

Penndel Borough Council Work Session
Via Zoom Communications

November 23, 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
Council Vice President Beverly Wolfe
Councilman Gary Nickerson
Councilman Mark Moffa
Councilman John Stratz
Councilman Joe Dudash
Councilwoman Laura Germain

Also present via Zoom Communications

Ben Hauser, Solicitor, Hill Wallack
Carol Schuehler, Value Engineering
Nick Foufas, Fire Marshal/EMC
Marie Serota, Secretary/Treasurer

Announcements

Beverly Wolfe reported that there was an executive session that started at 6:35 p.m. and ended at 7:27 p.m. and was regarding personnel matters. All members of council, the Mayor and Solicitor Ben Hauser were in attendance.

Barbara Heffelfinger reported that they have been wrestling with what to do with Christmas. The tree will be lit but as far as the rest goes, they are still wrestling with that. Bob Winkler said they are going to decorate and light the tree on the first Saturday in December at 7:00 p.m. He's been in contact with Nick, the county and the Board of Health to see if there are any rules. Laura Germain asked if the house decorating contest will still be held. Bob said it is up to the Activities Committee. Laura said she would reach out to them.

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE NOVEMBER 9, 2020 COUNCIL MEETING AND THE NOVEMBER 16, 2020 SPECIAL MEETING. SECONDED BY BEVERLY WOLFE. A roll call was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Barbara Heffelfinger yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

Reports:

President's Report

Barbara Heffelfinger thanked the Mayor and the Penndel Police for the fine job they did with the fill the police car with toys for Toys for Tots. They did a great job and filled one police car front to back and part of another. She walked into borough hall by the back door and there was just a sea of toys. She thanked everyone who donated for their generosity. Many of the Penndel police officers were there to greet people and take their donations. They followed all social

distancing, with masks and gloves. John Stratz said pictures of the event are on the Penndel Police Facebook page.

Barbara said they will need to discuss tonight the increase in Covid-19 and what to do about borough hall.

Barbara reported that Marie, Karen, John, and she were at the Cimcon training. This is to go in the system if there are any problems with the new streetlights. It was a great presentation which took about an hour and a half. So far we have not had any problems.

Mayor's Report

Mayor Winkler said they were still talking about the tree lighting and will see what the Board of Health says. They were talking about blocking the street off so that the residents could stand in the street, six to seven feet apart. The borough streets were swept last Thursday. Barbara said Anthony rode around with the sweeper all day. She thanked him for doing that.

COMMITTEE REPORTS:

Buildings & Maintenance

Joe Dudash reported that he had a tree specialist come out and look at the Christmas tree at the borough. He said it is ok but needs some clean up at the bottom of the tree where there are weeds. Maybe they can have Mr. Diaz do that. He's going to get a physical report from him which he will give to council.

Community Development

Beverly Wolfe said she had nothing to report because the RDA won't get back to them until the beginning of December.

Community Relations

Laura Germain said they don't have any activities coming up until next year. She is starting to work on the newsletter that they usually send out in the beginning of the year. John Stratz said he will be talking to Laura about the Christmas decorating contest.

Insurance/Pensions

Gary Nickerson said he is learning about the various insurance coverage and liability coverage that the borough has. The borough has a truck and it probably makes sense to drop the coverage on it. It's a 2001 Ford which doesn't start and run, and they can save about \$850.00 a year if they drop it from the insurance policy.

MOTION BY GARY NICKERSON TO DROP THE 2001 FORD F250 PICKUP TRUCK FROM THE INSURANCE POLICY. SECONDED BY MARK MOFFA. Barbara said she has spoken to a party who is willing to give them \$200.00 for the truck and take it off the property. Gary said that's a separate issue. It can sit down there and continue to rot as it has for the past several years. He just doesn't want to pay the \$850.00 for insurance on it. Mark Moffa said for those who may not know, they had a recent tour of the sewer plant and he thinks this is a result of what they saw down there. There are some good things going with the facilities down there, but they also saw some opportunities for some cost savings. He let Gary do all the research and work with insurance and he has been phenomenal. He thanked Gary because he doesn't think anyone knew how much that one line item was because it's not broken out in their documentation that way. He had to do a little digging and asked questions. Beverly Wolfe thanked Gary and Mark and said she told them a long time ago to question everything. A roll

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

MOTION BY JOE DUDASH TO REMOVE THE SEARS LAWNMOWER FROM THE INSURANCE POLICY. SECONDED BY GARY NICKERSON. Mark Moffa asked what kind of mower. Gary said it is listed as a Sears riding mower. It's \$1,500.00 in eliminating coverage. This is the mower they saw at the sewer plant that is not operational. Mark asked if this was the one the mayor was trying to fix. Gary said he didn't know anything about that and asked Bob if it was. Bob said he doesn't think that it is a Sears mower. Gary said it makes sense to remove it and if the mower they have is operational they can add that one. Mark asked Gary what the line item was for it and Gary said he thinks \$50.00. John Stratz thinks the insurance company was ripping them off because it's a yard mower not a tractor. Everyone with a large yard has one. Beverly said it's different for them because it's a municipality. Beverly and Mark said they have to list all of their stuff. Barbara asked what the other mower was and if they have a contract for grass cutting for next year. Joe Dudash said Kevin Burcz is supposed to be doing it. Barbara asked if they had a quote from him yet. Gary said he doesn't even know if it's the right mower because it's listed as a Sears. Mark said it's either something they had previously and don't have anymore or it's incorrectly identified. Bob said they don't have it anymore. It goes back to near the end of Dave and Jeff's time. They replaced the Sears. Mark said it's probably not listed. Bob said the one he is trying to fix is a Toro Bronco. Mark said if they ever get it working and they want to put it into use, they can add it to the policy. A roll call was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Beverly Wolfe, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

MOTION BY GARY NICKERSON TO REMOVE THE JOHN DEERE #210C BACKHOE LOADER FROM THE INSURANCE POLICY. SECONDED BY MARK MOFFA. Gary asked John if it works. John said it only doesn't work because in the last break in they had, someone stole the four batteries. Gary said take it off if it's not working. Mark said if they get it back up and running they can add it. Mark said he thinks this one is \$150.00 a year.

Mike Smith, 127 Dehaven Ave., said it used to run very well as of a few years ago. Gary said they also have a trailer. Mike Smith said the trailer is Sam Simons'. A roll call was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

Open Space

John Stratz reported that it is officially getting cold out, so the mosquito problem is coming to an end.

Joe Dudash said Karen received a complaint about a tree falling on Oak Ave. from Taddei Woods which smashed a fence and trampoline. Young's came out to look at another tree that's ready to go on a garage. Joe will send pictures and get estimates.

Ordinance

Gary Nickerson said they talked about the fence setback. He said at a previous meeting, he and Councilman Moffa were authorized to speak to the solicitor about streets, curbs, etc. The next issue they want to look at is fences. They laid out some different things but are looking for direction. Once budget is over, maybe they can go back and have a debate with everyone on fence setbacks and property lines. Beverly asked Gary if they ever came up with anything on people hooking their fences together and the neighbor doesn't like what you picked, is this part of the whole thing. Gary said he and Mark have talked about it. Beverly said it might be called

fence sharing. Gary said that issue would go away if you were required to have a one-foot setback from the property line. Beverly asked if he knew how other municipalities do that. Gary said they have them right next to each other, or there is a setback. It's handled differently in different municipalities.

John Stratz said under ordinances he would like to see something with illegal vehicles on borough streets. They finally got rid of one quad that was driving at full speed on Hulmeville Ave. He would like to add a confiscation part to that ordinance. Beverly said that might be better served by the police department. Bob said it is, but you also have to have it in the ordinance what they can do. Mark said it sounds like something they can do like they did with the snow emergency ordinance. That came through Bob and the public safety committee. Maybe it goes through them first and if it is deemed that there's ordinance work needed, then it can be passed on to the ordinance committee.

Joe Dudash said that Bob and Mr. Diaz cleaned the drain and there is one guy they are having problems with who keeps shoving leaves down the storm drain. There is another big pile there. He asked if there were any teeth in the ordinance because Carol is trying to clean up the stormwater and all and this guy keeps shoving stuff down there. Barbara asked if he had any pictures of the guy actually doing it. Joe said yes, he sent about ten pictures to Rick and he hasn't done anything. He asked if the solicitor can get involved because Bob and Mr. Diaz are cleaning it about once a week. Barbara said she would check with Rick and get his pictures and talk to Mike Italia. Joe said Rick was supposed to get back to him three months ago and he never did. Beverly said she thinks the solicitor's office already reviewed the photos. Ben Hauser said they looked at the photos but have not received any direction from council what they want to do yet. He said the code official has not passed anything on to them. Barbara said she would talk to Rick and Mike and get everything over to Ben. Mark Moffa said he knows they are in an awkward transition period as they move from their company to someone else, but it is still their job right now. Beverly told Mark that the ordinance that John Stratz was referring to is 394-1, non-street legal vehicles.

Public Safety

Joe Dudash reported that Nick has been giving reports on Covid. With the girls working in the office, Nick has given some suggestions that he would like to make a decision on tonight. Joe would like Nick to tell them what the recent briefing is.

Nick Fofas reported that Governor Wolf and Secretary Levine have talked about schools, shopping, eating, working, masking, etc. The county has been doing a pretty decent job. Their communications have swung back into full gear as of this morning and a brief overview of some of the orders that came out today. They are considered a substantial transmission area going on four weeks now. Then they will probably be in the substantial phase for the better part of the next month or two with all of the holidays and travel coming up. They are recommending that schools go back to virtual learning but they're not being forced to do so. They are being requested to either attest that they're going to follow the new safety and cleaning guidelines by the 30th of this month and regardless of this, open or virtual, all extracurricular activities will be suspended on the 30th of the month until they exit the substantial transmission area.

Teleworking is mandatory when possible. For the borough, telework is not necessarily the most possible way to do work. Online sales with curbside pickup is preferred but not mandatory yet. Specific guidelines for the 25th, the Eve of Thanksgiving, businesses are not permitted to sell any type of alcoholic beverage for onsite consumption between the hours of 5:00 PM on the 25th. The order doesn't really specifically get into it. It just says for the 25th so his interpretation is midnight and others interpretation is until the following morning on the 26th. Both indoor and outdoor for food and non-alcoholic beverages can remain in place during that time frame as

well. Take out for all aspects of food and beverage are permitted. There are many changes now essentially for all indoor locations in the borough, they're capped at the 10% of the posted occupancy and outdoor is capped at 15% of the occupants but no more than 2500. However normally outdoor events and venues don't have occupancy postings so that's going to be very difficult enforcement if it's even tried. The governor's office sent down through the state police to all the police administrators' guidance specific to COVID-19, whether it's practicable or not that remains to be seen, and Chief Perry did receive a copy of that. Lastly, the one big thing that is changing from Bucks County is they are no longer going to be updating the website that the County has in place on daily numbers both testing positive, deaths and whatnot. Due to the sheer increase in positives over the past two weeks or so, they don't have the personnel to do that nor do they have the personnel to contact trace everybody. They are only contact tracing school age children that are actually partaking in school services and individuals that contracted Covid from inside of nursing and care facilities. The numbers that they are going to start publicizing on the website is what the state has. However, this entire time, the state's numbers have run significantly higher than what the County was providing. One may be more right than the other but he doesn't know which one that would be. Just know that those numbers are not going to be updated from the County any longer. He was asked about the thought of locking down the borough hall as they did back in March. He doesn't necessarily know or feel that that's the best practice right now. He did share some thoughts with both Marie and Bob earlier that if they want to go that way, there may be some better options. One is to get similar to what the Police Department has. Some type of ring doorbell so that it rings into the offices so the secretaries can see who's there and communicate with them through the doorbell if they need to. There were a few other things that they discussed but he will support whatever action the ladies come up with to put our personnel's safety first while acknowledging that they still are a municipality and have a job to both the residents and businesses alike. Lastly, they are going into the holiday and if anybody is traveling or has relatives traveling in, please be safe. Think about your actions before you do them. Every action has an equal and opposite reaction so stay safe out there. And if Covid isn't the reason, normally travel during the Holidays is the cause of the highest amounts of accidents as well. Stay safe driving and keep your eyes open. Joe Dudash asked about the Christmas tree lighting. He asked what he thought of that. Nick said he and Bob spoke briefly about that today. He doesn't see a reason to push it off right now. That doesn't mean that in a week there isn't a reason to push it off. They did talk and throw some ideas around on different ways to have people out there to view the tree lighting. Obviously having Santa Claus there to take pictures is probably not the most prudent option that they have but at the same time he thinks they still need to display a little bit of humanity and humility to the residents and themselves while in this unprecedented time. He doesn't think that shutting everything down is the best thing for individual's mental health. Joe asked if they would at least have Santa Claus on the truck this year. Nick said they haven't spoken in depth about that, but the inclination is that there's not going to be any changes from them this year. They may start a little bit earlier in the evening, but it will more than likely continue to take place on Christmas Eve. Joe asked if he thought they could make a decision by next week on the doorbell or whatever so they can buy it. Nick said as he detailed in his email to Marie earlier, one of the orders that came out late last week was the new masking order. Essentially, while at work, unless Marie or Karen are in their offices alone with the doors closed or in the restroom with the door closed, everyone in the building must wear a face mask during the day now for safety reasons. That's why he brought up the ring doorbell for safety reasons. If they are in their offices with the doors closed, he doesn't necessarily think that it's the best practice to have the entry doors unlocked. If that's not the way that they are going to go, trying to meet the face masking order would be in their best interest. He's not at borough hall everyday so he doesn't necessarily know what the foot traffic is like. On the days he is there and the days he is home and he can see, he doesn't necessarily know that it's back to the way that it was back last year

but it has stepped up a bit since the March, April, May, June, July time frame so there is some cause for concern. Knock on wood they haven't had any issues and there's no indications that they would have an issue, but you never know. There are so many asymptomatic people walking around you have no idea who has Covid and they have no idea they have it, but it is what it is. Joe asked Nick if they should go full blast with the cleaning because of the foot traffic. Nick said he doesn't necessarily know that they need to go any more than what they're currently doing. They're doing more than what they did prior to Covid but less than what they did at the onset of this. They know more about this virus than they did back in March and he doesn't necessarily know that they need to kick up the cleaning anymore. It certainly wouldn't hurt but he's not necessarily sure that it would provide any help either. Joe asked Bob what he thought about the doorbell. Bob said the only thing is if it's a ring you have to have a cell phone. Nick said yes, that's what they discussed earlier. That's why it works well with the Police Department having that cell phone that the patrol officers carry with them. He knows there are settings within the app that you can either ignore notifications or not have notifications come to your cell phone on certain days or certain hours or something like that. It's something the borough should look into if the secretaries are acceptable with putting it on their cell phones during work hours. He thinks it's the way to go. If not, they can get together with John Stratz and see about some type of closed loop telephone system or something like that from the two offices out to the rear entry door. Bob said the Ring is about \$199.00. Gary Nickerson said what about a sign that says to call this number or is that too simple. John Stratz said since it will be getting cold, he would not want to be standing outside looking at a ring lens. Don't let them come past the plexiglass and put a bell on the table. They can go to the door, ring the bell and stay warm. Nick said the problem is if the secretaries want to work the day without a face mask, they have to have the doors to their offices closed. So now it's not a Covid issue but a personal security issue. Mark said you could let them in through the first door and have the second door locked and have the sign that Gary was talking about on that door so you're inside protected from the elements but have the sign to call. Beverly said Bensalem Township shut their municipal hall down to appointment only. She just doesn't want them exposed to anything. Mark said you can do appointment only and if they don't have one, they are met with the sign that says to call the number and if they are available they will come out and if they're not available, then they lost because they didn't set up an appointment. Beverly and Joe said that's similar to what they did last time. Marie said they had the sign on the door to call the office and did most of it through email, fax or phone. People weren't really coming in. Towards the end they wanted to come in and were putting stuff through the mail slot which was a little inconvenient. If they call and they need to come in and drop something off, how much different is that going to be than what's happening right now passing it under the sneeze guard. It's kind of the same thing we're doing right now. Marie said she is ok with the way it is now. She can go either way. She can see why you would want to keep the public out. Beverly said masking is most important right now. Anyone who has been out in public, possibly without one on, they're coming in and take it off. She said they've become relaxed. Marie said they have been wearing the masks. She sent out a memo on Thursday or Friday and they've been better. Joe asked what she wanted to do. She said they're ok now and will wait to see how things go. If it gets worse, they can go back to what they did before. Nick said things are not going to get any better but on the same hand, he doesn't know that they are going to get any worse. He thinks they are in the status quo of how bad it's going to be. The only way it's going to get quantifiably worse is if they have a relationship to an individual that contracts Covid or succumbs to the Covid illness. If they want to lock down the building like they did in March, whether they do it today, tonight, tomorrow or two weeks from now, he doesn't necessarily know that the timeline that they do it they are going to see any significant change in the public health environment. Beverly said what Marie and Karen have done in the past, their comfort level is important to her along with Nick's guidance and the Mayor's input as well. Mark said Marie is indicating that she's ok with things and Nick is

saying things are not going to get better. As a council member responsible for the health and well being of his employees, he wants to make sure they're not stuck waiting until December 7th to implement more stringent protocol. So, if at some point between today and their next borough council meeting, the decision is made either by Marie, Marie and Karen, the Mayor or Nick that they need to step up our game here and close things off. He presumes that can happen absent a borough council meeting. Beverly said the only way it can happen is if the mayor declares an emergency or the governor does. Mark said if the mayor issued an emergency declaration, he thinks they could administratively make a choice to close the building without a borough council meeting. Ben Hauser said the mayor issued a number of proclamations along with the governor and those remain in full affect for the duration of governor Wolf's proclamation, so they are still under a declaration of emergency as is the entire Commonwealth. That's one of the reasons why they are allowed to hold Zoom meetings. Mark said so, if they are under a state of emergency, the mayor can make the decision to close the building off. Ben said if that was the decision that was made under that power before, then, yes. Mark said he didn't want Karen and Marie to be sitting there waiting for them to step up their game. He just wants to make sure things can happen if they need to happen. Nick said he thinks they're playing with a fine line on utilizing the word closing. They're not technically closing the building. They're not like Bensalem Township or Middletown Township who have sent their employees home to Tele work. They are just restricting access to the building. Whether it's by appointment or telephone or email or whatever, residents and businesses or contractors or land developers or whomever can still have access to the building and the personnel. They just have to go through the right channels. They're not necessarily closing government down, they're just restricting access to a government facility which you know technically, and Mr. Hauser may be better to identify this. Ben said on the limited occasions he's been there; the rear vestibule is open because that's where they allow access to their draft ordinances as they are required to at least have them available to the public. Once you go into the main borough hall, you're greeted by that table. Whether additional barriers would be required, he doesn't think that's particularly a problem, but he defers to the experts. Mark said he did not mean to imply that they would be closed for business, but he's glad Nick made that distinction. Nick said he didn't think he did. It's just the terminology and the way that people interpret that. They all interpret closed as in the closing off the door to the building, but others may seem to think that they're closing it off and sending everybody home. Joe said to Bob they should have the set up the way they did the last time with the table. Beverly said the table is still there. Bob said he would talk with Marie and Karen and come up with something. Maybe they can put a bell on the back door so when they come in but they do have the alarm that let's them know that someone is coming in and just box off where they can go to. Bob said he would talk with Marie, Karen and Nick. Joe asked if Nick had anything else. Nick said just the information coming out on the vaccines. They are looking at the earliest, January maybe. PA Department of Health is developing a strategy or plan to disseminate the vaccine as it comes into Pennsylvania. It's a three-step procedure but each step has multiple layers in it. All indications are hospitals, nursing facilities, care centers and the medical profession will be on step one, tier A. First responders' step one, tier B. Then it's essential personnel may be step one tier C. They're not exactly sure on that followed by Step 2 which are supposed to be tentatively the individuals with significant underlying health conditions and those that are living in personal care centers not skilled nursing facilities since they don't fall under the Department of Health and then step three would be the general populous at will. There will be more to come about that as the County gets information from the state which will then be forwarded to the council members. Once they get closer to the vaccine thing they will have to have a conversation about how they provide the information on the individuals that work for borough municipal government to the County so that they can be placed on the list for the vaccine if they so choose. He believes the next conference call with the County is going to be Tuesday or Wednesday of this coming week.

Joe asked Nick if he thought there would be a shortage of PPE's with the county since they didn't give them anything and they had to do it on their own. Nick said it depends. The county did a monumentous task with procuring PPE's for 246 or 247 entities in the county which included municipal first responders, hospitals, nursing homes, personal care and assisted living centers, everything like that in the county and they distributed a ton of PPE's. They also kept a small cache of PPE's at their warehouse in Warrington in case there's a nucleus outbreak of Covid that completely decimates a municipality or hospital, something like that until their suppliers can get them PPE's. The county is not going to provide them with Lysol, wipes, Clorox wipes or any more N 95's or surgical masks, anything of that nature outside of significant incident at a municipality. Marie has been doing a great job trying to keep up with the vendors and trying to get cleaning supplies when they have them. He thinks they are in good shape there. Penndel Borough never hit a critical point during spring and early summer surge with Covid and PPE's like some of the other municipalities did. He thinks that's from the police being pragmatic and common sense on their response and approach to different emergency calls. The fire department never ran out of PPE either and that's due to the working relationship with the township's paid staff through the consortium. They provided quite a bit of PPE as well. He doesn't believe the borough hall ran out of PPE either. As soon as Marie sees them running low on cleaning supplies and disinfectant, she orders it. He thinks they'll be fine with that. While Covid is up in the area, the severity of it is not the same that they saw in the spring. The individuals being hospitalized now, a handful on ventilators, the majority of them are there for medication. Hospitals in the area are running into a significant issue with skilled nursing facilities taking new patients in with Covid positive symptoms. Unlike in the spring, a lot of them have adopted new directives, policies, guidelines, not to admit new patients into their facility with Covid positive diagnosis. They'll take back patients that they sent to the hospital but not new ones so a lot of the hospitalization numbers that you see aren't necessarily from dire patients. Quite often, a lot of them are there because they need to go to a nursing home or facility, and none will take them right now, so they ride their time out in quarantine or isolation. Once the public health officials say they're good to go, all of a sudden, all the care facilities will accept them and their insurance. The other issue that they're facing now is everybody is going to the emergency room for everything right now. According to the states data that came out just today they're only seeing in Bucks County, a 1% increase in emergency room admissions for Covid like illness. Everybody is using the emergency room because it's now cold and flu season so everybody that's got a sniffle or a sore throat or heckling cough, either they don't want to sit at the line at the urgent care because they're doing Covid testing and the lines are six hours long or they feel that they need to go to the emergency room because they're going to get the best care there and they're finding out that they're not really. That's where the hospital issues lie right now and each hospital also has a section closed off right now that there are saving for the surge that is anticipated for the what if.

Beverly Wolfe said she posted on Facebook, for those who may have missed it, our Police Chief Sean Perry was part of the Use of Force County Policy Task Force which consisted of the Police Chiefs Association of Bucks County. He was on the press conference with District Attorney Weintraub. Sean's been working on it probably for a long time and he was part of developing a County accounting policy along with the other Chiefs regarding use of force. She felt a huge sense of pride in our chief of police being that it's a small municipality included with all those big guys up there doing this valuable work.

Public Works

John Stratz said he attended the meeting with Cimcon Lighting Controls. It was he, the council president and the two ladies in the office. This is extremely exciting because even though they have been completely protected for all this time Cimcon Controls has been watching the lights

and monitoring them and making sure everything is working well. And even though he got the report every single morning, he didn't know what to do about it and couldn't even look up what light was having any kind of problems. Now they can so they're going to be closing this out shortly. They have already started realizing electrical savings which is the most important part.

Refuse

Gary Nickerson reported that it had been rumored to possibly be in the works and he thinks it was delayed because of because of Covid but he regrets to report that Advanced Disposal was recently acquired by Waste Management. They received a letter earlier in the month and Waste Management is going to honor the contract that Advanced Disposal has with them. He and Joe are going to sit down and see what the actual implications are for them and see how this is going to affect the residents. He anticipates a minimum disruption. They're going to reach out and will report back. Joe said he and Gary talked about it and did some research and it looks like the recycling thing is really going downhill. Mr. Sodano or somebody brought this up a couple weeks ago about the trash and recyclables or the trash and yard waste being commingled. Gary said everybody agrees it's kind of infuriating but this has been reported in Philadelphia and pretty much everywhere. It's probably just a result of not having enough refuse guys to work the trucks. Last week they were delayed for a while but hopefully this is just going to be an interim thing. They apologized and are trying to get better but you know considering how bad it's been everywhere else, he thinks they've been extremely fortunate with the service that they've had.

Gary Nickerson said since they don't have a rec board and he thinks he sent an email about this a couple of weeks ago about the trash situation down at the rec field. He wasn't sure how this is going to be handled. There's an ongoing trash issue down at the playground and he thinks there's a couple different factors that are involved. He thinks the one is that they don't actually have a permanently affixed trash can. They just have like a \$20.00 Rubbermaid trash can that kind of moves around wherever it goes. There's an issue when the trash is full, it gets blown over. There was trash all over the place. He was down there today and it looks like most of the trash has been put in the trash can, but the trash can is mounded over to the top. He thinks they've mentioned that this is supposed to be the Wildcats issue. He was hoping that they could have this resolved. Maybe Mr. Diaz could take care of this in the interim, but he wanted to throw it to council and see how they're going to resolve this. To him it's pretty embarrassing when he goes down to the playground and there's trash all over the place and people that are trying to put trash in the trash can can't and it goes all over the place. Barbara said when she had her place at the shore, they had wooden bind that the trash cans go in and it keeps them from blowing around. Maybe they could get something like that to put between the basketball court and the playground, it would keep those cans from blowing around. She thinks it holds three cans and she guesses you could get them at any Home Depot or Lowe's. They work and they would keep the trash cans from blowing all over the place. She said somebody could investigate that. Joe said Gary says the problem is the trash is sitting there they're not taking it. Barbara said they should look into what she mentioned and Gary said he'll take that project on. Beverly Wolfe said she would like a chance to talk to the guy who runs the Wildcats football. He's very helpful and also has some good ideas. She's reading through their contract right now. The one that they're going to do next year is very different but it does say the Association shall provide for removing all trash and debris from the trash cans as often as necessary but not less than once a week when they're playing, during their season. She thinks the problem here is what are they doing off season. She said when budget is over, she will have a conversation with him. Gary said trash is going to continue blowing around the playground. They have a maintenance worker who clearly put the trash back into the trash can. The problem is emptying it or they could put a bag in it. They just have to have him go down and do this once a week.

Gary asked Bob Winkler if he could have Mr. Diaz do that. Bob said he thinks he is scheduled on Tuesdays and Thursdays. He goes down every day to do the bathrooms. Sometimes they are too heavy for one person and he goes down with him and gets them up to the dumpster. Some of them you can't pick up to the dumpster unless you use a crane. Bob said Anthony is scheduled to go down tomorrow to go through the field and everything. He's got trash bags in the truck he can put it in. He'll have him check everything out. Gary asked if he goes down every Tuesday and Bob said yes unless they have something else come up that takes precedence over that. Gary said he would hope that picking up trash that's all over the playground is important. Bob said it is and he does the bathrooms once a week and checks over the pavilion. He tries to get down two times a week and that's usually Tuesdays and Thursdays. John Stratz said the round ones are down there so why don't they put the big rolling ones down there with the heavy lids and they can be rolled to the street and the trash men can take them. Bob said the Wildcats have their own trash company. Gary said as long as Mr. Diaz is emptying them once a week, that's great. But it hasn't happened in the last month so he just wants to make sure he goes down tomorrow.

Mike Smith, 127 Dehaven Ave., asked if the borough guy goes down and cleans the bathrooms at the rec field once a week. Bob said he goes once every day to sanitize for Covid. Mike asked why he would be doing that if the Wildcats are supposed to be taking care of the bathrooms. Barbara said that's only when they're playing in season. Mike said the bathrooms aren't open less the Wildcats are there. Nobody from the borough goes down and unlocks the door during the day. Barbara said they will look into that.

Tom Sodano, 126 W. Woodland Ave., said Nick mentioned the possibility of the doorbell ringer or something like that and he mentioned the cell phone. That can get into a problem if you're requiring employees to use their personal cell phones because for that you have to compensate them and it can get convoluted so that might not be the type of situation you want to use to remedy this situation. On the front end loader that's down at the plant, he doesn't know if everyone who looked at it realizes this but a John Deere 210 no matter how bad that thing may look ,if the motor isn't frozen up, it's probably worth between \$8,000.00 and \$12,000.00 so that may not be something they want to not insure. And he is curious, if the batteries were stolen, why didn't the insurance cover them. It's not like they are inexpensive. For batteries for that thing probably would have cost about \$1200.00 for the four of them. It should have been something that they should have been able to get compensated for from insurance making the thing sellable. Tom said when Joe mentioned the tree falling down from the Taddei Woods and there was some damage, he asked if they previously knew it was a problem tree or was it just a tree that came down due to the weather. Joe said he didn't know about that tree until it came down with that last storm. Tom said if this was not a known tree that they had been notified about that was a problem and had marked to be removed, they don't owe that person anything. If a tree falls on your property and it falls across the fence line and if it's not your fence, you don't fix it. The person who owns the fence turns it into their homeowners. The same thing if your tree falls on your neighbors trampoline in his yard or if it falls on his garage and ruins his garage, you're responsible for the tree and its removal but any damage that happened on a point past your property line, it is the responsibility of the person who owns that property to turn into their homeowners'. So legally they don't owe that homeowner a dime for his fence or his trampoline unless we knew and had marked that tree previously for removal. Otherwise it was just an act of nature. They have to turn it into their insurance company. Joe said he is still writing his report and he will turn it over to council and Ben. He was a little confused and might have misinterepted what Mr. Truelove said. The whole thing with Taddei Woods is that they know there's problems out there. Tom said he agrees and if there is a tree that you have gone out and inspected and you know it has to come down and

you've spoken to Young's Tree Service about it, then yes, the borough is responsible. If it was an act of nature and it wasn't known to be a problem, then they are not legally responsible.

Terry McIntyre, 335 Hulmeville Ave., said just to follow up with what Mr. Sodano said, during Hurricane Sandy, his neighbors' tree had been hanging over his property for a number of years. He guesses they just didn't believe in property maintenance and it went through his garage roof. Tom is correct. The homeowner next door was responsible to remove the tree and the damages to his garage were now his responsibility with his homeowners' and he had to pay the deductible. The insurance company said if he has an issue where the neighbors tree is hanging or looks dead, if he take pictures of it and sends it to them, they'll notify the neighbor and let them know and then they'll notify the Township that is a property maintenance issue that's going to cause a problem. At that point they would be responsible for the damages. For the 2001 Ford truck that they are talking about scrapping, they might want to check scrap values and call a couple of scrappers that take vehicles. The truck right now probably can be scrapped for \$500.00. The catalytic converter alone on that truck can probably scrap worth about \$200.00 or \$250.00 so they might want to just check into that before you get rid of it. Barbara said they've been trying to get this situation resolved for a long time and it's just kind of fallen by the wayside. Now have somebody who will give them \$200.00 for it plus they can take it off their insurance. If they wait, it's like a bird in the hand. But she appreciates his information. Terry said they scrap a few cars a month and usually he'll call a scrapper out and they'll come pick it up and generally they're getting anywhere between \$300.00 and \$500.00 for most cars. Just make sure that whoever takes the vehicle that the title has the proper paperwork. Get an affidavit or make sure that title is turned over so if that truck is taken somewhere and it's put back on the road and still on the borough's title, the borough would be responsible for any kind of liability.

Mike Smith, 127 Dehaven Ave., asked Ben if all equipment would have to be advertised for sale. Ben said there is a certain requirement under a certain amount where they can dispose of it or make it available by resolution. He doesn't have the chapter and verse. His general intuition is correct but there are some thresholds under which that there is a little more flexibility. Mike asked if that truck is going to go with the plow. Barbara said no, just the truck. Mike said the truck has the bracket that holds the plow and the hydraulics as well. Barbara said she didn't know what to say for that. Beverly asked if it was the dump truck. Mike said both trucks have them. Barbara asked why they need new trucks. Mike said the transmission is shot in the red one which is the Ford that you're going to get rid of. It also has the plow setup on it. The plow would only fit on that bracket. He doesn't think that bracket is actually made for any other plow anymore. Barbara said she would look into that now that he's given them the information. Mike said if they're going to give it away for \$200.00, let him know and he'll take it for \$300.00.

New Business

MOTION BY MARK MOFFA TO AUTHORIZE ADVERTISEMENT FOR THE 2021 PRELIMINARY BUDGET. SECONDED BY BEVERLY WOLFE. Mark Moffa said that Beverly has been living this document inside and out for months and he's been consulting with her as he can. They've spent quite a few hours working on this together. He's very proud of all the work she's done personally and all the work this council has done this year to put them in this position and of the budget that they're putting on the floor tonight. This is a budget that projects on face about roughly 2 1/2 million dollars' worth in revenues and expenses. They are actually able to do to the implementation of the Earned Income Tax and they are able to give back to homeowners, three mills on their property taxes next year which is approximately a 10% reduction in the borough's property taxes. They have a rate of 30.8 mil so three is a hair under 10% that they are in a position to do that while also holding the line on the sewer rate and

holding the line on the refuse rate. For the vast majority, they estimate over 90% the borough residents will not see the Earned Income Tax as a new tax so for those folks you're seeing no sewer increase, no refuse increase, and a 10% property tax reduction. They're able to do this for the seniors, for the unemployed, for every homeowner. They are quite proud of that. He thinks it's a gargantuan effort and speaks to the courage the council had in passing an earned income tax in a pandemic year and the foresight into the position it would put them in. No one is reducing property taxes this year. He guarantees if you look around you won't find another municipality who was able to reduce property taxes this year. It is because of the work they've done laying the groundwork for the future of Pennel because not only are they able to do that, they are able to fully fund a borough manager next year. They are actually in a position where they could have them starting at the beginning of the year, but they will probably start a manager at the end of the first quarter. That is going to fundamentally change the way this operates for the better. The other very significant thing that Beverly's been able to do and is a significant change in the budgeting, is the local services tax, the LST that is \$52 a year. This is Beverly's research and Beverly's idea. She thinks the proper thing to do with that money is to dedicate it to emergency services and so this budget does that as well for the first time having a pool of money dedicated to emergency services. They found this year, with a pandemic, that they need to have a pool set aside for these kind of emergencies as they might come up so he thinks that is another thing that will put us in a much better position going forward. He sees the other big questions that people will inevitably ask and that they can just answer right off the bat is of course there's an increase in public safety and police but it is pared down significantly from the original ask. He doesn't know how many people were in on the meeting where the chief and the mayor presented the police budget but they had an excellent back and forth with the chief where this council went through line item by line item to ask what was really needed to operate the department without adversely affecting the officers and any of the fundamentals of our Police Department and its operations. They saw significant reductions from the original requests in line items of the Police Department budget. They also went through and up to last night when Beverly called him and they were on the phone for two hours just going through the budget finding more savings and finding more ways to bring the best looking budget to the floor tonight for this council. They were mandated to 3% raises per police contract so that is what they do. The other issue is people ask what they are doing for raises for the rest of the employees. They are going to do 2% for the crossing guards and for the secretaries, the nonunion and there's a lot behind that. They had a robust debate at two executive sessions about what to do for non-union, non-mandated raises. It was a very healthy discussion and he wants to report to all who weren't privy to it, that one of the reasons, and he wants to just disclose it since this is all public, the healthcare contributions have increased. They instituted a situation in 2018 when he joined this council where the non-union employees were going to have to start contributing to the health care and that has ramped up significantly in each year and that is continuous. 100% of the increases we're asking our employees to bear and that it will continue to be the case for 2021. When you look at the amount that our employees are consuming to their health care in the course from 2018 to 2021, it is gone from zero percent to now over 20% of their health care costs and they took that into serious consideration when they considered what to do with raises. They're looking at the federal cost of living numbers which are between one and 2%, something like that, and taking into account that they're still asking for such a huge additional increase in health care contributions. We went with the 2% number for our staff. It's a number that he thinks the vast majority of them are comfortable with. They had healthy and robust discussions and in the context of the budget as a whole, they think it's fair both to the employees and to the public that they serve. So, this is his sort of little overview and recap and he's sure he left out about 10,000 things including the new mosquito control item. For those of you who haven't been part of the behind the scenes, Beverly Wolfe is always looking at the DCD budgeting guidelines and trying to find ways to increase the transparency of

their budget. She is always looking for ways that they can be further transparent with the public and so when she looks at what they spend like they spent hundreds of dollars on the mosquito control at Taddei Woods, there's now a line item they can break out in the budget for that along with several other items. Like disclosing how much of the legal services are directly related to the Police Department. That's now broken out now in the budget and you can see right in the budget which solicitors' fees directly relate to police services. They are trying to do things every year to further increase transparency in the budget. He's looked at many budgets from many municipalities as Beverly has over these last few years. The number of line items that they provide and the detail that they provide far exceeds what most municipalities do, even counting larger scale townships let alone the smaller who certainly don't normally have this level of detail in their budget. Mark thanked Beverly and said there's probably a bunch of things that she forgot to mention. Beverly said with the transparency issue, she's said from day one that they have to be and must try better each year. And each year they have done better. They made some changes to the way they handle Emergency Management. Mr. Foulas has been invaluable. They've restructured the way the two offices that he holds for the borough, the way that those are done. They've restructured that a bit more fair and equitable. For council's benefit, she wants them to be able to look at this document too and not have to have a PhD to figure it out. The schedules are there so they can see the detail. That was something that was started way long before her but an idea that she agrees with and has run with. They're also introducing a new schedule this year to break down some stuff that was a little vaguer than she would like. The guys in insurance have done a great job with getting reductions and holding the line on insurances which as you can tell tonight, they're doing even more which is good for the residents. As for Nick, unanimously they all felt it was more than worthwhile and they are proud to have him, even at this relatively minor cost for getting him. Mark said it's such a benefit to the borough and when he makes this comparison to what's going on in the surrounding towns, no one has an Emergency Management Coordinator like Nick, giving the reports at these meetings like he does and so they are blessed and lucky to have him and we all we all appreciate him very much. Beverly said the one thing that she and Mark are going to be looking at is debt services because those numbers just came down and they're going to go in, but she can say with confidence that they're not going to be of any significance at all. They are not going to have to create any more debt. They are not going to create anymore taxation. It's nothing they can't handle budgetarily so as far as she's concerned, that portion is done. She thanked Mark, Barbara, Marie, and everybody who worked on that. It's going to benefit everybody in the long run. The one thing that she and Mark will be working on very hard is bolstering up their reserves again. They spent quite a bit of money doing that TOD which is as they all know and everyone on council was unanimous on it, necessary and a must do. That was phase one. In order for that to work, phase two, the borough manager, must be in place because this person is going to bring in the people that will be taking advantage of their new overlay and all the underlying zoning changes that were made at the same time. They've actually had a couple of hits, a couple of people interested. Some weren't aware of this and those documents have now been circulated because they are public documents but given directly to the people who have people interested. So, they've some activity. People are looking and going with the new manager, they're going to look at us even better. Joe Dudash said with Nick's job, it was extremely helpful from a man who was getting \$100 to getting a decent management style as far as tools, equipment, and stuff like that with expenditures. He's finally moving up to a professional position. Beverly said he was always the professional. It was his suggestion to do this. Joe said it wasn't like he was trying to get over on them. He worked with them and they worked it out. Now he can get his job done and it's a commitment. Joe said they had some knockdown, drag out fights but they worked it out. He said Beverly put a lot of time into this and he would have given up a long time ago. Joe thanked her for putting up with a lot of headaches from him. Gary Nickerson thanked Beverly for putting up with all of Joe's stuff as well. He said

this is his first time seeing this and it's truly a Herculean effort. Beverly thanked Gary and told him he's been invaluable. She said as a total document, it tells their story completely. You hear what they've done and what they intend to do. You see everything. The new calendar in the front of the budget will have the new committee meeting schedule which will be effective in January. Mark said looking forward, because they always are, they budgeted very conservatively for the initial year of revenue. They essentially took the money that they know they are guaranteed to get and only added a little bit to that. They would anticipate there being more revenues than that eventually like for the 2022 budget. He thinks there will be some very interesting discussions and he knows they're already sort of starting to banter those around. Like what they would do with that additional like tax cuts, additional services. There are some residents like Terry McIntyre that have proposed the borough take some of that and provide some additional services that it doesn't provide like leaf pickup being one. He thinks these are interesting ideas and it's something that as we go through 2021, he asks everyone to keep that in mind. He's not saying there's going to be some huge windfall and they are going to have all this money to play around with. That's not going to be the case. They will have to be prudent with it, but they'll have a series of decisions to make come this time next year and he just wanted to mention that now because most likely we'll be the same group of seven council members will be here this time next year still, regardless, what happens and will be planning a budget for 2022. Just keep that in mind. They're always trying to think what they are going to do going forward. If there are things you think the borough should be doing that it's not, bring them up. If there are additional cost savings like all the insurance stuff that Gary just went through tonight, they're always looking to do that and have to keep doing that on top of everything. He really enjoyed a couple of Terry's ideas. It's valuable the input that they get from the public. It might not always be evident that night that they're listening, but they are, and they keep those things in mind. Joe Dudash said he seconds what Mark said about the residents because they feed them a lot of information and their eyes and ears have helped them.

Terry McIntyre, 335 Hulmeville Ave., said Bristol Borough just announced he thinks, that they're going to give a 6.5 mil return this year to the residents which he saw in the Sunday paper. He asked what the Keystone fee is going to be for the earned income tax. Mark said it's a fixed percentage of what they collect which is 1.3%. Terry asked when the residents get notified of this. Mark said he already is into discussions with Keystone on the notification process. He believes they start with the businesses and they've already done that he thinks. For the residents, if they're like him and they work in New Jersey and they're paying this for the first time, he won't know it until April 15th of 2022. For a chunk of them you pay the 2021 tax in 2022. For those who will have their paychecks garnished, that happens to the employer so having the businesses notified first is the most important thing and then as far as resident information if folks want to make quarterly estimated payments on their own. Things like that will be rolling that out in the in the coming months. Terry said he's just curious because he probably spoke to maybe a half dozen residents in the last couple weeks and he thinks out of the six or seven, only maybe one knew of the earned income tax and that person didn't think it passed so he thinks it'll be an awakening for some of these folks. Terry said the long-range financial committee had worked on this for quite some time and if his notes are correct, they were looking at a 25% reduction with 1/2% and a 50% millage reduction with 1 percent so he was wondering how they came up with three mils. because 50% would have been 15 mils so he's curious how they got from 15 mils to three. Mark said as for notifying the residents, he thinks during the notification process a lot of people will end up being surprised to learn that they already pay it. As far as the estimates that he may have gotten his hands on from the long-range finance, they did have those numbers and they were sort of banted about in that committee. He thinks Mike Sodano had a little spreadsheet he put together and he was, he

thinks, the origin for those. There was no other research done into those numbers as far as the feasibility. He thinks they quickly realized once that got out of committee and to council and these were discussions that began with council a year ago when it first came to them in November or December of 2019, they realized that some of that was very unrealistic. That didn't plan for any of the other realities that go on with the budget and it also presumed max revenues which as he's noted they're presuming less than half this year. Once they started looking at some of the realities and they appreciated the input of everyone from long range finance, that was one individual's input, and it was very much a part of their discussion. Once it got to council a year ago, we quickly realized those numbers didn't look realistic and now that was when they started talking about doing the full percentage.

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

Beverly asked Marie when she could put it in the newspaper and when it would be published so she can figure out when to tell the public that it will be on display in the back vestibule for them to be able to look at. Marie said she would check tomorrow when she gets in the office.

Mark said they will not be able to vote on it most likely on December 7th, so he is guessing not until December 21st. Beverly said once it's up for public inspection it's 10 days. It looks like if they authorize advertisement tonight, and if it goes in Friday's paper, then they're fine on the 7th. If it doesn't go in until Monday, then they're not. Marie said she thinks she has time to get it in for Friday. Beverly said then that would be right in line with the end of the 10-day inspection period which would be December 4th and adoption would be December 7th.

Ben Hauser said it is his understanding that the proposed budget must be put on and it's a 30 day when you have the proposed budget to enactment, but they can circle back around after the meeting. Beverly said she did not read that in the code that way so they will circle around then.

MOTION BY JOHN STRATZ TO AUTHORIZE ADVERTISEMENT FOR BIDS FOR UPSIZING THE SEWER LINE PROJECT. SECONDED BY BEVERLY WOLFE. Carol Schuehler reported that they've finalized the bid documents for upsizing the sewer line along with the Neshaminy Creek since the last council meeting. She reached out by email to Bucks County and by telephone to the owner of the shore club to make them aware that the borough is endeavoring to proceed with this project this winter and bid documents are prepared and draft advertisement was provided to Marie Serota. If council approves moving forward tonight, the advertisement can go in the Bucks County Courier Times alerting everyone that this is out for bid.

Mike Smith, 127 Dehaven Ave., asked Carol how much she anticipates for bypass pumping on this project. Carol said she would have to go back and get him that number. Mike asked if she were aware that there was a proposal put out there prior to her coming back about putting that second line in alongside of what is there and that would eliminate the need for bypass pumping which would be a savings to the borough. He asked if anything had been done to look at that. Carol said she has spoken in recent years to multiple contractors that do this type of work and the conclusion was that it's less expensive to dig in the existing trench because you know you're not going to encounter rock. There's an existing trench there that is a relatively easy thing to excavate so if they do something parallel, then they're excavating virgin ground have more unknowns to run into. When she did speak with some other contractors and discussed it with other engineers, it was the consensus that it makes more sense to replace the existing pipe in the existing trench that that is the most economically feasible way to do it. Mike asked if any test borings had been done to back up those statements. Carol said they have not hired anybody to do test borings. Mike asked if it would be a good idea to investigate that in the possibility that they may save a lot of money. Carol said they would have to revise the plans and get a new water quality permit from DEP. If they change the configuration of the proposed piping or put a second line in because it would have an impact on the capacity of the system,

that would really be a complete step back and redesign at this point and again having evaluated the alternatives early on through discussions with other contractors and other engineers, she believes that the way they are proceeding right now is the most economical. Mike asked if by enlarging the pipe, if the interceptor is dead headed how much of a difference is it going to make. Carol said enlarging the existing pipe is going to increase the capacity on the Pennel side. His question is if the County interceptor is so backed up that it is surcharging our line, will this solve it. The simple answer is probably not. However, this is one piece of the whole solution. The County is under the same kind of consent order that all the contributing municipalities are under to reduce the flows to the Neshaminy interceptor and make upgrades to the interceptor to reduce the capacity constraints that they have. She believes that this is their piece of the puzzle. There are other pieces of the puzzle that are downstream or beyond Pennel Borough to all work together to resolve this problem. But Pennel has a known capacity constraint with a consistent history of overflow and to resolve that should take the bullseye from Pennel Borough for SSO's or sewage releases that result from this. Mike said the interceptor has been overloaded for years, since 2011, since way back before 2011 when he found out about all the holes in the interceptor that run alongside the Neshaminy Creek. He asked if any of them have been repaired yet because Pennel Borough was on hold for \$1.8 million at one point. Carol said that is beyond her work. That's really the work of the County and that would be asked of Bucks County Water and Sewer Authority exactly what they have accomplished to date in their sewer interceptor improvements. She doesn't have those details in front of her. Mike said it seems silly to spend all that money if the interceptor is not going to accept it anyway.

Terry McIntyre, 335 Hulmeville Ave., asked what recourse they have with this next project if it doesn't work as planned. Carol said for this next project, right now they've got a 12 inch and an 8-inch pipe going into a manhole and an 8-inch pipe leaving that manhole. There's just not enough capacity in the existing line to take the heavier flows that come down from the borough in a rain event. This project is going to increase the capacity in the line, and they are also going to bolt down watertight lids on each of the manholes that are down along that floodplain area. Not only would it limit the ability of water to get in during a flood event it would limit ability of water to push out during a flood. They get little fountains and little waterfalls from the manholes and it's a really bad situation down there. They will be effectively eliminating those circumstances. The overall plan beyond Pennel Borough is management of that interceptor with repairs, capacity reduction and infiltration from all the contributing municipalities and increasing capacity at some of their capacity constraints. The way she would phrase it is Pennel is doing their part while Bucks County Water and Sewer does their part. Terry asked, the with the bolt down lids on the manholes which was looked at several times, in an extreme condition and you get a backup, with those manholes being bolted down, is there any risk of this ending up in somebody's home. Carol said no, this is all well below the elevation of connecting homes.

Beverly Wolfe asked, under the 537 guidelines, what are the borough's obligations to keep their house in order to keep their EDU's coming. This is a known problem and it's been known and she's sure it's mentioned in their documentation many times. She asked if it doesn't work going into the interceptor or any of that, that's not part of their story. Their obligation is to make sure the Act 537 plan keeps going forward. Carol said the Act 537 plan and the borough's corrective action plan, which is part of that Act 537 plan, includes a commitment to do this upsized to the interceptor line along the Pennel Borough line along the Neshaminy Creek that connects to the interceptor. They have a commitment to do that to DEP and they are moving forward based on that plan with that commitment. Beverly asked, if they were to fail doing this commitment, what would that result in. Carol said if they do not move forward with the corrective action plan

components and at least endeavor to achieve the schedule proposed in the Act 537 plan, then it is entirely possible that the borough could find itself back under a connection moratorium issue. Beverly said that is exactly what they're trying to avoid. Joe Dudash said if this thing doesn't work, what are you talking money wise to correct it or is it a change order. He asked if she could foresee what could go wrong and how much it would cost. Carol said she tries to foresee everything that can go wrong but her crystal ball is sometimes a little foggy. The question posed by Terry that if the interceptor is so full that it can't accept flow then how this solves the Borough's problem of getting the flow into the interceptor. It's not something that would relate to a change order. It's not something that they would do differently. They're asking if Bucks County Water and Sewer doesn't do their piece does this instantaneously solve our problem of getting all the borough water into the interceptor. It's not something that would relate to a change order or to them doing something differently than what was approved by the DEP. Joe said so, if the borough does their part, but they don't do their part and things start backing up, what happens? Will they be spending more money to try to correct it or is there a guarantee, so they don't get trapped. Beverly said according to the Act 537 plan, they know we've got this deficiency in our main that belongs to us and if we don't do it, they're going to pull the rug on our EDU's and there goes our revitalization plan. Where it connects into the interceptor, which is what Mike is talking about, they have a little bit of a problem there and they know it but from that place where that is which is right here on back, that's on us. When we do our due diligence as per the Act 537 plan and it doesn't quite work in the interceptor, the DEP is not going to come back at Penn del, they're going to go after the problem in the interceptor. If they have their house in order and they do the work for the Act 537 plan which they know that we need to do this, and they've let them know that they need to do this very loud and clear. That's what they will be judged for with getting EDU's to give out to all these developers that are going to be coming in. Joe said when they start getting building going on and that's still the same way and they are throwing more water down there, then what. Beverly said they will be in compliance with the DEP and they are going to say, hey, wait a minute, that's not Penn del. Joe said with more building, this stuff is going to back up to us again so aren't they still having the same problem? Beverly said she doesn't believe that they are. They have a commitment per the Act 537 plan and that's something you just don't mess with. They told them they had to do this. If they put a moratorium on Penn del again and Joe hasn't lived through all the years of it, but people were very angry because they were buying and were trying to do stuff with properties, and it was like well you can do that with the property but we just can't give you any sewer. Mark Moffa said he thinks a lot of the points brought up are valid points. Mr. Smith knows some things about the sewer system but so does Carol and some of these things, there aren't right or wrong answers. There are multiple ways you could approach some of these projects, but he does think one of the ways to look at this is they have to get their own house in order. You can't control what your neighbors are doing but you can control what you do. They have to fix the glaring things that are wrong with our sewer system now. If, when they fix their problems and on the other end still leads to problems in the system as a whole, as Carol said, they've done their part and now they can look elsewhere to fix the rest of the problems. They need to fix the problems if they want to attract development along Business Route 1. They have to keep this Act 537 plan up and they have to keep the EDU's available. They must keep doing the things that check the boxes so that they can get the things they need to continue functioning as far as connections of the sewer and so on and so forth. He doesn't want to get into this tonight because he doesn't think that council is unanimously in agreement, but just so you know, there will be discussions probably years from now about do they want to sell the sewer system. Not everyone will agree, but you can't even have that discussion because no one is going to buy this sewer system with that undersized pipe. Beverly said they all know about it. Mark said they can't talk to people about any of these things until they fix the problems and so we need to fix the problems. John Stratz said Mark is 100% correct. Back in 2016, when he was put on sewer, he tried to sell it. They

cannot sell it unless it is 100% in working order which is going to cost many, many dollars and that will only give them a couple hundred thousand in profit and with the sewer rate increase from whatever new company buys it will just demolish any kind of profit whatsoever. They are between a rock and a hard place. It's their sewer, live with it. Mark said let the record show that at 9:53 on November 23rd, John Stratz said he was right. Mike Smith said this is important to a lot of people in town whether you like it or not. He asked Carol how far they are putting the bolt down manholes. What number. Carol said number 50. Mike asked if that was the one on the hill or the one on the bottom. Carol said the one at the bottom that normally overflows. Mike said he wants everyone to understand this and John, respectfully don't talk about the sewers because you don't have any idea. That line is going to back up because no matter what we do down there the interceptor will not allow it to go through you. You can go down there and pull manhole I believe it's 49 which he believes is at the junction of the shore club. He thinks it's 49. Carol said she's not sure which one he is pulling. Mike said it's the last one at the bottom end of our line down here. Carol said number 41 is the interceptor manhole that we connect to. Mike said that's the one that the meter used to be in. Carol said no, she's talking about the other side where they connect to the Neshaminy interceptor. Mike said if you want to go down one day after it rains really hard and watch the fluid circle like a tornado in that manhole, you'll understand that our debris does not go down into the interceptor. It just keeps backing up. They wanted them to put a tank in for a reason. That was to catch this all so that they could release it at another time. Mike said he and Carol got along but he disagrees with her on this one. No matter what they do, and he understands the Act 537 plan, that manhole is going to back up. The whole line is going to back up. And he thinks Terry knows about this as much as he does. No matter what they do, it's going to back up. It's just going to be a different manhole if you don't put bolt down manholes on all those manholes down through the woods. Carol said 50, 49, 48, 47 and 46 all the way down are bolt down manhole lids. Mike said but not above that coming back into the system. Carol said not up at the top of the hill. Mike said he knows that they did a lot of work on Bellevue Ave. He asked if they have seen any gallon savings or money savings. It was supposed to be about 28,000 gallons a day. Carol said they did a midyear report shortly after the work was completed on Bellevue Ave., so it was only a small amount of data, but they did see a marked reduction in the mid-year report resulting from both those lateral repairs and other I&I work done on the contract with SSSI. In the mid-year reporting it appears the borough flows were down; the infiltration flows in quadrant one. Mike asked if she knew how much it was down. She said she does. It was in the mid-year report and they're getting close to the end of the year so she's looking forward to doing the end of year report where they will have more data to evaluate. Mike asked if she would please share that with all of them in the future. Beverly said that was in the engineer's report at that time. Carol believed that it was. She did a midyear report but there's repairs that Mike is referring to. It had just been done a matter of weeks before the cut off which was June 30th for the mid-year report. She's really eager to see the new numbers when they get to the end of this calendar year. She hasn't been doing any kind of interim download because she doesn't want to spend the borough's money to do that. She's really excited to see what kind of numbers they get when she does the downloads in January for all the meters. Mike said couldn't you look at the bill from Bucks County Water and Sewer like he and Terry used to do. They would pull that up and they would compare to last years. Carol said she can pull all the meter flows, but she does that mid-year and end of year. She doesn't do that in between unless council wants her to do that. She tries not to invest hours on things unless council tells her. A roll call was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

MOTION BY MARK MOFFA TO APPROVE AND SIGN APPENDIX A – STORMWATER CONTROLS AND BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT BETWEEN THOMAS SNYDER AND PENNDEL BOROUGH FOR TAX PARCEL #32-003-392, 541 HULMEVILLE AVENUE. SECONDED BY JOHN STRATZ. Carol Schuehler explained that this is an existing lot that currently is a vacant lot. There is a proposal to build a single-family home on this existing lot and the borough stormwater management ordinance requires that the builder provide a way to manage stormwater runoff from this lot and mitigate any increases. They have designed and proposed a stormwater infiltration bed. The ordinance that the borough has for stormwater management has an appendix A which is a standard agreement that is signed for operation and maintenance which is recorded and goes with the property, obligating the owner to operate and maintain that storm water management facility, that infiltration pit, in accordance with the recommendations that are provided with the design and allows the borough to step in if for some reason the facility is not properly maintained. This is the standard agreement that's an appendix in the borough's ordinance. Joe Dudash asked where the property is. Barbara said almost across from John Stratz's house. John said it's near where the little kind of a bridge and stream is. Joe asked when they are going to see what this storm waterbed is. Barbara said when the plans come in, he'll see it. Joe asked what they are voting for tonight. Barbara said it's for signing the approval for appendix A, stormwater controls. Joe asked how he is going to do that if he doesn't know what they're putting in. Carol said they are putting in an infiltration bed. It's a stone drywell which is six feet by 54 feet by four feet deep. They did infiltration testing that was witnessed by our soil scientists to prove that the area would infiltrate all the proposed roof drains from the structure that will connect to this stone dry well. There has been a design submitted and reviewed and there are permit plans into your code officer. Joe said their code officer reviewed it. He said he's not voting for it. No offense. Barbara said you vote as you feel. Joe said his is a no. Beverly asked Carol, in her estimation, if this satisfies the stormwater controls and best management practices as outlined in the borough ordinance. Carol said it exactly does and there's been a letter issued by Value Engineering stating such. Gary Nickerson asked what the address was. Beverly said 541 Hulmeville Ave., near the intersection of Rumpf Ave. Mike Smith said it's between Jay Moser and Dalessandro's house. Gary said he thought this was involving that that stormwater management feature that's behind Vibrant Finish and 547 Humeville. He didn't realize this was on the other parcel. Joe asked why he needs to do this when the other houses are built as they were built. Barbara said that was a long time ago. Carol said there's a storm water ordinance in the borough that's been in place since maybe 2007 that when you add more than 1,000 square feet of impervious surface, you must offset the additional runoff with stormwater management. Joe said so he's over the limit. Carol said that is correct. He is proposing over 3,000 square feet of impervious surface. Gary said he's 100% pervious right now because it's an undeveloped lot. Mark said his understanding of this is that it is a standard agreement that is designed to protect the borough. When you enter into this agreement, it means that they can now hold him accountable for maintaining his stormwater runoff. Carol said that is correct. Mark said by voting yes on this you are holding the developer accountable for the stormwater arrangement that they've arranged to protect the borough and the adjacent property owners. Joe said but they as the council haven't seen what this thing is. Mark said of course they haven't. He hasn't developed the parcel yet and he hasn't built his pit yet. Joe said he has to have plans though. Carol said there are plans and they were submitted to the borough. Joe asked Mark if he saw the plans because he didn't see them. Mark said that's why they hire an engineer. She reviews the plans and tells them if they are alright. Joe said because they have so many problems with storm water, he thinks they all should be looking at it. Beverly said do they all know what they are looking at. You have to count the size of the house with the roof and everything. Beverly said that's not their job. Joe said it is their job because Carol is trying to get the stormwater down. Beverly said do they know what they're looking at? That's why

they have Carol looking at them. She tells them what to do. Joe said go ahead and vote the way you guys want, he's still staying no. Barbara said that's his choice. Mike Smith said this is like the third or fourth time that something's come up and several council members have this like deer in headlights look. He asked if they are not being included in everything here because he looked at Gary's face and he looked like what are they talking about. Barbara said that's because she gave the wrong address which was on a previous agreement. Mike said it has nothing to do with the address. They didn't know anything about this. Barbara said it's all part of the process. Mike said, no, it was always that council always got all this information before the meeting. He knows what Mark is saying but he still hasn't seen anything either. Marie said it was sent to all of council on November 20th. Joe said he didn't get it. Barbara said she's had it for a while. Mark said he got it. Beverly said she got it and the subject says agreement for Monday. Joe said he thinks Gary is right. They should shelve it until they can look at it. Laura Germain said she looked at it because it said it was for Monday night. She doesn't know how everyone else feels but whatever everyone wants to do is fine with her. Mark said to call for a vote. A roll call was taken. Joe Dudash, no, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes, Laura Germain, yes. Motion carried 6-1.

MOTION BY BEVERLY WOLFE TO APPROVE THE SNOW REMOVAL ESTIMATE FROM GRIMMER CONSTRUCTION, LLC DATED 10-24-2020 FOR THE 2020-2021 SEASON. SECONDED BY MARK MOFFA. John Stratz said he has one other person but doesn't know what happened to his email reaching out to them. He talked to the secretary who he's always dealt with and she assures him that Eric will get out a proposal so if they want to just put this on the burner until December. Barbara said they can't be doing this up to the last minute. John said it won't change the budget because they will go with the lowest number anyway. Beverly said they must make sure that they will adhere to our insurance standards.

MOTION BY BEVERLY WOLFE TO TABLE CONSIDERATION OF A MOTION TO APPROVE THE SNOW REMOVAL ESTIMATE FROM GRIMMER CONSTRUCTION LLC DATED 10/24/20 FOR THE 2021 SEASON IN HOPES OF GETTING IN AT LEAST ONE MORE PROPOSAL. SECONDED BY LAURA GERMAIN. Mark said it better not snow before December 7th or it's all on John. A roll call was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Beverly Wolfe, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

Persons to Be Heard

Tom Sodano, 126 W. Woodland Ave. said to Mark about when they were discussing the borough manager and he said they could make a move as soon as January, he asked has the position been advertised on some of the job sites or do they have applicants or was he just saying that they have the works in place and that they could move that fast if necessary. Mark said he was saying they have it in place that they could move that fast if necessary. Tom asked if they still must search for applicants and aren't they required to advertise the position. If they were to find someone, he thinks that would be somewhat disingenuous toward the borough residents if they had someone ahead of time. It could be construed that it was an inside move. He thinks that it should be as Beverly always is very correct to point out, as transparent as possible and it could quite easily be viewed not that way if they had somebody lined up that quickly. It could reflect negatively and create problems that the borough doesn't need. The other thing he wants to harp on and is his favorite complaint, is being techno challenged and can't easily adapt to everything. Oftentimes it's not easy navigating the website that they spent so much money for, and everybody waved their flags of how great it is, and it could easily be changed by people. There's never any information other than council work sessions and once

in a while, Long Range Finance Committee meetings. They never have zoning or any of the other meetings or anything listed on that website under the events. If you wanted to find tonight's agenda, there isn't an easy way to do that if you don't know to go look behind the Halloween icons. The last part of it that infuriates him is that then he has to go to a social media website that he doesn't agree with the politics on, to find information on these meetings and how to get on the zoom and he resents that. He's mentioned it before that he doesn't play Facebook and there's a reason for that. He should not have to go to Facebook to find information when they have a website. Beverly said to Tom that they've heard him and there have been a couple extenuating circumstances. She can assure him that the website is being given a priority. They want to clean it up. It will be fixed. Tom said thank you because they're in a situation whereas Ben pointed out, they're still in an emergency and they're dependent on computers. He shouldn't have to fish around looking for information that should be easily found so that he can attend meetings. Beverly said they wholeheartedly agree. Ben Hauser thanked him for bringing this to their attention because the borough website should be the easiest way to get the information and if it should also happen to be on social media websites, that is a subsidiary type matter, but it really should be easily available on the borough website. Marie said if there's any questions feel free to call the office is in the meantime and they will give him the information.

Terry McIntyre, 335 Hulmeville Ave., said just to continue my displeasure of the EIT, he's sitting here with his crayon doing some math. The average two person working household in this town is really going to realize a 35 to 40 mil increase. That's what this is going to be for them and giving back three mils, he can't disagree with that anymore. He thinks they should be at least five to six Mills your first year. That's quite an increase. He checked and it is Bristol that's giving back 6 1/2 mils. Barbara said Bristol is way over 30 mils and they have to go to court all the time to get special dispensation so that they can raise their millage. Terry said but they didn't just pass a new tax that is going to bring in several hundred thousand dollars. Barbara said there is no comparison. Terry said she was right.

Barbara Heffelfinger said she wanted to make a comment. Laura Germain does a fantastic job with the website and to say that she's not getting the stuff out fast enough really frosts her. If she says any more, you're not going to like it. Please give Laura credit for all the work that she does. Barbara said to Tom that she understands because she is a technological idiot, so she agrees with a lot of the things but do not criticize her. Laura said it was ok, that they've had some issues where she posted some things that Marie and Karen will say they don't see it so there obviously are some growing pains there but for the agenda, it is always posted, and she doesn't know what he's talking about being behind a Halloween picture. Maybe it's a browser issue it's always actually the picture for the meeting as well as in the meeting itself so the agenda is in three places on the website itself. She doesn't really know how to make that easier but in terms of things posting there is some time of delay they are working on with the web company now and they will get it fixed. Beverly said she's also going to learn some more about the site to be able to assist her.

Beverly Wolfe said the average median income in Penndel Borough is \$57,000. She bets a lot of those people already pay this EIT where they work anyway so she understands and hears the comments about folks that don't like it and don't understand why they're not getting back more millage when right off the top, considering they aren't getting the full benefits for probably two years, she's guessing right off the top they're spending a good portion of it to hire the borough manager that they so desperately need. That need has never been clearer than some of the proceedings and some of the things that happen right on this very council floor. The other thing she wanted to say, and this is public comments, not the Spanish Inquisition, is regarding the sewer system. If people have a lot of ideas about what they're doing wrong and what they

think that they're doing wrong, what is their solution, which is will be for another time. They come up with solutions based on information that were given based on the unfunded or funded mandates or whatever they may be which some of these folks absolutely know them because they are former council people. The question becomes what exactly would be your solution to the problem and she would love to hear it but not in this forum. In a future forum when there's maybe time to get some more information and some more data. All she knows is the Act 537 plan and what they're planning to do and what they need to do. They have to trust the process. And regarding the infiltration, I and I work that's being done, they are required to report because of the Act 537 plan but only twice a year. They've done really good work with quadrant one reducing that, and she thinks the end of year report will absolutely show that and they share everything with the residents and with the engineer's report.

MOTION BY BEVERLY WOLFE TO ADJOURN. SECONDED BY MARK MOFFA. A roll call was taken. Joe Dudash, yes, Gary Nickerson, yes, Mark Moffa, yes, John Stratz, yes, Barbara Heffelfinger, yes, Beverly Wolfe, yes, Laura Germain, yes. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer