and said she will make sure that the contractor and the inspection forces on all ends are aware. Tom asked if there was any movement yet and if so, are they getting any further along to hopefully be able to get back to work soon. Carol said they're still waiting on results to clear the condition of the soil where the tank was removed. She hasn't seen those yet and of course they had a stop work order some time ago when that first came up. They need to show those results to Rick Halbom before they can move forward and there was one other condition before they start back to work so they are anxious to see them get going again. She's kind of surprised they haven't. She did get some plot plans to review for lots three and six that she did ultimately approve. That's about all that's happened on this job in recent weeks and she agrees with him that she'd like to see it get started again because they're going to get into winter months and there's going to be more challenges. Tom said he will try to be a little quicker if he sees somebody over there. He doesn't want to see people dumping things that could end up being an environmental problem for the borough. Chief Perry said he should call them about that as well. They don't take kindly to any dumping situation so you can always call them as well as 911 to get them out there. They cited somebody earlier in the month for dumping. They take a zero tolerance to that as well. Tom said he will be sure to do that. He wasn't aware that they had jurisdictional rights. He thought it was a zoning thing. Chief said as long as they can get ahold of the property owner and verify that they didn't have permission to dump there, they can certainly site for it.

Terry McIntyre, 335 Hulmeville Ave., said as Beverly Wolfe suggested, if anybody lives on Bellevue, Hulmeville, any of the state roads, pretty much your potholes are your problem. He thanked Bob Winkler and Marie Serota for contacting him with information for the state. He called Harrisburg and PennDOT supposedly had somebody out there last week to look at the

300 block of Hulmeville Ave. The road is coming apart in a few places and his wife has already taken a spill out there walking. They gave him a claim number, but he hasn't heard anything back and he's just a homeowner, so he doesn't know how fast they respond. It will have to be fixed sooner rather than later if there's ever going to be another parade because they walk down the street and with these holes you don't be walking down the street. For the Long Range Finance Committee, if they happen to look at some point when the Earned Income Tax money comes in and they're realizing \$75,000.00 to \$100,000.00 a quarter, it would be nice to have some kind of leaf pick up like a lot of towns have. They have one or two leaf pickups a season. Some of them also have shredding events and even maybe a walking path somewhere along the lines down by the rec field. He wants to share a little public safety story that he and his wife just encountered. They had one of their club membership credit cards hijacked online and they weren't aware of it right away and they came home one day and there were packages by the front door, computers and such. They got on the phone and reported everything to the fraud department and they're working on it vigorously and then his wife remembered when they looked back at the delivery dates that someone had been sitting out front of the house for some time in a black sedan which she didn't think anything of at the time. According to the fraud department, they were probably going to porch pirate after the items were delivered at the initial time they were supposed to be delivered. They weren't delivered on time, so he guesses they weren't able to pick the packages up. So, anybody that's having anything delivered, check your door a couple of times, or maybe make different arrangements because with this Covid, people are really hurting, and they are starting to get really creative with theft.

Steve Lowe, 409 Cynthia Ave., said just to piggyback on Tom Sodano, somebody was there today working at the schoolhouse property.

Mike Smith, 127 Dehaven Ave., thanked Barbara for at least speaking up on my behalf here a little bit tonight. He lost a house because of this council's inability to do what they're supposed to do. They wrote that ordinance. If you're not going to enforce it, don't write them. He said to Mark if they're going to write any new ordinances, why bother spending the money. It's ridiculous. He got a copy of the permit today and it's a complete and utter joke. Nothing was followed according to the codes of the borough and they have a right to move on this. He said don't make him have to go to Zoning Hearing Board. That's the wrong way to go about it. He doesn't believe it's right, but he's going to do it. He's already into it for \$2,100.00. He's got a big war chest and he's ready to fight it. He is trying to get out of here. The sooner they do what they are supposed to do, the quicker he can get out of here.

John Stratz said he would just like to remind council that on September 18th, their solicitors' office sent out an email asking for a gag order from this and asking them to not weigh in.

MOTION BY MARK MOFFA TO ADJOURN. SECONDED BY JOHN STRATZ. A roll call vote was taken. Joe Dudash, yes, Mark Moffa, yes, Gary Nickerson, yes, John Stratz, yes, Barbara Heffelfinger, yes. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer