

Penndel Borough Council Workshop Minutes

June 20, 2022

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

Present at the meeting

Council President Beverly Wolfe
Council Vice President Gary Nickerson - absent
Councilwoman Barbara Heffelfinger
Councilman Joe Dudash
Councilwoman Laura Germain
Councilman John Stratz
Councilman Joe Adams
Mayor Tom Sodano

Also present at the meeting

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

Ben Hauser reported on the Executive Session. Present were the council members here tonight and Mayor Sodano. Joe Adams, Laura Germain and Gary Nickerson were not in attendance at the Executive Session. It began at 6:50pm. Subjects were litigation, possible litigation and informational matters. The executive session concluded at 7:31pm.

Council or Borough Announcements

Laura Germain reported that this Sunday is the summer party. They had the reopening party last summer and it went really well. The residents really enjoyed it. It is from 1:00 – 3:00 pm here at borough hall and pretty much everyone here is helping out with games, activities, refreshments, and music. She said to please tell people about it. She has signs outside. She thanked everyone here for being willing to participate. She thinks that made a big difference with the event last year. Beverly said she has an account with the Levittown Patch, and she will send in the advertisement for it, and they can put it on Facebook to make sure everybody knows about it.

Public Comment on Agenda Items

Terry McIntyre, said, regarding the Earned Income Tax, at the last meeting Mr. Dudash was pretty frustrated and he thinks a couple of the audience members were frustrated sitting here watching that he was just asking for some simple figures. He himself was probably talking too much and he apologizes for that. He can usually keep it in check, and he was getting a little noisy. He went home and looked at notes from when Keystone originally was projecting \$100,000.00 to \$130,000.00 a quarter, something like that. The numbers that he could think of, probably in the first year, they have to be north of \$400,000.00 or closer to half a million. And after this last quarter when you add the five quarters together, they're probably closer to \$600,000.00, which is a good chunk of change. They get that the borough needs it, but gas is \$5.00 a gallon. Every time he goes to work, parts are going up. Groceries are going up. He thinks at 1% they can now shut off the gas pedal. He does agree on a 1/2 percent Earned Income Tax. The borough needs it. He knew that back when he was on council. They were seeing it coming at that point. But he thinks 1% is excessive for a lot of people. He thinks if

they backed it down to 1/2 percent, that would be the right thing to do, especially in this economy.

Consent Item

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE JUNE 6, 2022 COUNCIL MEETING. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

Reports:

President's Report

Beverly Wolfe reported that on 40 Bellevue Ave., last meeting there were a bunch of people that spoke about that they had heard from other people with complaints about this that and the other thing over at 40 Bellevue Ave. These complaints are via a third party. She asked if anybody on council knows if anyone filed actual complaints of any of these people who were talking to other people and brought it here. That's been the problem. Nobody wants to step forward or wants to get on record. Beverly said she is going to follow up on that. She took photographs and she's going to file her own complaint with her real name on it. She wants somebody who's going to be a firsthand observer instead of saying well somebody came to me saying that they were upset about it. She wants somebody to actually file a complaint with the office so they can send the code enforcement officer out. What she read in the minutes was people saying that someone came up to them and complained. The person that owns the barbershop was complaining to someone and that person brought it to council. The barbershop didn't actually complain. Someone complained on their behalf and that's a problem if they don't come in and file a complaint that they're unhappy that people are on their property. Mike Smith said they don't see the minutes until after they're approved. Beverly said there's no resolution for that. They have the recordings that they listen to. She understands what he's saying. The more that they get and the more detail they get, the better they can deal with it. She said to Mike that she wants Bill the Barber, who owns the property that was being complained about because there was a truck parked on it, to call borough hall and say hey, they're parking on his property. The first step is to call the office and have them make the complaint instead of using them as a conduit all the time. She wishes the people who are viewing this would actually say what they saw and come here or call the office and tell what they saw at midnight on whatever date, and they have pictures they can give. There are a lot of people who won't come forward. Those complaints were duly noted and she's pretty sure that they've already sent somebody out about that but the more information they get, the better it is. Mayor Sodano said that Bill Franklin the Barber doesn't have any parking area but in the back of his building, they did stack a bunch of stuff that can't be seen from Route 1. And he did take pictures and he sent them to Geoff and Karen Diaz at Hill Wallack along with some other pictures that he's taken over time. He asked if he has to fill out paperwork. Beverly said no because they haven't approved that yet. She'll report it at the next meeting. For the PSAB update, the biggest thing from PSAB will be discussed during finance. Review of the curb issue is still in process.

Engineer's Report

Carol Schuehler read her report which is attached.

Beverly asked how much they requested and received from the CDBG grants for the bleachers and the lighting. Carol said rounding up the numbers, for the bleachers, \$117,000.00 and for the lighting, \$140,000.00. No match is required on either one. They essentially received what they asked for. John Stratz said one of the scopes of the project is also matching the wattages to what they've already put in. Also, Sean noticed that the heights of the lights on the poles out there in those two fields have quite a bit of discrepancies towards each other. He intends to make them even and have precise shining of where the light should go. Mike Smith asked what

the savings have been on the electric bill at the Memorial Field. Beverly said she would find out. Carol said they're modernizing the fixtures because they're quite aged and these are very appropriately designed and directed so they've modernized them, upgraded them and they're being environmentally sensitive with LED lights. She doesn't know that there's going to be a huge difference in the electric bill because they're not like the streetlights that run every single day. There should be some difference. Beverly said they did replace a lot of the poles on the first go round too and the wiring because of it being there when they were kids. Carol said there's still some high-pressure sodium out there.

