

Penndel Borough Work Session
Via Zoom Communications

May 18, 2020

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

Present at the meeting via Zoom Communications

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

Also present via Zoom Communications

Ben Hauser, Solicitor, Hill Wallack
Carol Schuehler, Value Engineering
Marie Serota, Secretary/Treasurer

Announcements

Mark Moffa announced that since there will be no parade this Memorial Day, Langhorne Borough is filling the borough with flags and bunting and chalk drawings of flags in driveways and sidewalks in support of the military. He thought he'd mention it even though Penndel does it on Memorial Day weekend anyway. Please put out as many flags as you can. Also, four of the fire companies and emergency squads, including the Penndel – Middletown Emergency Squad, is having a food drive and it benefits the Penndel Food Pantry from the Bucks County Housing Group. And we know we have the food pantry that Karen Kondrk does a great job with here in the borough, so don't forget about that one. Beverly Wolfe asked if the drop off was at the Penndel – Middletown Emergency Squad headquarters. Mark said yes and there are four drop off points but that is the one closest to the borough. You can also drop off at the Parkland Fire Co., the Middletown Township Fire Marshal's office and the Langhorne-Middletown Fire Co. Beverly said since we are not having a parade, we need to go over the top since we can't honor them in the way we traditionally would. Let's show them we still think about them on that day and cover the borough with flags and bunting like Mark suggested. Barbara Heffelfinger asked if there was anything definite with the memorial. Beverly said there is a letter and asked if anyone had information on it. Mayor Winkler said the legion is sending about seven people to the memorial at the rec. field and will fire their guns and then will go on to the next memorial and then on to the cemeteries. The mayor said that no one is to go down there. Barbara asked about planting flowers and Bob said there are geraniums down there. He said he put a new flag up as well as the flags on the markers. He has to get the service flags yet for each branch of the service. They weeded where the stones are.

Bob said the Mayor's Community Day is being moved to August 29th. Joe Dudash asked about the car show and Bob said it is September 19th. Beverly asked Barbara to have Councilwoman Germain put on the website and Facebook page the information about the food drive and the flags across Penndel for Memorial Day. Bob Winkler said the Penndel/Hulmeville Parade

Committee asked for people to buy yellow ribbons to put on the poles. Barbara said payment goes to Margaret Young and she will get the information for where to send and who to make the check out to.

MOTION BY BARBARA HEFFELFINGER TO APPROVE THE MINUTES OF THE MAY 4, 2020 COUNCIL MEETING. SECONDED BY JOHN STRATZ. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried 6-0.

MOTION BY BARBARA HEFFELFINGER TO PAY STATE WORKERS' INSURANCE FUND INVOICE DATED MAY 13, 2020 IN THE AMOUNT OF \$7,901.00 FOR FIRE DEPARTMENT WORKERS' COMPENSATION RENEWAL CHARGES. SECONDED BY JOHN STRATZ. Mark Moffa said the insurance broker called him for the fire company's workers' comp policy. This comes up every year. It is in the budget because the fire company does not pay for their own workers' comp, it runs through us. They had a workers' comp claim in 2016. The way this works is for a period of three years, this claim can impact the policy. Insurance companies only have two years to regain their losses and they are capped as to how much they can increase the rates. There was an increase last year and were looking to max out their increase this year as well. They can't increase it by more than 25%. Our broker asked to be put in touch with someone at the fire department so they could work on some language to submit to the insurance company that would help reduce the rate. If the fire company has taken certain measures since the claim to reduce the possibility of these types of claims in the future, then there is an opportunity for a discount. He put him in touch with Steve Lowe and doesn't know where it went from there but they were able to submit some language that resulted in a reduction of what the increase would be. They were able to save \$2,337.00 on that increase. Their rate is still increasing from \$31,601.00 to \$33,938.00. It is a significantly smaller increase than they would have seen if they didn't scramble to save them some money. Steve Lowe said Rich and himself made contact and got an explanation and some of the things they have done in house is they replaced a certain style of turnout gear with a higher rating of temperature vapor barriers so that was some of the language they changed. They have also changed some of their response procedures and was added to the language. He personally asked the treasurer to write a check for \$7,000.00 and should be to the borough by the middle of the week. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried 6-0.

President's Report

Beverly Wolfe reported that she sent out an email last week about some issues she wanted to address. The first issue is the agenda and we are going to adhere to the agenda as much as they can. If they are talking about building and maintenance, they should talk about that and stay on topic and let the council people give their report. If there are questions or comments, they will do them when they are done. The second issue was committee meetings. It is recommended and has been past practice to have a committee meeting once a month. Any topics discussed are then brought to council so that seven people get to hear it. Something in that email was that she should be invited to those meetings and also that they mayor was to be invited to the meetings. She cited something from the borough code. A day or two later she was given some information that basically negated her statement which was that the mayor was ex-ficio to attend council committee meetings. That is not the case as ruled by PSAB. Something that she will start doing is the council committee meetings should be public. That way the public will be able to observe the process and be able to ask questions and have input at the committee level. It will be one more layer of transparency in what they are doing. They are proud of what they are doing. They want everybody to see it and be a part of it. She can't