MOTION BY JOE ADAMS TO AUTHORIZE ADVERTISING FOR BIDS FOR MEMORIAL PARK BLEACHERS PROJECT AS DESCRIBED BY THE ENGINEER. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

MOTION BY JOHN STRATZ TO AUTHORIZE PREPARATION OF BID DOCUMENTS FOR PHASE 2 OF THE MEMORIAL PARK LIGHTING PROJECT. SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Committee Business:

Community

Laura said she wanted to check with the mayor about the shredding event. She asked if it was rescheduled for this Saturday. Tom said yes. Beverly said she would repost it. Laura said movie night is Saturday, July 23rd at 8:00 pm at the Rec Field. They decided to play Hocus Pocus and do kind of a Halloween in the summer thing and kids can wear costumes and they will have little trick or treat stations. They will have little activities before the movie. She talked to Sean about doing National Night Out, which is August 2nd. She will send the mayor an email with what they did last year. August 20th is the time capsule dedication and she's gotten a good amount of entries from kids but no adult entries. It's any creative thing that anyone did over the pandemic. She's had kids submit song lyrics, drawings, and stories. If adults want to enter, that would be cool and if not, they can focus on kids. They're still accepting submissions.

Finance

Barbara Heffelfinger reported that the borough manager has been working on a capital improvement plan and he has come up with some really good statistics. Beverly said she would explain since she put this together. She said Geoff did the capital improvement program. Beverly said she found some interesting statistics after their discussions previously on the EIT. She did a lot of research. Out of all the municipalities in Bucks County, there are notably eight municipalities that have no EIT. At this point, everyone else has and most of them are at 1%. There are a few that are at half. She will make this available to all of them. She also listed out some of them that have nonresident EIT figures, and they have resident also. What this is, is what the school district collects, if anything. For example, in Bristol Township they collect 1% but half of it goes to the municipality and the other half goes to the school district. That's always the case. If the school district enacts it, they get up to ½%. Ben Hauser said school districts with Act of 2006, can take a half of whatever it is up to the 1%. They can come up to that 1% of whatever the municipality doesn't take. Since Act 1, normally most school districts don't do that because then they'd have to reduce the property taxes as part of the aggregate share. Other school districts in this county have alternative taxes that the municipality can charge where they also get around that. Philadelphia has what's known as the Sterling Act. It basically operates similarly to what an EIT is however, if you work for instance in Newtown and you pay 1%, Newtown will pay the 1% to Pennel. If you work in Philadelphia and you pay the nonresident EIT rate, you get the credit and Pennel can't charge you the money but you're paying

Philadelphia the EIT through the Sterling Act. It's something that has been a challenge for a number of municipalities in the suburban Philadelphia area to get Harrisburg to revise. It has so far fallen on deaf ears. Beverly said she believes Pittsburgh has something similar but not as aggressive as Philadelphia. Joe Adams said speaking as family that has a spouse or member of our family that pays the EIT in Philadelphia, he would like to put on the record that the government of Philadelphia sucks. Beverly said, this chart is for council consideration. She also went through and did what she could for population and median income information. Beverly read the chart, which is attached. They tried to make it a little bit better for people who are lower income. They said when they passed that ordinance, with an income of \$12,000.00 and below, you don't have to pay. But what happens to these people between \$12,000.00 and \$13,590? The unfortunate part is the statute won't allow them to do anything with that \$12,000.00. Even if two people are living on \$18,310.00, the \$12,000.00 to that number they have to pay it but they're below the poverty line. Plus, property taxes or school taxes or anything else they get hit with. They don't get a break on that. While they were out at the Pennsylvania State Association of Boroughs, and Mrs. Heffelfinger and Mr. Stratz are with her on this, they started an initiative out there with the powers that be, the legislative branch of PSAB, to start to rally. They also have been in contact with Senator Tomlinson's office, Representative Farry and Representative Davis, to get the law changed so that these people are no longer penalized. Anybody living below the poverty line should not be paying any EIT because they need every cent they can get. They're going to lobby legislation to get that changed to have it sliding. It's going to take time, but they are committed to doing this. But for now, that statistic is very sobering to them, the very people that they're trying to help. Housing is even more dismal. They are at 96% occupancy and the ownership of the occupied housing are renters at 55%. She said Terry is shaking his head because he remembers what that number was years ago. It was considerably less. The people that they're trying to help are these lower, more distressed people and they're getting more of them. They're renting for a reason. Maybe they can't afford a down payment or maybe they can't find something. They have homes going here for \$390,000.00. Houses go up for sale and they're already sold before they hit the market. These are the statistics she wanted to give them. It was very troubling to read. She asked how they balance this against what their needs are. They have a long-term capital improvement plan that they've tried to do for a long time, and this is a very aggressive capital improvement plan. This is just a draft. Just in 2022, with just a few projects that Geoff has remaining for 2022, they need some computer replacements, which she thinks Joe has been working on. They have some things to do at borough hall, one of them is to finish the front door project. They want to put money aside into capital reserve to replace the ballistic vests. They need to get generators for the traffic lights. They're going to be very aggressive with playground improvements next year but just for the remainder of this year they're at \$162,000, just in capital improvements. The reserve of EIT money that they accumulated last year would absolutely fund these projects with no problem. The years that follow, these get a little bit more money because they have a police station roof to replace and that's going to cost probably a quarter of a million dollars to do. Those projects are worthwhile projects that the money that they're being able to channel into the reserves the people can benefit from it.

Barbara said she spoke to the borough manager about the EIT and right in the middle of her first sentence, he said wait a minute we have a capital improvement plan that they're working on and in order to do this, they need that money now. To bring the borough up to snuff and to attract other businesses, it's necessary to have to do the EIT. She's not going to say the facade but that's basically it. They have to show that they are doing something. The plan is not complete yet, and in fact, this is the first that she saw it. He's very much excited about fixing up the Rec Field. She has to agree with him on that simply because when you come down to revitalizing the town, one of the things that helps everybody is having recreation facilities and

ones that don't look like somebody dumped their trash in the back. It improves the value of the houses, including the whole borough. She also has a letter from a borough official, who said they have been talking to residents, other than the people who are here, who are very excited about the EIT. She doesn't know who this person was talking to, but the positive feedback has been very good. If they went to a half percent, as was originally talked about by the Long-Term Finance Committee, that should be done at the beginning of the fiscal year instead of going in now and changing everything and screwing up the works, to put it bluntly. Are we going to give it back? We're giving it back by what they're doing for the town. She has talked to a lot of people who have talked about the Rec Field. They've been talking about the Rec Field forever, so that is a good investment for everyone. She thinks that is a very worthwhile investment. The other thing that Carol will back her up on is they've got to really improve the I & I. Terry is well aware of this because they tried to do it for years and they never had the money so that right there is a very good investment that helps every one of them because if the john doesn't flush, they will all be in big trouble. She said if council decides to make changes, they should not do it in the middle of the year, they should do it at the beginning of the new fiscal year.

Joe Adams said he appreciates the comments of Mrs. Heffelfinger and he in no way will attempt to discredit or argue with Barbara personally. He thinks she's served this community for a very long time and the expertise she brings to the table is immensely valuable. He thinks what's happening though, is they are seeing a shift in ideological opinion. He does think that for example, Barbara mentioned the specific official that wrote a letter and spoke to residents and won't dox said official and bring them out there, but what he thinks is they're coming at it from two perspectives. He thinks that official and maybe some other people on council want to help this town as much as possible by taking that money and investing it into these projects. He thinks there's another group of people that wants to help this town as much as possible by returning as much of that money back to their pocket. He thinks that's what's going to kind of get played out here over the next couple of months, over the next budget season and potentially over the election cycle because unfortunately, and again it's not Mrs. Heffelfinger as a person, but ideologically, he disagrees with the ways of how he thinks they should be improving this town. He would prefer to see that money going back into his pocket, their pocket, the people's pocket rather than in the improvement projects. He ran on 0 percent. He'd be willing to discuss half and he'd be willing to discuss the merits of when they do that half. He's not going to try to come at it very hostilely seeing what Mrs. Heffelfinger saw, what they received via emails. He appreciates the work that's being done. He thinks the borough manager is doing genuinely, the best for the town's interest, and as he's being instructed. He just disagrees ideologically with what he thinks is in the best interests of the borough. He's not motioning or making anything right now but as this discussion comes up, he's very much interested in looking at other options too. To put it bluntly, he's tired of driving by the Sunoco and guessing what the gas price is going to be and he works from home. But there are times in which he thinks, yes, they have the responsibility to govern. They have the responsibility to spend this money and take care of these people. But it's very hard right now for him to continue to justify being in favor of a 1% when they could look at options for half, when they could look at other options. It's going to be difficult, so he appreciates Mrs. Heffelfinger's perspective. It's not an attack on her or anyone else personally, but he does think the ideological points of view are going to start playing themselves out if pretty darn soon. Barbara said her main point is that it should not be done now it should be done at the end of the fiscal year. Beverly said she doesn't think it can. She will have to look it up. Joe said he has not personally looked into that but if she and Mr. Dudash are saying that he would obviously trust the feedback that's being given but they could obviously look into that. Ben said his vague recollection was from when the EIT was enacted two years ago, that everything would be in place and have it ready to roll in January for the employers so

they would have what the charge was for the EIT withdrawal. He will say from a legal perspective, the challenges of the EIT are it may be important for the borough to have some telemetry on which individuals or taxpayers would have a return versus those who would not have money going to Penndel because of where they work. The original figure from Keystone on that, the expectation was that 80% of the workforce in Penndel Borough would pay a tax debt in another municipality. Beverly said it should be looked at. Joe Adams said his perspective is he's always been working from home and just worked out of Penndel. He's always had that type of flexibility so from a work perspective, he went in the middle of the pandemic from 0% to a 1% paycheck tax. He understands the reasons why it was done. The first meeting he ever attended and the first time he ever met council, was to yell at Mark Moffa over it specifically, so he genuinely would like to follow up on this now that they have realized figures. He would like to see if it's possible if they can get those stats from Keystone, how many of them would be paying the 1% in another town versus like him where they'd be back to zero. He thinks it would be useful, but at the same time he doesn't know that it's going to shift his perspective or opinion, but he thinks clarity can be made on when they could enforce this. And he would be open to discussing this for the possibility of a 2023 budget at .5%. Beverly said information can only do nothing but give you better perspective on whether your point of view is sustainable or not so the more information you have, the better decision you can make. She said she did not expect this conversation about this tonight. Joe Dudash said he's confused over this council. Last month he brought up redoing this room and the artifacts. Beverly said they might be able to get an RDA grant for that. Joe said the other thing he brought up was the field. They have enough blueprints in that field for ten years but then council shot it down that night. Everybody shot it down. Now, tonight because he has a manager who's getting paid \$75,000.00, all of a sudden this is a capital thing. He asked if they are really in touch with the people. This is real life. JP Morgan CEO said he was warning of an economic hurricane. He said he was talking about a storm before but now it's a hurricane. He doesn't know about the rest of them, but his 401k is going down the toilet. Beverly said she doesn't even have one anymore. Joe said everybody else around here is hurting. He understands numbers and what Geoff's dream is, but they have to think of them first. They're the ones that voted them in here and they've got to start budgeting things. He's been preaching for months that this hurricane was coming economically. They all knew it was coming. He's thinks Joe and Barb didn't want the EIT when they first started, and he thinks John was the same way, but he should have listened to them in the beginning because they're raking in \$491,159.64 and that's a lot of cash. Joe Adams said the difference is some people believe the survival of Penndel will be through the capital improvement of the borough and what he thinks they're trying to argue is the survival of Penndel will be through the survival of the local individual and the families. He thinks the best way to protect that right now is to try to return as much of that cash back. He's maybe in a different percentage income bracket than other people are but no matter what, when they ask why the millennials aren't able to buy here, Beverly interjected that they're leaving. Joe said cash is a sensitive and tough subject even for the stable marriage, the stable family. To get as much of it back as possible he thinks is genuinely going to make that difference. He knows that to some people it may not matter because they're paying that 1% somewhere else. That's fine, but again it comes down to the difference of do we think Penndel will survive more through improving the parks and rec centers or do they think Penndel will survive more by trying to give as much back to individuals and the families and the multigenerational units just trying to survive. Beverly said to counterpoint that, 1% of her pay goes to a very wealthy township. It's been that way for 30 years. They've collected off of her and she has no say in it. Those people in that rich township get new lighting, they get improvements at their parks, or they get whatever and she's contributing to it, and she doesn't live there. If they take it down, that means that very wealthy municipality gets half of the money back that they could have used here. That's her only problem with it. She's hurting as much as you are. She's a single income and she doesn't

make anything near what some of these other people make. Joe Dudash said he's puzzled because the CPI is 8.6, the mortgage rates went up. Beverly said the mortgage rates went up, but people are still buying \$400,000.00 homes. Joe Dudash said one on Oak Ave. went for \$500,000.00. Beverly said and Schoolhouse Court. Mayor Sodano said it may be dying down but one thing he thinks in her statistics about Gen X, whatever all the different people are, when they took this census, it's before, basically, they're looking at through COVID. Since COVID, it's been a different story. In this town, every house that went for sale got snapped up and it was not by old people. It was by younger people. So, he thinks the losing groups of people under certain ages, he doesn't see that as a long-term thing. They're growing and gaining people in these groups. He just wants to counterpoint that, first off, nobody knocked on more doors last fall than he did. He doesn't know who put together the referenced information, but he did not get one person, and he knocked on doors from both sides and from independents, and he did not get one person tell him they were happy with the EIT. There was not one and he knocked on approximately 427 doors, give or take a couple. That's a lot of doors and he didn't run into one of those people. He questions the statistics. Secondly, he personally knows someone that the wife, just within last year, had to quit work because they had their fourth kid so now, they're working on one income. They have four kids and a mortgage on \$85,000.00 a year so, they're in that 69% under 100K. That's who he cares about. He's not thinking about the few under \$12,000.00. Yes, he has empathy for them. He knows many of them. He may be related to a bunch of them. He doesn't know for sure, but the fact of the matter is there's a big percentage of people in that 69% absolutely, and they're the ones that he cares about. If they look at the numbers for fiscal 2021, \$491,000 and change and this year we're projected to go way over because they've added a number of people to the borough over the last year. There's been at least a dozen houses sold and at least six of them are new construction. They're going to be well over \$500,000.00 this year. In two years, that'll be approximately, just using twice last year, \$982,000.00 they've collected. If Joe is anywhere near correct, and let's just say they are paying the borough manager \$70,000.00, that's \$140,000.00 off of that. Other huge expenditures with that money, so far nothing. They're down to \$842,000.00. At that point, they're talking about over the course of two years, they will be sitting on a nest egg of \$840,000.00. If they reduce it after the first of the year, they're still going to bring in \$245,000 and change after they pay that same \$70,000.00. That's \$175,000.00. Realistically speaking, if they did think about backing down, they would have a nest egg and they would still have \$175,000.00 in capital monies per year. It's something to consider. He understands they can't pull the trigger before the end of the year. He understands that conversation the way it happened here tonight. But that doesn't mean the first of the year they still need to continue. And one thing he didn't mention, they're kicking back about \$75,000.00 to homeowners in the form of a tax reduction. So even if they take that off of the monies, they've still got a nest egg and will still be collecting enough money to put money toward capital improvement without hurting people. Make no mistake about it, they may not have all agreed when it was said, but Mr. Dudash was right. They are about to go into recession. Do they really want to crush these under \$100,000.00 people over the course of the next couple of years? Can they look at it again in a couple years? Sure. Maybe go to ¾% if they have to. Do they have to do a full 1%? He understands Beverly doesn't want to give it to anybody else. He gets that. But the people he's talking about weren't paying anything. Neither of them worked in a township that had an EIT. Now they had to give up almost half of their income and they're hitting them for \$850.00 of that. These are tough times for those people. They have kids. When he looks at it from that perspective, he thinks they realistically have to look at is it fair to do it right now since they've gotten the nest egg and they'll still be putting at least \$100,000.00 away for a couple of years while they get through this crush. And then they could move it back if they have to. They could go to .65 or they could go to .75 or something. Do they have to do the 1% just because everybody does it? He doesn't think they do. Joe Adams said he appreciates everything the mayor said, and he doesn't know the

answer to this and he's actually going to call him now when it comes to matters of things like taxation and EIT. He's not attempting to grandstand or suggest anything, but he asked if there was anything that they can actually do as a council tonight or are they prohibited from making those actions until the next year. Ben said there is no motion tonight to do anything with the EIT. Act 311, which is a part of the Local Tax Enabling Act, and the section goes into the three hundreds, it requires a change to enact to levy the tax and to alter the tax requires an ordinance advertised. When they were all in the COVID phase, they all remember those notices going out several times back in the summer of 2020. If the borough was so inclined at some point to decide to change the assessed rate, they're probably going to eventually authorize the drafting of an ordinance in the notices, etc. to amend the taxing provisions of the code. But certainly, the short answer is no you can't do anything tonight. The longer answer is you're going to want to get something on the agenda to authorize the ordinance and then the ordinance would have to get it adopted in such times so that it is in effect for 2023. Barbara said she would like to clarify that what she was trying to say was what they have now is being put to good use. She doesn't want people to think that she's in favor of it. She wants to see all the figures and who did what and when and how much before she even says anything. She's trying to say that the money will be put to good use and can be put to good use. It's not that they're trying to fleece anybody. She's a senior citizen so she's good, but there is a process. She doesn't want to give the impression that money is just going to be stashed and they're going to have a little pot of gold. Beverly said having a reserve is not a bad idea. Barbara said she's been on council for 20 years and every year has been a struggle and now they have a little bit to build on. Joe Adams said he appreciates the fact that she clarified that and her perspective on it is appreciated, and he appreciates the transparency too. He would like to be able to actually discuss this at the next council meeting in a way that would allow them to make decisions even if the council decides they're doing nothing. Beverly said she understands what they are saying about that 69%. It's not like she doesn't care about any of these people. When they have a poverty rate that they have, they should all be looking at it. They are double the rate in Bucks County. She loves watching all these new families moving in and all the little kids running around. Daycare is so expensive. Her daughter is a director of a daycare, so she knows how much it costs. The fact that this 69% of people they can't afford that, so they had to give up an income just to stay home with their kids. She loves the fact that they're here and that they wanted to fix the field up a little bit more so the kids would have somewhere to go play. She wants to make sure it's fair and agreeable for everybody. They care about everybody. The group that he mentioned though, is very vulnerable. They are even more vulnerable than the original group that they tried to help with this, which were folks like Councilwoman Heffelfinger who we tried to reduce their property taxes to give them some kind of a break. It's a shame that the school districts don't do it. They don't give a crap. Pennsbury just announced a big rate hike. She believes that these are now becoming extenuating circumstances. They knew a recession was coming. She could see it in her business just by the global supply chain. Now what's coming at them is not a hurricane, it's a quadruple motor freight train doing ninety miles an hour coming straight for everyone. One of the things they can Google is to look at the urea crisis for the diesel motors. Without that tractor trailers don't run, and they don't deliver food. They will have shortages again and everything is going to go up. It's a vicious cycle they're in right now. They just have to ride it out and keep their heads above the water. She wants to see if Act 32 has any restrictions on when they can make a change to it. She will do that research tomorrow. They're not unsympathetic to everybody at all. Laura Germain said she just wanted to add that the reason she voted against it initially, was because they didn't really have those figures that they are going to have now. They're going to know how many people this affects once they get those statistics. They had estimates on how many people would have to pay this for the first time. Now they're going to get those numbers and she really appreciates it. And it seems to her like everyone is being very reasonable and no one's kind of digging in and saying how

they're going to vote no matter what. Even though she voted against it initially, those figures are going to matter a lot to her on how many of the people this is hurting. They want to try to stay away from framing who cares about who. They're all here because they care. Whatever they vote does not mean that they don't care about particular people. They are making the judgment that is better for people as a whole. Facts matter and just accepting that people can have different opinions than you without being the bad guy. Joe Adams said he thinks it needs to be said more times and he'll take someone here that he can make an example of without hurting any feelings. He disagrees wholeheartedly with virtually all of Ben's personal politics as a human. However, that being said, he thinks he exercises his personal politics with a desire to really care for people and to see society get better. So, the one thing he will say is that although he may think that certain members of council have different ideological perspectives than his, there's no question in his mind that the people are not here because of that little bit of money they get at the end of the year but because they genuinely care and actively want to be here. He thinks they're trying to take care of that middle group and they're coming at it from different perspectives, but he doesn't think there's one particular side that cares more or less than the other. Why else would they give up their Monday nights for a very thankless job where they all hate them. He does want to see the policy play out and that's why he stresses the desire to maybe get something on the agenda for a motion for next time. Beverly said there are two things that are coming out of this right now, compromise and caring. There's not one person at this table who's taking such a hard line. John said Ben is their political guardian angel and by political, he doesn't mean Republican or Democrat. He's here to keep them out of trouble, which is what the solicitor does in every borough in this state. A lot of times certain council members go off half-cocked and are ready to get them sued royally. So, he thanks this gentleman for being picky about the law because it is the law. They can talk about this at the next meeting all they want but he will bring specific paperwork from PSAB stating that it is illegal to change horses in midstream. They have to wait until the next budget. Ben said if it is council's desire to change the rate, that would go through that process and would go on before the end of the year by a certain time frame starting in 2023. Joe Adams said he doesn't obviously want to break the law and since they can't, then next meeting say the new tax rate, that's not going to work. He asked if there is a step that can be made that is not in violation of any of the things John was talking about or to appoint the lawyers to do something, etc. if council fully votes on it. Ben said if there's a majority on council that wants to change the rate, they would direct the ordinance to be drafted and all the other attenuate processes. Joe Adams said they can't make an official change, but they can kick the ball somewhat in the right direction if it is the direction council so chooses, which may be to shoot it down. Barbara said to Joe Adams they have to sit down and talk. Beverly said it looks like they have two public hearings, which they had to have two of them before. And she believes then 30 days later they have to, after the public hearings, have another council session. Then they have to advertise at least twice. Then they can enact the new tax law once it's been filed and then goes to council again for final approval. This is about six months, and she doesn't see anything about a specific date like January one or anything like that. Ben said he believes the ordinance online was passed in 2020. It was adopted the 17th of August 2020, right after the public hearings. They have to start conversations at the next meeting but since people are on vacation and don't have much time in between this meeting and July 5th, they might not have all the information from Keystone. Laura said they need the facts. Joe said he feels like they're bringing this up well early enough that if Laura is not comfortable and they don't have the stats next meeting, they're bringing it up early enough. They can table it if necessary and ask the lawyers to bump it off for a month or so to start preparing the draft. He would rather see the stats brought out but still recognize the ball needs to get rolling soon. Beverly said she would talk to PSAB. They need to pursue that and try to get Act 32 to change so that it's sliding with the whatever the current poverty line is. Barbara asked Ben if they aren't ready, could they make it as of February 1st or March 1st or do

they have to stick with January 1st. Beverly said she will see what Act 32 reads like. Ben said a few years back Middletown briefly enacted a 1% tax and then went back to 1/2 percent. He doesn't remember the entire circumstance under which that was done. It may have had something to do with the relation to the school district that may have caused them to push it back.

ARPA Projects

Joe Dudash read his general overview which is attached.

Joe said he's grateful for their engineer because she's been giving them some of the projects in town that they can spend the money on. They can use the money from the COVID funds but they could also use General Fund money so you can mix and match like they do with the grants so they can stretch their dollar. This is only an advisory committee so the committee will gather the facts of what project programs they think would help Penndel Borough and then they will present it to council and then it's up to council to finalize what programs they want to do. Carol has been a big help. She's given him a lot of suggestions which are great like the inlets, which are full. He and Mrs. Heffelfinger will get together for the girls and the police and fire department. So far, those interested in the committee are Sarah, Patty Dicken and Jay Moser. They can fill out the committee forms. What they come up with they will present at a meeting and go over all the projects. If someone has a project they want to be done, let them know. Carol's been great and she's got a lot of projects that they can spend it on. Their goal is to gather the information and run it by the people in town or whatever they have to do. There are dates in there which they have to hit. Marie has reports to do. Beverly said they get emails all the time from them. Joe said they are going to move as fast as possible with it so they can present it to council. Beverly said they need a resolution for the next meeting and then the three people who want to be on the committee can be appointed. She said Joe did a great job on this.

New Business

MOTION BY JOE ADAMS TO ADOPT RESOLUTION #2022-8 THE DISPOSITION OF PUBLIC RECORDS. SECONDED BY JOE DUDASH. Mayor Sodano asked if any of this stuff was transposed to electronic records. Beverly said they haven't come far enough to have electronic records yet. Tom said the reason he is asking is that one of the items that happens be on the list is building permits and it specifies 1982 and in their last meeting, he believes that was the year that somebody mentioned the storm drain 217 Rumpf Ave. was done. Beverly said it was Carol that mentioned it and those records were scrubbed through. Marie said these documents are copies and all the account files have building permit copies in their specific files. It's just an extra copy. All ayes, motion carried.

Feasibility review from Gilmore & Associates on the police building roof renovations.

Beverly said on the police building roof renovations, to put that roof on, do the A frame and fix all the down spouts and fix everything. They gave them a small scope of work. She asked Mayor Sodano if they want them to take it a little further. Mayor Sodano said no, it should be less. He was very surprised when Geoff told him this and one of the things, he noticed right off the top is it mentions storage space. Beverly said that was on the original RDA grant. Tom said which for all intents and purposes, is a second floor which they don't really need. They just need a roof. So, if they could eliminate everything from the roof down and just put in an A frame roof, that's really what they need. Beverly said she thinks what Gilmore was doing was reusing the plans from the grant that they already paid for. She said they will see how much just a plain roof without storage would be. Tom said the issue is that the storage that's inside the building, records, evidence, etc., under the current circumstances they're risking ruining evidence and records. What they want to do is prevent that. They don't really need to move them to a second story. Beverly said it's his call. Tom said go with just a roof. He spoke to the chief, and

he feels the same way. It's a lot of money and they don't want to tax the borough that badly if they can get a roof that will protect what they have, that's the goal.

O & M Agreement for 126 Holly Ave.

MOTION BY BARBARA HEFFELFINGER TO APPROVE AN O&M AGREEMENT FOR 126 HOLLY AVENUE PENDING EXECUTION OF PLANS BY PROPERTY OWNER'S REPRESENTATIVES. SECONDED BY LAURA GERMAIN. Joe Adams asked what this was in reference to. Ben explained that there is a private property owned by the Simon estate that has had some water runoff issues. And with the work of his colleague and Ms. Schuehler, they have reached an agreement with the estate to meliorate. As part of that, we are executing what's known as an O & M agreement, which is operations and management. He deferred to Carol to explain. Carol explained that this property that is owned by the Simon estate, there was a substantial amount of impervious surface added in recent years without stormwater management. It's been a topic of discussion at many meetings. The estate hired a soil scientist who dug holes and he found an area on the property that if you get deep enough, is very conducive to infiltration. Their engineer prepared the design. It is going to take the first two inches of rainfall from all the new impervious surfaces and a little extra beyond that and put it into this infiltration pit. The first two inches of rain over all that new impervious plus another percentage goes down into that pit to be infiltrated down instead of running off to the neighbors. Beverly said two inches is the stormwater management standard. Carol said that's sort of a state standard for water quality and volume mitigation. Even if they get a big rain, the first two inches, and that's a lot of water, is going to be captured and infiltrated. So, the plan has been prepared and an operations and maintenance agreement has been prepared that says the property owner is responsible for maintaining this. It gets recorded at the County Courthouse so that it runs with the property. If they sell the property tomorrow, the next people and the next people after that, they have to abide by this. It's recorded at the County Courthouse. This a good thing for the borough. She and Joe have talked about water problems out there a lot, so this is going to take all the water from the roof of that garage and send it to this infiltration bed instead of it going towards the neighboring properties. It's a positive solution to what's been happening out there. The property owner's representatives signed the documents. Unfortunately, they signed the agreement, but they forgot to sign the plan itself and that also gets recorded so that's why it's pending the signature. Joe Dudash asked if she got the easement that she wanted. Carol said the O & M agreement includes the right for the borough to go and inspect that facility as needed. All ayes, motion carried.

Resolution designating towing companies for Penndel Borough Police towing.

MOTION BY BARBARA HEFFELFINGER TO ADOPT RESOLUTION #2022-9 OF THE BOROUGH OF PENNDEL BUCKS COUNTY DESIGNATING TOWING COMPANIES FOR POLICE TOWING. SECONDED BY LAURA GERMAIN. Mayor Sodano said to clarify, it came out that our towing ordinance actually doesn't say anything other than the chief gets to make the call. It didn't have any of these specifics and how they got eliminated if they were ever there correctly, they're really not sure. What they're attempting to do here and the reason that he and the chief brought this up is that this at least gives them via a resolution, an official capacity with telling companies and the ones listed were number 2 and number 3, they were the people they were using anyway. Their number one by the way for those of you who don't know, has gone out of business. That's what prompted all of this, and this keeps them legal to continue until they get an actual ordinance. Beverly said a resolution is good enough for now. Tom said it keeps them on the up and up until they get an ordinance. That's all this is about. All ayes, motion carried.

Public Comment

Terry McIntyre, said he's not sure if anyone reads the Intelligencer or the Courier Times since everything is online but, last month on he thinks May 24th, it says the Neshaminy School Board plans a 3.4% increase for real estate taxes for the 2022-2023 school year as it grapples with increased costs and a major new school they're going to build. He said council should keep that in mind when they're discussing the half percent EIT. It doesn't seem like a lot, but when they're throwing another couple \$100.00 tax their way, that's going to help if they're able to reduce a little bit of the pain, especially for the people with children that are working in this borough. Beverly said they don't care. It's going to affect the seniors.

Mike Smith, said they had a hearing last Thursday and it was in open court over the fence. The strangest part of the whole thing to come out was that going right back to what he had suggested in the beginning. Meanwhile, he spent almost \$4,000.00 but the residents of this borough, spent, after Thursday, probably close to \$29,000.00. He said he didn't know what Ben's rate was to go to court, so he's just summarizing and who knows what the homeowner there paid for his legal. His point in saying this is what happens when they allow things to get past them. This group right here, some of them were here some and some of them weren't when this all started. The same thing goes for the Simon's property. How did that happen? How much money have they expended in getting that resolution, which obviously is good for the borough? Barbara made a statement that they went way over the legal fees for the year already. This is a problem. They allow these things to get out there. The point of what he's trying to get to is the borough allows this stuff to happen. They have laws and rules. They spend a lot of money for these ordinances that they pass and they still wind-up paying tens of thousands of dollars. It's not right. They have to stay on top of whether it's the professionals. They have to stay on top of this stuff and on top of the half a percent, that would give everybody here and in town a major savings because they're not spending the tax money that they're taking in. That's a problem. It just keeps adding up. He said Beverly knows what he's talking about. It has got to be stopped from getting to these points that they're getting to. Nothing has been said tonight about Rumpf Ave. He thinks at the last meeting it was talked about that there was a gully there at one point that came off the side of Hulmeville Ave. that's all closed and when he went by there yesterday, there was a shed over top of where the gully was sitting. He asked how this happens. He asked if it was an easement. There's a shed sitting over top of the gully at 217 Rumpf Ave. Carol said the pipe goes behind that. Mike said then the fence is on top of it. The point that has to be stressed is they have to stay on top of this stuff, whether it's the solicitor or the zoning officer, whatever, somebody has to keep an eye on this stuff because he's sure they could use \$29,000.00 more than Dave and Ben could. Last thing, they, as residents, come here twice a month, almost everybody sitting here and he's said this before, the things that they discuss and report back to them, they have to live with. They don't get a minute to say anything. They have to change this. He understands why they don't want it because they've had this discussion, but they need to maybe rethink that and give them an opportunity to maybe help out and throw something out there. Not every idea is good and not every idea is bad. But it may spark somebody to think of something and it may help with decisions.

Jay Moser, thanked everyone for the very informative information. He's not in favor of the 1% EIT. He's paying it and he's down to a single income. He's planning on staying here forever. They've already collected the money and what puzzles him a little bit, the most, is what Tom said about keeping people in town given the things that they want and improve the borough, the infrastructure, the town itself. He told Barbara to hear him out. She got beat up tonight and he apologizes. They know his pet peeve about the Rec Field and what it's currently used for. He doesn't know how many people have kids here that, and unfortunately, they get eight to ten people come. He'd really like to know the number of how many kids who play baseball and

football are from Penndel. They are putting money into a sport that is not for the people of Penndel. It needs to be a park with a walking path. It needs to be a place that they can have maybe a dog park. They have a troubled playground that's in the back of the furthest end of the property that is a nuisance and needs to be restructured. There are certain things that he can think of for the betterment of the borough people. This EIT and tax dollars can be put to better use. There's a lot that can be done absolutely, and he gets puzzled sometimes. He hears a list of capital improvements. He asked if the whole council knew what the capital improvement list was before they got here. Beverly said the capital improvement plan was partially in the budget and has been in every budget since she was doing it. Jay said he understands that, but he meant the projects themselves. Beverly said they are in the budget and there are a couple of new ones and council will see them. Jay said the one comment that Mike had earlier in the night about the minutes, he asked if they could get a copy of unapproved minutes to be posted before approval and listed. He missed the last two meetings, and he has no idea what transpired, and he still doesn't know because he has to wait until after the second meeting. Ben said he doesn't know the answer to that, so he'll take a look. John said, per the PSAB, it is not legal because they weren't approved and proofread. Jay said he understands but again we cannot belong to a lot of associations that are not state governed by government rules. The minutes are sent out to everyone prior, so they get approved at the next meeting. It was just a thought that that would be great. Joe Adams said when he was working in New Jersey, none of the municipalities released prior to a vote because it reflected upon council persons. Beverly said they do a lot of amendments so she will look in the borough code. Joe Adams said he can sympathize with the idea of wanting to get it to the people as fast as they can and does think that would be a benefit. Beverly said if the borough code says no, then they can't.

Council Members to be Heard

John Stratz asked who the towing company was that retired. Mayor Sodano said it was Stan Worthington. He's had a couple of different names, the most recent one was Mouse Towing. He had some health problems last year and he's at this point where he's decided not to be in business anymore.

Joe Adams said he originally was hoping to buy a house in another town so he could get out of council but unfortunately, his wife has decided, and they were renting off of Gene Johnson, have now entertained rendering into a mortgage and a contract of sale so he will be buying out the property at 327 Neshaminy St. ,which means he's probably stuck here for the rest of his term and won't be able to leave. It looks like they're becoming a more permanent fixture and Gene Johnson is getting further out of Penndel, so everybody wins. The second thing is and he's probably throwing Ben under the bus, and he could have just emailed him, but he was curious what the progress of the civil service is at this point. If there are action items that council has on their end or just a general idea of where they're at. Ben said the ordinance has been drafted and it's been circulated with some members of council, his honor and Chief Perry for thoughts and comments. He does believe there is an expression although, he thinks they need to kind of circle the wagons in terms of the date and time just to kind of go through the points on that rough draft of rules and regulations as where the rubber really meets the road in terms of testing. He thinks they would want to get the ordinance buttoned up first. That ordinance is more or less in final format. Otherwise, they're getting pretty close to having an ordinance ready for council consideration, advertisement and adoption and the rules and regs which would have to be jointly approved by the borough and the commission. Beverly said as a side note, to that she's doing a scrub on the PPA just to make sure that they're all in agreement.

Laura Germain said for Sunday's events she'll be starting to set up around 11:00 am. if anyone wants to come and help, feel free. She wants to have council and the mayor wear name tags

because a lot of people come to these events who are not at these meetings and a lot of members of the public were able to speak to them, but she got some comments last year that they didn't realize that there were council members there. Beverly said all the elected officials should be wearing name tags. Laura said this way if they have questions, they can ask. Laura said she runs a lot of these events, and she gets a lot of the RSVPs on Facebook. Right now, they have 20 saying they're going to come and almost 90 saying they're interested, which she has never seen those numbers before. Those are great numbers. Beverly asked everyone on council to please come out if they can.

MOTION BY BARBARA HEFFELFINGER TO ADJOURN THE MEETING AT 9:40 P.M.
SECONDED BY LAURA GERMAIN. All ayes, motion carried.

Submitted by: _____
Marie Serota, Secretary/Treasurer