imagine a month where a committee had nothing to discuss but if not, that's ok. By opening it up to the public, it will be posted and the chair will take minutes. John Stratz asked about advertising them. Beverly said they are not required to advertise. Ben Hauser said it is advisable at the beginning of the year to say like the ordinance committee will meet on the third Thursday of the month. Set it at the beginning so everyone knows when it will occur and where. Beverly said she has been looking at other municipalities at the advertising of their meeting schedule and hasn't found any that advertise council committee meetings. Some are on their website and many don't even have that. She asked if it would be consistent enough to put on the borough website and on the calendar that is on the borough website. Ben said he would look into it. He would err on the side of caution. He said like many school districts do at the beginning of the year. Beverly said they already had their beginning of the year advertisement with all the meetings scheduled. She asked if since this is a mid-year course selection, would it be sufficient to be added to the borough website and calendar on the website. Ben said he would have to look into it but thinks at this time he is in favor of doing a one-time formal advertisement. Gary Nickerson thought it was a good idea and has tried it out with the long-range finance meeting that happened on the 13th. It wasn't formally advertised in the newspaper but was on the website and Facebook page and because of that, Steve Lowe joined them for the meeting and added some good points to their discussion. He thought that was beneficial. He also thinks having these meetings once a month would go a long way so that council wouldn't have to grill Carol or the attorneys about a particular project going on or any of the contracts can be vetted by the committee and they could give their recommendation on how to proceed on the project rather than them asking a bunch of questions that could have already been settled in a committee meeting and then a little report can be made. Beverly said her conversation with him on that showed her this is the direction they need to go. Barbara asked if they would be done by Zoom or phone. Beverly said right now since borough hall is closed it would be by Zoom. When borough hall reopens and they start having meetings there again, that's where they would be. Ben said in regards to Zoom, with the emergency laws passed, there are certain curtailments of their ability to use Zoom meetings going forward. You may not be able to do Zoom except in an emergency crisis. The county will be moving to yellow at some point and when the governor lifts it, the meetings will need to be in person. He's sure you will find a way to have Zoom meetings and the notice requirements for that is much more modest than to pass a meeting schedule under normal circumstances. Mark Moffa said one of the things that he thinks could be accomplished is more regularity to committee meetings and more structure and that structure carries through to these meetings. What we've seen is our borough meetings are running long. He doesn't necessarily think that's a bad thing. He'd rather have long meetings where they were energetic with debates rather than just not talking about things. There is a happy medium. He thinks the last meeting was three hours and 40 minutes. More of these issues can be talked about in committee meetings and the appropriate committee people can bring it to council with a summary of what's going on. He said he knows they don't want to hear about important issues for the first time at a council meeting when it maybe could have been addressed by the committee and taken to the council president and some background work done. He thinks it's a good idea. Barbara said she thinks it's a good idea because that's the way it was always done before it became a free for all. Beverly said Ben will look into the advertising and get back to us at the next meeting so they can talk about it and implement it. John Stratz asked what some of the problems were that started the free for alls. He said he wasn't at public committee meetings that got out of hand. Beverly said she believes it's a moot point now from what she sees at their meetings and the day to day workings of the borough and council. Marie Serota announced that Laura Germain joined the meeting. Barbara said she didn't mean committee meetings, she meant regular meetings. There was set structure until the regime changes and it fell to the curb and it would be good to go back to setting it to this is when it is and this is when it will be so people know ahead of time.

Mayor's Report

Mayor Winkler reported that one of the police cars was in an accident because a deer ran out in front of it. The bids came in for repairs and was sent to the committee.

Emergency Management Report

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

Engineer's Report

Carol Schuehler read her report which is attached.

Beverly asked how long they were on a moratorium for the Act 537 Plan for additional EDU's. Carol thinks the borough was going on five years. The last release was the 2015 ones. Beverly asked if the lateral repairs on Bellevue Ave. have the potential of solving this very large I & I problem and helped us with the Act 537 Plan. Carol said she doesn't know if it corresponds with the Act 537 Plan because they didn't address that specifically with the DEP. They are talking about the equivalent of 87 EDU's and pump station #1 is running near capacity. This would help free up some capacity in the system that is very much needed by reducing this I & I. Mark Moffa asked if they have questions for Carol that relate to items that also appear further on in the agenda like the contract for the sewer lateral repairs and also the pedestrian inquiry from PennDOT, should he ask them now or when the items come up in the agenda. Beverly said she feels it's topical right now even though it is further on in the agenda. Ben Hauser said he sees no issues with addressing them now. Mark asked Carol how many EDU's the Act 537 Plan frees up for the borough. Carol said she would look it up and let him know. Mark asked Carol to explain the pedestrian crossing inquiry. It says in her report that if they sort of go along with the suggestion that if they prohibit pedestrian crossing at certain points, they won't address the ADA ramps at those corners. He asked if that was correct. Carol said yes. Mark asked why they would go along with that. Carol said that's what she says. She said she wanted to push back but didn't until she knows if that's what council wants. Mark said they have to remember that next month they are going to pass a major bill that zones that whole corridor and tries to encourage more pedestrian activity so he thinks that's the last thing they would want to do is to sign on to anything that tends to limit pedestrian activity in that area. Gary Nickerson asked about the pedestrian study. He said he has concerns like Mark that would prohibit people from crossing in our downtown revitalization area. He asked if there were any other options other than putting up signs that say don't cross here like a button you can push to cross Route 1. Carol said they were looking at the intersections that don't have any kind of control. She got an email that said instead of replacing the ramps, they don't think it's safe to cross there and they'll do a study and put up signs that say people can't cross there. As she interprets it, if they don't do that, nobody is repairing the ramps at those intersections and it will fall on Penndel to do that when the road is repaved. It becomes the borough's problem and you will have to maintain those signs and the police department's job to enforce those signs. She thought this was contrary to what the borough wants to do. She had a strong reaction which is why she brought it to council so she could say no. Gary said they want to make Route 1 more walkable. Barbara said there may be a problem with the school district that should be addressed. There is one family with a bunch of kids that have to cross Route 1 to get to the school bus. Carol said it is PennDOT's study, not the boroughs. Most of the intersections have some form of ramps but in deteriorated condition. Incorporating the school district is beyond our scope at this time. Joe Dudash said that Carol said they would need to go to Ben for advice. It seems we always get into this quagmire with PennDOT so he wanted to know how do they put the pressure on them to get the information we need. Carol said the email was asking for Penndel's support for this study to stop crossings at unsignalized intersections and it is just at this point of her responding that council does not support this study and feel very strongly that you want pedestrian

accessibility in this district of Penndel because of the plans and visions for this borough for years to come. Whether you want to escalate it further is up to council. She wants to respond they don't support this study and feels just the opposite. Ben Hauser said if it is Penndel's inclination based on the recommendation of the engineer, would council want to do a formal document to issue to PennDOT. Beverly said if all of council doesn't want this study, should Carol add a resolution to it that is a little bit stronger than the council said no. Carol said since some time has passed, she would like to send an email back today that the entire council says no and then follow up with a resolution and letter to someone higher up in PennDOT. Beverly said it is under new business so she will poll council then. Carol said getting back to Mark's questions about the EDU's, she said in 2015 there were 11 released and in 2016 it was up to 96 EDU's so 107 are released from this moratorium. Mark asked what the meaning was of that qualifier of up to 97. It might not be that many EDU's? Carol said what happens is you get a land development plan presented to the borough and sewage facilities planning is undertaken where a planning module gets approved and goes to the DEP to say for example, this restaurant will need six EDU's and then the DEP goes to this release schedule and says, yes, that's within what they are allowed to have and they will approve that. The release happens when the development comes in and the borough agrees that they should be getting those EDU's and then it goes to the DEP to sign off on. Mark asked if there was a backlog of people waiting for EDU's. Carol said there were two EDU's that someone wanted on an existing building to expand the use of it and there was one where someone was talking about doing a one lot subdivision and needed one for that. She hasn't seen any sketch plans yet. So, three out of 107. Mark asked if the people would be contacted so that their projects can move forward and Carol said yes, she would expect they would be.

Joe Dudash asked Carol what the outcome was for Wheeler Brothers concrete and if there was a change in schedule with PennDOT. Carol said Wheeler Brothers work is all sidewalk and no curb but they did meet out there on the 13th of May along with the contractor. They looked at the condition of things and reached an agreement on the number of slabs to be replaced. They also reached an agreement on some of the damaged asphalt pavement and should be sawcut, removed and replaced and there is an item or two more that they are waiting for information on. There was talk about a speed limit sign and Pasholli's has that sign in their construction trailer and will install when the concrete work is done. She's been in communication with PennDOT about the resurfacing and will definitely not be here before Memorial Day and because of the lateral repair discussion, they may be able to push back just a little bit further until they get the lateral repairs done. She told them she would notify them once she knew if the borough was going ahead with the lateral repairs. PennDOT is really working with us. Joe asked about when they do the laterals, will it be enough time to settle before they start milling or will there end up being a gully there after it's done. Carol said there would be somebody there inspecting compaction and she is confident there will be good compaction. In the ideal world, you would let something settle for eight weeks so they will have to be very diligent about the compaction. Joe asked if Wheelers was going to be done soon because he hasn't seen the guy all week. Carol said he was out there today and Wheelers will be done soon. Joe asked if they are done with the Keller construction. Carol said as far as she knows, yes. Joe asked what the outcome of Bradley Funeral Home was. He said he knows she gave a couple of options. He heard raising the sidewalks would cost \$5,000.00 more and we acknowledged there would be a dip if they put the curbing in. If you look at the photograph from the telephone pole to what looks like a turnoff valve for the water company, there's a cut in the concrete. He asked if that was where it would be replaced with soil. Carol said they have been talking of two ways to address the frontage. The two that would be consistent with the ordinance would be either to replace the sidewalk when you replace the curbs so that the sidewalk is the same elevation as the curb or sawcut and transition to grass between the sidewalk and the curb. Joe said that's where the dip

is and is a safety issue and would discourage jaywalking from the church. It becomes a jaywalking issue with the safety issue with the curbs. Because when you step up and over, there will be a dip in the ground when it settles. Carol said the grass would slope four inches over a width of 17-18 inches from the top of the curb to the back of the sidewalk. Joe said that is a jaywalking issue. Carol said if you are crossing at the curb instead of at the intersection, that's jaywalking. Beverly said there are ADA ramps at both corners at that intersection. Joe said PennDOT wants them to use the ADA ramps at Bradley's but at Route 1 they are not worried about it. Joe Dudash read a memo which is attached. Joe said this is no reflection on the engineer. He thinks she's done a great job but the whole thing with the jaywalking is a DC smoke screen. Bob Winkler asked Ben if this could end up being an ADA violation for the curb. Ben said they can look into that however the property has two driveway entrances. Bob said he heard of a situation where there was a curb raised in another town in PA where a lady walked across the street and had to step up and she went into the building and when she came out she didn't expect the sidewalk to be lower than the curb and she tripped over the curb and it became an ADA situation. Ben said they would look into it. John Stratz said he had made an observation with Carol last week when they were checking the Keller property. He saw that the grassy median cuts have already been made at the funeral home and he asked Giuseppe's if the intention was to put grass in there and he said yes. Mark said he didn't see this on the agenda for later. Beverly said she would add it under old business.

COMMITTEE REPORTS:

Community Development

Barbara Heffelfinger reported that she and Joe have not been able to meet and discuss this but the RDA has sent a letter that they are going to consider exceptions on finish dates because of the pandemic. Now that construction people are out, she thinks they start looking at getting the parking lot done and also getting the generators. Beverly said they need to contact the RDA and get it in writing about the completion dates for the grants. Barbara said they are looking for an idea of whether we can get it done and want them addressed separately as far as timeframes go.

Community Relations

Laura Germain reported that they are going to hold some kind of walk through Penndel the weekend after Memorial Day weekend where you have a sign in front of your house that says maybe dance walk or skip walk or jump walk or whatever. She will print out signs at borough hall and they can pick them up for the participants and she will make a map so they can walk through Penndel and do silly walks. She asked council to put them in front of their houses and she said there was a lot of participation with the last one so she expects there will be with this one too. Beverly asked if they were still thinking of doing the virtual newsletter. Laura said she will talk to the mayor and Barbara. Beverly asked if she got with the website designers about getting the banner for flashing news events and stuff. Laura said she sent an email but she didn't get a response on that one yet. Beverly said she spoke to him and it was not part of the original contract but she thinks it's something we should look at. Laura said she would look at her notes because she is almost positive that was something they talked about at the beginning. Laura said if anyone wants something featured to let her know.

Public Safety

Joe Dudash reported they've been busy with the chief and the emergency coordinator. Michelle continues to do excellent jobs to clean the area so that people could go into the hall to pick up the TOD information. The mayor was out fixing a stop sign. He had Mr. Diaz out cleaning storm drains. The Bucks County Health Department was seen in Taddei Woods getting ready

for mosquito control. He asked if the mayor could get dunks again because they were successful last year. Pop them in the pond down there. It seemed like it kept them down. Beverly said she will look at the budget but believes they put money in for them and they are not expensive. Bob said he thinks it was about \$36.00 for a case of them. Beverly said it is in the budget under operating supplies. Bob said he would pick them up. Joe said he saw the chief last week with the new officer and everything is functioning well.

Public Works

John Stratz said he was in touch with Pothole Killers and the county will soon be open for that type of business. He will be counting the potholes. He does appreciate getting a heads up from the residents on where they are. He can get 40 potholes done by them for \$1,800.00. He can't call Pothole Killers for 3 potholes. They have to find a cheaper way, whether it be him and the maintenance person going around filling them. Beverly told him to discuss with his committee and bring back to council. He went out with the borough engineer and looked at the properties on Bellevue Ave. under contention. He reached out to the Bucks County rep. for PECO to help with identifying the ownership of the street light at the rec. field border between Pennel and Middletown. The PECO street light map that he has shows that the last street light belongs to Middletown. He needs help in getting total definition of that one and the rep. is going to do that for him. Beverly said that she has been receiving, along with everyone else on the list, the daily report on the street lights.

Mark Moffa said he noticed that work has started on the Hulmeville Ave. bridge. He asked if there was any update on the request that was made for the pedestrian walk. Carol said there was no update and she would reach out to the people she spoke to last time but she thinks they will say that the traffic unit will look at that as the project progresses.

Finance

Mark Moffa reported that he and Barbara haven't met since the last council meeting. He has been in contact with Marie and Donna Caracappa, our tax collector, to anticipate what the revenue shortfalls will be based on everything that's going on in the world. Donna just finished the second quarter reports. He didn't get a chance to look at them yet but hopes he will have some information for the next council meeting. Some of the shortfalls would be in the real estate transfer taxes because sales are down.

Administration

Barbara Heffelfinger mentioned the new rules for when borough hall will reopen and what Marie has set up. Beverly said Marie did a great job. Marie said the plan is going to change with the addition of the sneeze guard which was on the third version of the agenda.

Insurance & Pensions

Gary Nickerson said that he and Mark have not met but exchanged some emails. Gary mentioned the damaged police car and asked Marie what the deductible was. Marie said the comprehensive deductible is \$500.00. Gary said the bids that came in were about \$500.00. Mark said he had a conversation with the broker about that and he said the claim shouldn't impact us negatively next year. The advice of the broker was if the bids were above the deductible, file a claim. The quotes are twice the deductible. Beverly said the insurance committee can instruct the secretary to file that claim and to put it in writing. Marie said in the past they always just automatically filed a claim. Beverly said because of the rates skyrocketing, this would make us a little more mindful of it. Gary said they will send Marie an email. Gary said they received an email from the financial advisor regarding the minimal obligation and he recommended they pay in advance to capitalize on the market as opposed to

later. Mark said the recommendation came from Jeffrey Hugo who is our financial advisor for the pension plans and he is advising all of his clients to do it now. This is money that is in the budget that we have to pay this year, but he is advising we pay it now as opposed to October. It is \$16,523.00 for the employee's pension. \$5,175.00 on the police pension plan. He says in the email that they are taking steps to enhance plan performance, get it rebalanced, purchase stock at their low point and now is the time to do the municipal portion of the payments. This will work on the borough's behalf. He thinks they should accept the advice of the financial advisor.

Building & Maintenance

Joe Dudash wanted to reiterate what Marie and Karen have done with the plan to reopen. The shield will be good for them for protection. As for the generators, they have one bid and two other bidders and asked what they do when the lowest bidder doesn't comply. Beverly said this is for the RDA grant and you should get three estimates. He has three. One was a Penndel business but it wasn't working out. Beverly asked if there was a possibility of replacing that one. If he can't, they can go to plan B. Ben Hauser asked how much the anticipated amount was for the bid. Beverly said it was an RDA grant. Barbara said it is about \$19,500.00. Ben said it puts you in the middle range of the bidding statutes which means you have to get three written quotes. If you can't get a third, please document that in a memo and then you may be able to proceed with whatever you do get. Joe said the one person they wanted to get a written estimate from, gave it to them by phone. They have been on him for three weeks to get a written one. Ben said to document your efforts. Joe said he was supposed to have it in by close of business today. Ben said at the next meeting when you decide to award, you will have all the documentation. As you are under \$21,000.00 you are relieved of all of the formal requirements but you should still go with the lowest responsible bidder. Joe said Bob has been working on the paving. Joe said he is looking into something that was in one of the borough magazines where it said a lot of places are getting storm water credits by using porous pavement, bricks and stuff like that. He's looking for local companies that do this. It would help with the flooding that happens between Nick's house and the tree. Carol asked Joe to invite her into that committee meeting about the porous paving because you need to understand the soils underneath. It has a lot of complexity to it but it is a great idea.

Refuse

Gary Nickerson said they got a request from a property owner on their trash service. They are researching this and reviewing the contract. It's a little more complicated than they thought. They will report back at the next council meeting. Joe said one of Ben's assistants has been helping them because she is a contract specialist. Beverly asked if they could look into electronics recycling and if there are any events nearby and get the information out. People go to these things and take stuff and don't realize what they can't bring. Also, if they could look at paint and toxic chemicals so they can get that out instead of people hiding it in their trash cans.

Ordinance

Mark Moffa reported that they met on Tuesday, May 12th and it was himself, Gary and Beverly. They tried to move along things they talked about at the last council meeting. Focus was on fences and curbs, sidewalks and street excavation. Some of the things they batted around was if they wanted to require surveys or not, do they want to keep the one-foot setback for side yards or get rid of it. What happens if someone wants to just replace boards and not the posts. They reviewed the conflicts that they believe exist in the existing ordinance that would allow front yard fences whereas the new ordinance would, the intention would be to not allow them. Gary said he started out talking with Mike Italia. Gary said he found something he thought they should revise and he is researching that. On the curb issue, Beverly was going to look into

whether eight-inch curbs are required on PennDOT roads or is it just the PennDOT guideline. What they want to do moving forward with some of these issues they are having is do they want to keep the eight inch on state roads or is there any leeway. Beverly said what Carol sent her was the PennDOT requirement as per their publication that clearly states curbs on state roads should be an eight-inch reveal. That is per their standards. On the question of enforcement, they've had a lot of people tell them that somebody from PennDOT, and that person is usually nameless, will verbally say the don't adhere anybody to it. Beverly said she finds that extremely hard to believe because in bulletin 15 which is referenced for liquid fuels, they are very specific in that publication on what you can and cannot spend the money on. And they are very quick to make the municipality pay it back if you spend it on something they don't approve. She finds it hard to believe they publish standards they are somehow not going to require you to keep up with their standards on a state road. And at the lack of having anything in writing from PennDOT, eight inches on state roads is what you have to do. Mark said there are tons of laws on the books that people don't necessarily go around and enforce but doesn't mean we as a municipality can go around passing laws that counter the state laws. Beverly said they can't recommend that they ignore them. Mark said the TOD ordinance goes to the borough planning commission next Thursday, May 28th at 7:30 to give the seal of approval from that group. It's been advertised and they are targeting June 15th for passing it. Ben said they are on target and if anyone at the meeting lives in that tract, they have already received notice. Another letter will go out and it will be advertised in the Bucks County Courier Times. The back vestibule will be open for review of the ordinance and copies with CDC requirements being done. Another notice will go out and the tract will be posted with the notice and you will be teed up for the 15th of June. Beverly asked if the vestibule has been open for the map and inspection of the new ordinance with copies available to take since last week. Marie said yes, the ordinance, the map and the advertisement. The back door is unlocked and the inside door is locked. Laura Germain said it is on the website under current news.

Open Space

John Stratz said dunks are being taken care of. They will be opening and grass will be being cut at the entrances. Maybe this year he will get permission to take a lawnmower through the path.

Revitalization Task Force

Mark Moffa said they have not met.

Long Range Finance

Gary Nickerson reported they had a meeting on May 13th. He thanked Laura for getting it on the calendar after he told her the wrong day and she had to back and correct it. She also advertised it on Facebook. Jeff Darwak, executive director of the Bucks County Redevelopment Authority made a presentation to them on the LERTA Act. LERTA stands for Low Economic Revitalization Tax Assistance. It's a tool that municipalities use to make parcels attractive for development where through a period of ten years, they would freeze the existing property tax and slowly phase in a new assessed rate over a percentage the taxing authority would have to approve which would be the borough, Neshaminy School Board and Bucks County. They talked about what other municipalities have done. Morrisville has done this successfully on two parcels. They are going to have to start coordination with the Neshaminy School District now to make sure they are going to partner with the borough on this. They are going to have to figure out how they are going to start the conversation with the school board. Hopefully they are interested in this. Hopefully next meeting they can have Bob Pellegrino come and give them his shared experience on this and make a recommendation to council and they can enact something like this. The Bucks County Planning Commission and Jeff Darwak said this was a

good idea for the LERTA for the entire boundary of the TOD. Beverly asked if Jeff offered to make the first contact with the school board. Gary said he did but wants to talk to us and have a plan. Beverly asked how they are proceeding with the EIT. Gary said Long Range Finance made a recommendation for them to look into it and it's in council's hands now. Mark is going to reach out to Keystone to get a council presentation.

Old Business

Beverly asked Adam Diabelko to speak about the curbs outside the funeral home. Adam said Joe Dudash touched on the highlights. They certainly aren't trying to cause any disruption in the town by being difficult. They are willing to comply with whatever the council decides. It is certainly an expense but it's not about the money, it comes down to safety. He said from the beginning it is a tripping hazard. There is a line cut in the sidewalk now. It's a flat line and not a tripping hazard. It is a business and there is a lot of foot traffic and Bellevue Ave. is a very busy road and he thinks it's just a matter of time before somebody trips and steps on the uneven ground. It will be sloped and if you are not expecting it and they deal with a lot of seniors. They don't want to get sued if somebody falls in the road and they can probably take Pennel with them. Kevin Diabelko said he had an issue about two weeks ago where they had a mass scheduled across the street at Our Lady of Grace Church and they had a viewing at the funeral home before the mass and they cross the immediate family and to do that they stop traffic both ways while the hearse is positioned across Bellevue Ave. and he is arm and arm with the spouse because it seems like the proper thing to do and they cross right in front of their front sidewalk. They don't go up to the crosswalk. He tried to assist the lady up the curb by the church and it's a high step up and one of the children happened to be behind them and they asked who was helping me. The step is brutal and he doesn't know if it is worse going up or down. It is very high and it's not even by them yet. People park on that side and cross over because they have limited parking and nine times out of ten, they won't cross at the corner. They've had numerous people say that's a high step and it becomes a safety issue. Beverly said she takes the blame for the term jaywalking and it's because she can't envision a 90 year old person who is going to park by OLG and open the car door into horrible Bellevue Ave. traffic and sprint across Bellevue Ave. to jump over an eight inch curb and then unfortunately it would be into something that is lower. She envisions them going to the cross walk and crossing that way. She's the one that threw out the term jaywalking because that's what came to her head. It's not that they ticket people for it. If you lived in Philadelphia, people got ticketed for it all the time. The term was hers, not Carol's. Beverly asked Carol how the present curbing is. Carol said less than four inches high today. Beverly said what she didn't know, and after Kevin Sr's. comments about walking the people over to the church and having to go down his curb and up at OLG because it is rather high. She asked Carol since they would be doubling that curbing basically would still be a down slope to the sidewalk as it presently is. Carol said yes. If you keep the existing sidewalk and create a grass verge in between, it would be a four-inch vertical drop over a length of 17-18 inches in the grass. Beverly asked if you could build up the grass area not to make it as steep. Carol said the width of the strip would be 17-18 inches and would drop four inches. It's a little flatter than four to one slope. She asked if it would eliminate any buildup of ice on the sidewalk which remains if they did grass. Carol said grass isn't going to help with drainage. The front of the property falls from Woodland Ave. to the north about 2%. Right now, all the flow goes along the gutter line. Now it would go down the sidewalk but it would have positive drainage to leave that area at 2% fall. Kevin said it is a major issue stepping up the curb from Bellevue Ave. Mark Moffa asked the Diabelko's what exactly they wanted. He asked if they were asking not to replace their curbs at all, not having to replace at eight inches but suggesting that maybe six inches would be appropriate and is the request for the entire length of their property or just the part around the manhole and the telephone pole that abuts their driveway. He's not clear what the request is. Kevin said the eight-inch curb

height the length of the property is the issue. He's not trying to get out of spending the money, that's not the issue. Since he had his knee surgery, he's more aware of things and the eight-inch height is an issue. Ben Hauser asked Carol, in the Commonwealth, on state roads, does the Department of Transportation require the eight-inch curb. Carol said yes. Ben asked, in respect to all other curbs in the borough being redone as part of this project, except for the one property, are they all being required to do eight inches. Carol said yes. He asked if it would be applicable to say that trip hazard pertains to all properties if they assume it is a trip hazard because the PennDOT standard makes it eight inches. Carol said yes. Mark said a couple weeks ago they talked about a different property on Bellevue Ave. which had unique characteristics. He asked Carol if she saw anything with this property that makes it different than the others on Bellevue Ave. that have had to conform. Kevin said one of the major issues is that they have a lot of people crossing to and from the funeral home. Carol said each property is unique. In the situation that was discussed on W. Lincoln Hwy. with the hair salon, was a different situation because the curb height was above four inches and there was no requirement to replace the curb. That was an election for the property owner but the curb did not fail the initial inspection and more importantly, the front door to that curb line, there wasn't enough difference in elevation that when the curb would be raised to the eight inch height, there wouldn't be enough slope to get the water away from the doors of that building. That was the case with the hair salon but it is not with this property. Mark said to the Diabelkos that he knows their standard of practice has been to cross the street, block traffic, not necessarily cross at the corner or where the driveway is but asked if there is a reason they couldn't cross people at the corner where it is depressed or at the driveway where the apron goes down. Kevin said he would have to have someone outside crossing people from the church to their side of Bellevue Ave. He couldn't have someone stationed outside all night for a three-hour session. It would be the right thing to do to go to the corner but people don't. Telling someone who is 90 years old to go up to the corner when they want to go the shortest distance which is right across his sidewalk. Adam said since they are under four inches and the slope they are discussing, is it possible to request a slightly lower curb. Higher than what they have so that they would still be putting in new curbing but lower than the eight-inch reveal so that it's less than a tripping hazard. Because it is a business with more foot traffic makes it different than just in front of somebody's house. Joe Dudash asked Carol about the water flowing down towards the telephone pole. If they make it higher, there will be more water down there and pooling so in the winter, he would have ice. Carol said no, there is a constant slope. Joe asked if it would lay in the dip if the grass line starts to sink. Ice will form in the dip. Carol said it would not because there is a positive grade, a 2% slope going the length of the sidewalk. In her mind the ideal thing to do is to raise the sidewalk to match the curb but they are trying to find a way to work with the property owner to make this less burdensome. Joe said Bradley's has been there a long time and now PennDOT is going to worry about if the curb is eight inches. This is not a PennDOT life or death thing. Joe said if someone falls off the curb and rolls into the street and gets run over, the borough is going to get sued. Ben said that person would have crossed illegally. Beverly said she would have to check. If jaywalking were no longer a crime, that would be known as negligence per se by the person crossing the street and the jury could find as negligence analysis. Beverly asked if anyone had any suggestions to help them that goes against the borough code. She said there is a human factor for this business dealing with people who are grieving. If they were to do the grassy berm up to the eight inches, that could possibly create an additional hazard. Mark asked what the height of the curbs are at OLG. Beverly said eight inches and that they replaced them and the sidewalk. Mark said so they have to step up to an eight-inch curb anyway. Beverly said but it goes right to the sidewalk. John Stratz said there is a street sign put up by the state that says pedestrians are protected by law in the crosswalk. We have a four-corner crosswalk with ADA ramps in that intersection. Laura Germain asked if it was a tripping hazard now and Carol said she did not evaluate it for

that just to the code. Right now, the curb is less than four inches and the top of the curb is flush with the six-foot-wide sidewalk. Laura asked if there are any hazards now. Carol said she didn't look at it that way because you really should cross at the intersections and not as a situation where somebody would cross at mid-block. Gary Nickerson said this is just a tough situation for everybody and he appreciates the situation the Diabelko's are in. Council is trying to work within our existing ordinances. He's looking at the front of the building from Bellevue Ave. and if there was a concern about someone walking from the church across the street because of the curb height, you do have a driveway apron and you wouldn't have to go up any sort of step if they did that. That might be a way to direct them in and out if they are not dissuaded from jaywalking. Joe said that Kevin and the mayor brought up something about a suit somewhere in PA with the same issue and Ben should look into that. Ben said it wouldn't hurt to look at it for option B on the engineer's report but there are ADA ramps in that vicinity. Beverly said they don't have the time. Joe said on the issue of jaywalking then we should have the police department out there for every funeral to direct traffic and make sure there are no jaywalkers. He asked Mark what the cost would be for that. Mark said he doesn't think it is the borough's responsibility. Joe said he's even afraid for the OLG kids that cross Bellevue there because people are flying. Adam said he knows time is of the essence but can they ask for consideration of making a four- or five-inch curb which is less of a tripping hazard or raise the existing curb because it is under four inches to four inches. Mark said he is struggling with this because he wants to do what he can for all of the residents. They've had so many people come to them on this issue with the curbs. They only granted that one exception because they thought they would be directing water into someone's store. He's struggling and trying to find a way but he thinks what borough council has to do with a situation like this is rely on its professionals. They are not experts and they can't just randomly hand out exceptions because this person has an emotional plea. We have to rely on our engineer and we received some guidance from Ben tonight. We sent our engineer out at our expense to see if there are other options. He's been racking his brain all day after getting Carol's report and he keeps coming up empty. He's calls upon his experience as a zoning board member and there is a list of criteria that needs to be met. There are hardships and peculiar situations. It's a pretty high bar and he doesn't think this meets it. It pains him to say that because he wants to help them out. They have Carol's report and that's what they have to go by. Ben said Mark summarized everything and he senses council is at minimum, sympathetic and the Diabelko's have a very passionate, sympathetic supporter in their corner, but there is an ordinance and you have state guideline requirements from PennDOT that require eight-inch reveal. Council is going to have to act in a manner that is not merely arbitrary and capricious in making decisions. There are a lot of properties that have to come up to eight inches on the curb because of PennDOT's specs. These decisions are not made in a vacuum. Because there is no hard and fast rule when you grant some sort of variance in a zoning term, if you are going to grant some relief to a property, you're going to have to be consistent when you are granting relief to other properties. Based on the decisions you make tonight and going forward, are you going to come up with your own kind of standard that you are going to be judged against each time you get a request for some sort of waiver or exception. That's what council should keep in their minds. Beverly said they have option A or B and B was something Carol came up with to lift the burden on the property owner. Option A would be the optimal solution but the costliest. She told the Diabelko's they have a sympathetic council here. It's not that there is no emotion attached to this. Kevin said they will comply with B. Beverly wanted them to know that they are not unsympathetic at all. Kevin said he would have to change his steps and his pillars and everything. There's a lot involved. Joe said it would be over \$8,000.00. Barbara asked if Kevin could reroute his people coming out of the funeral home with signage. She's not saying hire another person to stand there and cross them but use signage. She asked if that would relieve him of liability if someone got hurt

crossing the street. Get the project done and reroute the people without costing extra money to comply.

MOTION BY JOE DUDASH TO GRANT A REQUEST BY THE BRADLY FUNERAL HOME FOR RELIEF ON THE EIGHT INCH REVEAL ON THE CURBING IN FRONT OF THEIR PROPERTY TO A FOUR- OR FIVE-INCH CURB REVEAL. No second, motion failed. Beverly said that is the lousy part of this job.

Tabled from 04/20/2020:

MOTION BY BARBARA HEFFELFINGER TO PAY ZOOM DRAIN INVOICE #82552144 IN THE AMOUNT OF \$16,685.18 FOR SEWER LATERAL REPAIRS ON BELLEVUE AVENUE. SECONDED BY JOHN STRATZ. Joe Dudash asked if this is what they talked about last meeting and Beverly said yes. It was also referenced in the two previous engineer's reports. They did receive the breakdown of the work that was done. John Stratz said they had a government contract with them and did the work that was promised. Sewer repairs are not like going under your sink where you see everything. It's not an exact science. They fulfilled the contract. It didn't work. We have to try something else. But that doesn't mean we can expose the borough to a suit by not paying these people. Joe said Gary brought up a good thing about the contract last meeting. Gary said he brought up about the structure of the bid and what we were paying Zoom to do. He initially assumed they were paying them to diagnose and fix whatever the issue was. But it seems like after Carol gave him an answer. We designed a solution and Zoom implemented it and the solution was not successful. Carol said they were trying to find a solution without digging up the road. Zoom Drain was the only contractor to come forth and try to do it for a price that was not exceeding the threshold of formal bidding. They tried to do it and it just couldn't be done without digging up the road. You will see later in the agenda how much more expensive it becomes when you dig up the road. They made a valiant effort for the borough but it couldn't be done. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Laura Germain, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried.

New Business

MOTION BY JOHN STRATZ TO AWARD THE SEWER LATERAL REPAIRS PROJECT ON BELLEVUE AVENUE TO ISIDORE CONSTRUCTION CO., CHALFONT, PA WITH A BID PRICE OF \$57,102.85 AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY BARBARA HEFFELFINGER. Gary Nickerson asked if they are going to be in a position to afford this. Beverly said Marie can tell her which of the three funds can be used for this project. In sewer operating, they have a balance of about \$470,000.00. In capital reserve it's about \$400,000.00 and in sewer capital it's about \$400,000.00. Marie said the other repairs were paid out of sewer capital. Beverly said they have enough for the Zoom Drain invoice and for the final repair. Joe Dudash asked if it is money just sitting or was it a loan. Beverly said no, it's in the sewer capital fund. Joe asked how many bids and Beverly said they were the lowest responsible bidder. Carol said it there were two bids. It was advertised in the Bucks County Courier Times and it was on Pennbid. She received excellent references for them. Joe asked if the cost was so high because they waited so long. Carol said no, just the traffic control alone on Bellevue Ave. for this bid was \$11,000.00 - \$12,000.00. Because it's on a state highway is a lot of reason for the cost. One of the items she had in there was the wearing course pavement, and as long as they are ahead of the resurfacing project, we might be able to save between 2% - 4% on the total contract price by eliminating that wear course pavement. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried.

MOTION BY GARY NICKERSON TO PAY THE 2020 MMO PAYMENTS INTO THE PENSION PLANS IN JUNE AS RECOMMENDED BY INR AS FOLLOWS: EMPLOYEE'S PENSION PLAN \$16,523.00, POLICE PENSION PLAN \$5,175.00. SECONDED BY MARK MOFFA. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Laura Germain, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried.

John Stratz said this is not PennDOT talking to them. It is PennDOT's contractor who doesn't feel like doing the work and is required to upgrade these ADA ramps. These ADA ramps face each other. They cross Noeland Ave. and they cross Lincoln Ave., not Lincoln Hwy. We want to deny PennDOT's request to brush this off. Beverly said they want to restrict crossing Lincoln Hwy. as well. That certainly goes against the walkability of our revitalization plan. Carol said the initial email said they are currently seeking to obtain the municipality's concurrence on providing a pedestrian study restricting specific crossings at the intersection of Lincoln Hwy. and Noeland Ave., Lincoln Hwy. and Centre St., and Lincoln Hwy. and Lincoln Ave. and it goes on from there. You are asking her to advise PennDOT that you do not concur. Joe asked Carol if this is written in PennDOT's book, is this the law. Carol said the law says when you repave a road, you have to upgrade the pedestrian ramps and ADA facilities along that road. PennDOT hired a consultant to do those designs for them. This consultant is reaching out to the borough saying they would like our concurrence that they should do a study that says you just shouldn't cross here and when she responded with questions, the response she got confirmed the goal of this study would be to say people shouldn't cross here. We won't fix these ramps and we'll just put up signs saying to not cross. The contractor is trying to investigate a way to avoid doing this work.

MOTION BY MARK MOFFA THAT WE DO NOT CONCUR WITH PENNDOT'S INQUIRY TO DO A STUDY REGARDING THEIR PLANS TO UPGRADE PEDESTRIAN FACILITIES AND ADA RAMPS AT LOCATIONS ASSOCIATED WITH PENNDOT'S RESURFACING PROJECTS AS RECOMMENDED BY BOROUGH ENGINEER. SECONDED BY BARBARA HEFFELFINGER. Mark reiterated about the revitalization and said to Joe about them trying to pull one over on us, some municipalities might not want people crossing a major road like Business Rt. 1, a four-lane highway. He doesn't think it is that out of the ordinary for them to say, hey, maybe these shouldn't be here, people shouldn't be crossing. Every case is different. In our case, we have a plan to encourage pedestrian activity. Mark asked if Carol is making the response and would she respond as indicated in her engineer's report, not only that we don't concur but we prefer to see the concrete curbs and sidewalks repaired or replaced as necessary. He asked if they could add that language and Carol said yes. Ben said if there is no objection adding this to the motion then it is ok. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Laura Germain, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried.

MOTION BY MARK MOFFA TO PURCHASE A 35.5" TALL PORTABLE CLEAR ACRYLIC U-SHAPE SNEEZE GUARD FROM SHOPPOPDISPLAYS.COM FOR \$251.74 OR LESS FROM ANOTHER SUPPLIER PLUS SHIPPING. SECONDED BY JOE DUDASH. John Stratz asked if this was for one or both offices. Marie said it is for one. They thought they would put it by the inside door to borough hall so when people come in, they would stop there and we can deal with them through it with a small hole like the banks have. That way they don't have to come into the hall that far and we can keep the front door locked. That was Karen's suggestion. Beverly said that was a great idea. Marie said they could send this in for FEMA/PEMA reimbursement. Beverly looked at the budget and said there is money in several sections they could use to cover the cost. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe

Dudash, aye, Laura Germain, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried.

Mark Moffa brought up the CSX train crossing. As you leave Penndel and head up to Langhorne Manor, there is an issue with the gates coming down when there is no train coming and they just stay down. Cars try to go around them and that is the road to St. Mary Medical Center so ambulance traffic is impacted. It is an issue that Langhorne Manor addressed with a letter to CSX. Alicia Gasporovic did a lot of research on this and their council passed it. Their council president signed it and cc'd everyone under the sun including us and our chief. Our chief weighed in on it with a response and he thinks Beverly has contacted our representatives. We don't have any answers yet and the request that come from Langhorne Manor is could we do a letter similar to what they drafted and send it to all of the same people like they did with our letter with the Hulmeville Ave. bridge. He would like to bring it up tonight for a vote because it is a safety issue. Beverly said this is a public safety issue. She called Brian Fitzpatrick's office and Tommy Tomlinson's office several times about this. The gates stay down when there is no train. You have ambulances trying to get to St. Mary's, you have fire equipment and police and they are all stuck there because of a signal problem and the gate is down and there is no train. She hoped to get some action out of them but apparently, they didn't. Maybe it's time to take it to a new level. Barbara said CSX is very difficult to deal with. Joe Dudash asked what we wanted out of this. Beverly said they want them to fix their signals. Joe said that's part of Middletown. Mark said they are copied on all of this and are being asked to do the same. Joe said the problem with CSX is federal and they are considered state police, their officers and who covers that is Baltimore. You're not going to get a cop there right away. Beverly said they just want them to take a look at the signal problem. She's heard that people have called there and they say, yes, we know and they give a lame excuse. We should be complaining to them and our representatives. Mark said if we do the letter, it doesn't just go to the government affairs liaison at CSX, it goes to Brian Fitzpatrick, Tommy Tomlinson, Frank Farry, Tina Davis, Langhorne Manor and Middletown Township officials and the regional emergency squads and so on and so forth. Beverly asked Ben if they needed to make a motion and he said it wouldn't hurt.

MOTION BY MARK MOFFA TO SEND THE LETTER TO CXS. SECONDED BY BARBARA HEFFELFINGER. Alicia Gasporovic thanked council for doing the letter. Beverly said she totally agrees with her and that's why she called Brian Fitzpatrick's assistant and blasted him because apparently someone has been contacting him for six months about it. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Laura Germain, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried.

Beverly Wolfe said at the last council meeting they brought up about waiving the penalties on the sewer and refuse payments. They authorized the attorney's office to draft a resolution.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION 2020-14 TO EXTEND THE DEADLINE TO PAY FIRST QUARTER SEWER AND REFUSE CHARGES TO MAY 31, 2020, WHICH WERE DUE APRIL 20, 2020. SECONDED BY JOHN STRATZ. Roll call was taken. Beverly Wolfe, aye, Barbara Heffelfinger, aye, Joe Dudash, aye, Laura Germain, aye, Gary Nickerson, aye, Mark Moffa, aye, John Stratz, aye. All ayes, motion carried.

Persons to be heard (3-minute time limit)

Patrick Donahue, 520 Bellevue Ave., said he was probably the first one back in 2019 to sign a contract for his sidewalks. It was shot down because he was using wood. His contractor talked to the engineer many times but he didn't get anywhere. The last time he was trying to get a

hold of the borough engineer and he tried but didn't hear back. Patrick finally stopped the mayor and gave him his contractor's number. Then the virus hit and he was out of commission. He had people knocking on his door today wanting to dig up his sidewalk. They called the borough and someone from the engineering department came down and her explanation was that he had a year to do it and he didn't do anything about it. He had the contractor on the phone at that time and said they were stopped from doing it. She said she didn't stop anybody from doing it. The contractor said he could get it done in two weeks but he doesn't want anybody jumping on it. What he heard today; it doesn't sound like it is going to be done by June 2nd. The thing about not using the wood that shut him down, he's been seeing people using wood frames. He mentioned that to the person today and she said they are allowed to do it. He checked out the metal forms. They come from four inches to 24 inches. Instead of using the wood, they didn't have the proper material to do it and nobody shut them down. When he pointed that out to her with the neighbor next door, she said you guys are yelling at me. We had two police cars in front of the house today and even though the gentleman next door was trying to talk to the chief, she interrupted him. She was supposed to get back to Carol and Carol was going to make a decision on what's going on. He didn't hear from anyone. Patrick said they stopped him from using the wood yet it's being used all through town. He had to go to the mayor to get in touch with the engineer. By the time they got back, it's too late, he's on a big job. Beverly went over what Patrick said. He had a contractor in June of 2019 and she asked him if he had a contract to do the sidewalk or curbs and sidewalks. Patrick said curbs and sidewalks. Beverly said that was not completed and the virus hit. Patrick said it wasn't completed because it was shot down. He was ready to do the job on June 16, 2019. He got the letters saying the job wasn't done. They tried to get a hold of the engineer. He talked to the mayor and by the time they got back to him the virus hit. Now they are going to dig up his sidewalk for twice the amount. Beverly said wood forms are allowed on sidewalks but not on curbing. Patrick said they were using it on the curbing. He has pictures of it. Beverly said they had one resident that went and did it on his own after talking about it at meetings and it was not approved. Beverly asked Patrick what he was asking for tonight. Patrick said his contractor said he would probably be done in two weeks but he doesn't want him to hold him to two weeks in case he goes over a couple of days. Now he hears the road project might be delayed anyway. He wanted to know if he could have his contractor do it. It's not that far out. We've been closed down for two months. Beverly asked him if he signed the contract in June of 2019, why he didn't do it. Patrick said no because when he went to do it, the borough engineer shut him down. Beverly said because he was using wood forms. Patrick said he doesn't know. It was on and off. His contractor talked to Carol and the other person who was here today. All she was saying was you had a year to do it and you didn't do it. Beverly said Mr. Donahue is asking for relief to not have the borough contractor do it. His contractor might be able to do it in two weeks but we can't hold him to it. She asked Patrick if that was a fair assessment and he said yes. Beverly asked if she could call him tomorrow and he said yes.

Mike Smith, 127 Dehaven Ave., said that last week during their Long-Range Finance meeting, Mike Sodano made a statement and he is surprised that Gary didn't mention it because Mike Sodano had asked him to relay that to council. Mike asked Gary if he wanted to give the message or did he want him to relay it. Gary asked if it was that Mike said he was not pleased with the EIT. He said he told Mike that if he had a comment that he should come and when borough council discusses that, because he is not going to report every single thing he says. He thought that was a pretty good description of it. Gary said he wasn't going to but he just did for him. Mike Smith said it's not for him. Everybody knows how he feels about it. It was Mike who was part of the long-range finance committee when the prior committee voted for this. Mike is not happy it's going to be put in or even talked about because of the situation that we are under. There's a lot of people who are going to be out of work and a lot of people with no

money coming in. They're going to get back to work and now we're going to hit them again with more tax money. It's going to be hard enough for them to get back on their feet. That was his statement and he wanted to make sure you knew that.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 11:15 P.M.
SECONDED BY MARK MOFFA. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer