

## Penndel Borough Council Workshop Minutes

July 18, 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  
Councilwoman Barbara Heffelfinger - absent  
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

### Council or Borough Announcements

Laura Germain announced that this Saturday they will be having an outdoor movie night. It starts at 8:00 pm at the Rec Field and they'll be showing Hocus Pocus. Gates open at 8:00 pm and the movie will start at dusk, which is around 8:22 pm. They'll have some snacks, games and crafts and then they'll show the movie. If they know of anyone looking to do something this weekend, please tell them to come out. They are also encouraging people to wear costumes and if they have enough people who are wearing them, they will do a little costume parade before the movie starts.

### Public Comment on Agenda Items

**Mike Sodano**, said he is unfamiliar with this format. He would like to know if there will be any public comment during committee business. Beverly said no, they have public comment again at the end.

### Consent Items

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE JULY 5, 2022 COUNCIL MEETING. SECONDED BY GARY NICKERSON. All ayes, motion carried.

### **Reports:**

#### Engineer's Report

Carol Schuehler explained that she is in attendance for the two motions on the agenda. For the first motion, the improvements are essentially done, and the bathrooms are looking great, but they still have to install the heating units, which have been delayed by supply chain issues. Council already approved the change order to add 21 days to the contract and they're still waiting for the heaters. The contractor shared with her some of his back and forth with his vendor to validate the problem, so she's not terribly concerned about getting the heaters in until they get closer to cold weather. They do need to grant him some more time for those heaters to get here. She checked with the CDBG office. They have a request into them for an extension that their administrative group already approved to accommodate this for finishing the project.

She is recommending that council consider a change order for an additional time extension on the ADA improvements to August 25<sup>th</sup>. Joe Adams asked if the bathrooms are usable in the present state. Carol said yes.

MOTION BY JOE ADAMS TO APPROVE CHANGE ORDER #2 FOR TIME EXTENSION ON THE MEMORIAL PARK RESTROOM ADA IMPROVEMENTS CONCLUDING ON AUGUST 25, 2022. SECONDED BY GARY NICKERSON. All ayes, motion carried.

Carol explained the second item is a motion for an escalator clause. At a previous meeting, she came to borough council and said she'd like authorization to assemble the bid package and advertise the sealing for Oak and Holly Avenues. And because of how late it is in the year, they're going to give them a window to do it. That would start late this year and end next summer. And in talking to some of the vendors that do that work, they would be very interested in the borough including an escalator clause. And she thinks that would be to the borough's advantage too. An escalator clause is when the bid is awarded, there is a fixed price for bituminous materials based on PennDOT that keeps an index. Right now, the PennDOT index is the highest it's ever been for the month of July and so that index sort of pegs against the bid. And if asphalt prices go down by the time they're actually doing the work, they would get a price decrease. If asphalt prices go up, that would hurt them. But she spoke with vendors and with their Liquid Fuel's representative at PennDOT and everybody feels like this would be a good idea for the borough. She mentioned this at the last meeting, and she thinks council viewed that favorably. She inserted it in the bid package that she prepared and then she remembered there's something weird with Liquid Fuel's regulations with an escalator clause. She looked it up and an escalator clause needs a resolution from the borough. She reached out to the solicitor's office, and they drafted a resolution for them this evening. This resolution will allow them to include the escalator clause in the bid documents. She wanted to make sure they're doing it legally and Liquid Fuels will cover these costs, because they did it correctly.

MOTION BY JOE ADAMS TO ADOPT RESOLUTION #2022-12 INSERTING THE ESCALATOR CLAUSE INTO THE BID DOCUMENTS FOR THE CAPE SEAL PROJECT ON OAK AND HOLLY AVENUES. SECONDED BY JOHN STRATZ. Laura Germain thanked Carol for always thinking of these things. All ayes, motion carried.

Joe Dudash asked Carol about 227 Rumpf Ave. He said there's been a plumber down there and he's digging and he's putting a large pipe into the creek. He was wondering if he got a permit from the Delaware keeper and the EPA because they're not supposed to be tapping anything into that creek. Carol said she's not aware of any permits that had been obtained by that property. Joe said he was wondering if that is the illegal pipe, she said was down there with what he calls the tunnel. Carol said she saw some pictures from the code enforcement officer of some small U drain type pipe that was being installed. Joe said it's bigger than that. Mayor Sodano said what he's installing is what he's describing across his property, but it leads into the large pipe that was in question of whether it is legal. There were bricks or something in the description when they had the storm pipe video scoped and it's emptying at or about where the end of that pipe is. Carol said she needs to send the borough a report. What she has found to date was that the pipe that was installed on the corner property to about where that brick box was, is part of an easement and agreement and she thinks the borough has responsibility for the brick box itself. She has not found any records of the pipe beyond it being permitted, approved or accepted in any way by the borough, so she doesn't think that's the borough's responsibility. That's just what she's found so far, and she will be sending a report to the borough. If someone is putting in a four-inch pipe on their personal property, the only way that she can see that would trigger being regulated by the stormwater ordinances, is if they go into

the creek itself. This is if they actually go inside the banks of the creek. Joe said they are. Carol said if they're digging in the stream bank, then that might be a regulated issue. But she doesn't find any rules in the ordinance that would prevent them from putting an underdrain in there or a small pipe in their backyard. Joe said they knew the pipe was illegal over there and now they're just running it straight on out because you can see it's in the stream. He thinks the code guy went out but hasn't heard anything. Carol said she can tell them what the stormwater rules are, and she can help with information, but she doesn't have any enforcement authority. She can't go fine somebody or stop somebody or issue a cease and desist. Joe asked if the code enforcement officer is responsible for it, if they are tapping into the creek. Carol said if they're in the creek, then there is a potential that it would be regulated under the Stormwater Management ordinance. She hasn't personally seen it, so she doesn't feel comfortable making that decision. Joe said she can go down and take a look. Carol said she can if she gets permission to go on private property. If she sent a report to code enforcement that there was a violation of the Stormwater ordinance, she's sure they'd work with the manager to address it but even the creek itself is private property. She needs permission to go back there. She doesn't have authority as borough engineer to just be walking on somebody's property. She did actually go knock on their door last week, but no one answered. Joe asked if they came to a conclusion about the second pipe. Carol said she found no records that it was authorized by the borough or that the borough is responsible for it. She needs to share all that information with the solicitor's office still, but it appears to her that it's been in there for many decades. It didn't just go in yesterday. Joe asked if they could see where it's going. Carol said the whole thing was videoed and it discharges at the stream. Mayor Sodano said in the video, it's just a pipe that the borough previously knew about and authorized this brick box. Then the pipe the rest of the way down until it discharges at the creek, which is right in the vicinity of the property line somewhere. He asked if they were to narrow down to within 1, 2, or 3 years, when that illegal box pipe thing was done. Is there a statute of limitations of whether or not they could go after, for instance, a property owner who may or may not have done that. Carol said that's a legal question. Mayor Sodano said there is aerial photography that'll tell them that it was done between 2000 and 2005. He gave it to Geoff. Carol said that would be for the solicitor. Carol said in her opinion, the pipe ended. Somebody else put a box on the end and extended the pipe and in her mind, that's not the borough's responsibility. She found no records of it in the borough files. Joe Adams said they may not have had to pay for it. It could have been grant funded or something. But they still would have had, even if it were granted, to authorize it in some type of minutes or something. There would still be some type of borough record. Carol said by DEP, that would be enclosure of a stream and would need permits for it for the property owner to do that. The borough doesn't appear to have had any involvement. She didn't find it in any of the property records. It's not something that was approved by the borough, as far as her research has shown. Beverly said when she gets that over to them, she wants to know how the borough is aggrieved by this and what are they responsible for. She wants to know exactly what those are. Joe Adams said the bigger, scarier question is if there are supposed to be DEP permits and they're supposed to be worried about water and wastewater, he's interested to know if there is a negative impact to their water system. Mayor Sodano said If it goes back to the person who owned it then, and they claim that somebody in this borough did or did not have knowledge, that would be his biggest worry. Beverly said she's worried about messing with the DEP. Ben Hauser said that he'd rather not speculate on this but if there is a hypothetical where someone may have gotten tacit approval from the borough, that could change some of the analysis. Joe Adams asked if they are saying tacit approval, does that need to be substantiated in writing or would it be just enough to get a verbal. He asked how they would prove it. Ben said if they have an illegal situation, but someone was under the impression that they had some sort of tacit authority to do this, they would be the ones who would have to raise that as an offense in his opinion and prove that. However, he's speaking entirely on hypothetical here because he has

not been presented with any of this at this time. Joe Dudash said it's been mentioned a couple times in reports, and he asked Carol if she is involved with the Permabilt design and new offer that's been made. Sally gave a brief description and there have been meetings. Carol said she knows absolutely nothing about anything happening at Hulmeville Ave. Joe said Sally said she sent Geoff some information and apparently, they've been going back and forth. He asked Beverly if she knows anything about it. Beverly said no, and if Sally is still looking at it for zoning, then not yet. Joe said she told him just recently that it's done, so somebody here has to know. Geoff is claiming dumbness. Everybody is claiming dumbness. This has been going on for months. Gary said people can have informal discussions. Joe said they don't know what's going on and asked if Gary had any idea what's going on. Gary said it sounds like the owner is looking to do something. He thinks they're exploring. They were at the Planning Commission when he came. He's trying to figure out what he can do with his property. There are no grand secret discussions. He's exploring opportunities. Maybe he gave her a sketch or a concept. Joe Dudash said but they haven't seen anything. Gary said they wouldn't. He asked what they would do with it. Joe said at least he's up to date on it rather than sitting here and these taxpayers are looking at them like they're an idiot. He asked if they know what's going on. Gary said he just told him that the owner of the property is trying to figure out what he can do on his site with minimal permits. Joe said but there seems to be a design already for this property. Gary said he didn't think there's anything designed. They would have to submit it. Joe asked if he's putting in senior citizen living there. Gary said he is probably exploring all of those things. They've talked about some sort of mixed-use thing. He's going to want to do some due diligence and market analysis. There's no secret conspiracy thing. Joe told Gary to get off the conspiracy thing. They should know what's going on. Beverly said there is nothing going on right now. It's just ideas. Joe said but suppose a resident comes to him and says they heard about Permabilt and asks what's going on. He asked what he should say that Gary says that they don't know, and they don't need to know. Beverly said the owner is looking at his options. Joe said then he's going to come to them with this particular owner and there have been IRS problems and there have been indictments over at the hospital. He doesn't want to get caught. Ben has got enough; jaguar sitting out there now with their money. He doesn't want any more money going. Gary asked if he wants a phone record of every single time somebody calls and asks questions. Beverly said she will find out where they're at besides a sketch on a napkin. Joe said and here's something that they didn't even know about until the last minute. He said Carol really told them what was going on because things have changed from the first time, he heard about it to when she told them and then with the contractor at PennDOT. The problem in this, and has nothing to do with her, it wasn't advertised. He got his rear end chewed out from the owner of the car wash. Her husband got that letter late. Beverly said the invitations were sent out. She can't help what the mail does. Joe said she didn't even use letterhead and she didn't even tell them that she was sending those letters out. Dave Cahill asked where his invitation was. Joe said she talks about transparency but there is none. The business owners were irate and then they're just adding traffic to them and it's all with the super highway. Carol gave an excellent presentation but then the residents started speaking up. Look at what's going on in Langhorne Manor. Beverly said this has been in process since 2018, way before what's going on up there. Joe said their Planning Commission and all the other town's Planning Commissions are involved in it. Beverly said this is not the final design. Joe said they have 90 days, and they had a quorum to vote, so he's not going to court over that. This is serious. Beverly said she's aware. And in case he didn't read the things that are being said, Gary should go read them when he gets home. Joe said Carol gave an excellent presentation, but he didn't know half the crap that was happening on Route 1, and it was changed because they were told Tummy Yummies was gone. Beverly asked when he was told that. Joe said that's what they heard from the last couple of times. Beverly said absolutely not. It's a rumor. She wants the minutes. Joe said she should remain silent. Joe said to Gary, he should tell him because he

knows everything. And the taxpayers have to pay the bill for the lawyers and all. Gary said if they are negotiating right of way acquisition, they would probably want their council to be there. Joe said they don't know everything. He asked Gary if he knew that there are not even going to be turn signals on those lights. Beverly asked where he is getting that from. Joe said it was in the presentation. He said no left turn arrows. Mayor Sodano said he absolutely did say that. Beverly said he's not the PennDOT guy. Mayor Sodano said the design engineer that's contracted to PennDOT said in their design at this point, there will be no turn signal arrows. Beverly said there are supposed to be, so they will be scrutinizing everything when they start getting along further in the designs. She asked Joe for the minutes, if he can find them for the removal of Tummy Yummies. Joe asked where all of the Committee Meeting minutes are. He said there are none listed. He goes to other boroughs, and they're listed. Beverly said he's the guy who said the committees were false and a way to be falsified to the residents. Joe said not to change his words. Beverly said she'll get his words out for him. Joe said he's not afraid of his words because they're always on record. She changes things and there's no transparency going on here. Beverly said the minutes are the minutes. Joe said don't skip the subject. He asked where the Committee Meetings are. They're not publicized. Beverly said there haven't been any Committee Meetings at borough hall. The Committee Meetings have happened on the phone with two council members. Joe said they've had Committee Meetings here. Beverly asked who had committee meetings here. Joe said the Planning Commission has. Beverly said that's not a committee. The Planning Commission has their own minutes. Joe asked where they are. Beverly said she can't tell him. She'll have to look. It's not her responsibility. Joe said every borough around here has them listed. Laura said to Joe it's not an unreasonable idea, what he's saying, but he's approaching it super aggressively. Joe interrupted. Laura asked him to let her finish. Joe said he's not letting her finish. Laura said he never lets her finish. Joe said because she knows it nonsense. He said paint the rocks. Stay with painting the rocks. He doesn't get straight answers. Beverly said he's attacking Laura. Laura said it's unreasonable, but she thinks his method is going to make it hard to come to an agreement. They can certainly look into that. She assumes they have their own. Joe said his wife has sent in all those minutes. Laura said if Marie has them, she can put them on the website. She doesn't think that's a problem, as long as there aren't any legal issues. She thinks that's a good idea. Beverly said and once the Planning Commission minutes are approved, just like theirs, she doesn't understand what the problem is. Laura said she doesn't think it is a problem. She just never had to post them. They will add a new website section. Marie said the last two meeting minutes for the Planning Commission have not been approved yet by the Planning Commission, so they're not official minutes yet. Joe asked what about the old Long Range Finance Committee. Beverly said that was years ago. Joe said Mark was here, so it's not that old. Beverly said there hasn't been a Long-Range Finance Committee in years, she thinks. They will have to look and see if they can find them. Mayor Sodano said there aren't any minutes for the Long-Range Finance Committee. There were recently EIT discussions, and he asked for those minutes. It turns out that Mr. Moffa told the secretary that he would take care of the minutes after the first meeting and subsequently, there were no minutes turned in. Gary said there are definitely meeting minutes. He was on the Long-Range Finance Committee and there were absolutely minutes taken. Mayor Sodano said he asked here in this building and the answer he got was those minutes were never turned in, so there are no records of those minutes. Gary said he certainly provided some minutes when he was on the Long-Range Finance Committee. Mayor Sodano said, so he's saying that the women that work in this building are telling untruths when he asked for those records, and they say they don't exist. Tom said to Marie that he's sorry to put her on the spot but when he asked that specific question last week, what did she say. Marie said she did not find any. Dave Cahill said there are supposed to be minutes for all the meetings. When he was on the Rec Board, they were to have minutes for every Committee Meeting. Beverly told Dave it's not comment time. Gary

asked Carol about the grant regarding the Rec Board. They received funding for the bleacher project and also funding for lights. He knows they're in the process of putting a solicitation together for the bleachers. Carol said that's already out for bid. Gary asked if they are going to do anything in regard to the lighting. Carol said she has been in touch with Denney Electric because they did phase one of the lighting and she is awaiting their final version of the phase two design that would be used as a basis for bid. A successful bidder could propose an alternate that matches that in terms of scope and lumens and such, but she's anxiously awaiting Denny Electric's final design notes, so that she can put that into a bid package. Gary said he would recommend speaking with the heads of the Neshaminy and Penndel Wildcats about lighting configuration because he knows that some of the fields that his son used, they were already talking about potential changes. Carol said she did reach out to them when she met out there with the Denney Electric people to talk about one particular lamp and the lamps in the area of the batting cages. Gary said that's what he was going to suggest she talk to them about. Carol asked if there was anything besides the batting cages that he heard of. Gary said he knows that there's a light that's missing on one of the fields and they had thoughts about how to have them potentially set-up and configured. Carol said when she gets that back from Denney Electric, maybe she can have his assistance in sharing that with the Wildcats. That way they can make sure everybody is happy with that and give the bid package to the CDBG to review and keep that going forward. Beverly said under Committee Business, this is a workshop where ideas and issues are to be discussed and materials to be distributed for council to take home and do research. They're trying to do this so that at the next council meeting, they all will have had time to read.

#### Committee Business

The things that they're voting on tonight are basically things that need to be done now or just no-brainers. For example, something that they really need to get done tonight is the first thing on the agenda with Mr. Dudash, which is the APRA resolution. Beverly said Joe liked it.

**MOTION BY JOE DUDASH TO ADOPT RESOLUTION #2022-11 FORMALLY ESTABLISHING AN AMERICAN RESCUE PLAN ACT ADVISORY COMMITTEE. SECONDED BY JOHN STRATZ. All ayes, motion carried.**

#### Building & Maintenance

Beverly said she thinks that council might want to finish the front door entryway project. The project includes fixing the ceiling out there, installing new quarter half inch beadboard, quarter round, remove all the interior trim, salvage and reinstall trim and paint it. They are going to salvage what they can, furnish and install a new mahogany door with transom and paint, furnish and install new door hardware with handicap push pads on both sides and install a new light fixture out on the porch for a total price of \$39,559.00, which they're pretty sure that the original contractor is going to hold them close to. That includes all the electronics and the labor and everything to install this specified door. Mayor Sodano asked when she said electronics, does this mean this is going to be a power assisted door. Beverly said yes. It will be with the inside and outside to make it truly ADA compliant. The door was very hard to find because it's got concealed hardware and it's very expensive. They had to basically pick a door that was available and that fit the application and it's going to look very nice too. This includes the doors and electronics. They also want to put in some benches out front. They measured and it looks like three of them can fit. They are about \$900.00 apiece. They would probably have to have some kind of a pad to anchor them into and they would need to get a cost on that, but they won't get a complete cost until they put this out for bid. Then they'll know and then they can approve it or not approve it. They will need to spend about \$2,000.00 and that's an estimate for a keyless entry system. There have been some issues with the borough that have been brought

to light recently, about them making sure that anyone who's no longer an elected official or an employee, does not have keys. They would go with a keyless entry card system particularly, here in borough hall. They can start here and that can translate down into other things as well possibly, so they would need three units of keyless and that way they can just change a code if somebody leaves and lock their code out and they can't get in. Joe Adams asked for the Tech Committee to be involved as well, not to shoot it down but to expand upon it and making sure about the vendors. Beverly said yes that they could use the help and it's not Gilmore's wheelhouse anyway. They suggested for her to go through Costars, but she doesn't have access to it. That's the first place they should look anyway. Joe said there are just a couple of things he'd like to be able to do with that, including logging features and audit features. Beverly said there will also be the Gilmore engineering and design fees to also put into that as well. They do have the leftover money in reserves to finish this project, which looks like it's going to be, with the benches and everything else, somewhere between \$90,000.00 and \$100,000.00. She's guessing really high, just in case because of the fluctuating prices of things and availability. Mayor Sodano asked if the leftover money would cover all of that. Beverly said it would and they would still have a little bit to spare. She will share it with all of them in an email with the pictures and the quote from Gilmore. She is presenting it tonight to get a feel on how council feels about it. Gary asked if this is something they're looking to do this year. Beverly said yes. It needs to be finished. The problem is going to be getting the doors. She asked how everyone feels about it. She said people are nodding in support. Gary said he thinks it was a great intention to start the project to make the building ADA compliant. They got half of it done funded with grants. It's a shame that they weren't able to finish it last year. If they can wrap it up, he's in favor of that. Mayor Sodano said considering that the funds that were originally allocated for this should cover it, and for everybody to understand, there is a young fellow who lives on Bellevue Ave. in a wheelchair. He doesn't know if any of them were here when he came up on Election Day last year, but it was sad to watch his family with him. If the money is already there, then this is actually less than what the original estimates were. They went looking for a door that would fit the budget better. He thinks it was about \$20,000.00 over the original allocated amount. Since the money is there and already allocated, in his opinion, it's a valuable addition. Beverly said she would put it together and they can talk about it again and vote on it at the council meeting.

Beverly said she believes they're waiting on Gilmore to come up with another design for the police roof. RDA money is coming up and if the mayor and the chief decide on something that they want, it won't hurt to put in for it. Mayor Sodano said when Jonathan Dennis from Dennis Roofing estimated the original roof three years ago, he asked why they didn't truss it then and he thought that he could do it for numbers that were considerably less than what Gilmore is talking about. The storage space up there is unnecessary. Beverly said that's up to him and the chief. At the time, the chief wanted the storage space and if want something different now, that's fine. Mayor Sodano said they're to the point where the major consideration is they risk damage with every storm so if they could simply truss the roof, which would make it on an angle, it would shed water and it would serve the purpose. The amount of storage that they might gain might not be worth that kind of expenditure, which was in the \$200,000.00 range. If they can do it for a quarter of that kind of money and get what they want for protection not get the storage and saving the building and the equipment that exists, it's probably more valuable than what storage they might gain. Beverly asked if Tom checked with Geoff to see if they could do this without an architect. Tom said he did not discuss that with Geoff yet. What he discussed was with the chief to get his feelings on how critical this storage would really be as compared to protecting what they have. He's in agreement that protection outweighs the storage they might gain. Joe Adams said if they don't have the full capital now to get you what they need, he asked if they could do ELOC or bond out for that. He asked if they needed to get

the capital to be able to do that type of improvement, since it's an asset that they own. Beverly said they probably could. Joe said if you put a bond issue out, the question is what the economic climate is and whether the rate you would receive would really be preferential. He knows that a municipal bond is still better and still the more stable investment. That's why he was considering it would be a necessary capital improvement and it would give them time to pay it back. Beverly said it's worth discussing. She thinks it would be something that Geoff would know a lot about. Joe said he can meet with Geoff and see what their potential options are.

### Finance

Joe Adams reported that he was able to talk with Councilwoman Heffelfinger and had a bit of a discussion in regard to the EIT and some of the possible futures of what they want to do with it at this point. They are cash positive and have Capital Reserve, so there has been back and forth with what they want to do with that. It would be extremely difficult to pull that in the middle of the year and try to change it. It does look right now, even with a little bit of inflation, like the possibility of if they were to adjust it for next year and potentially move it down, they'd still be able to meet municipal budget and be able to put it towards Capital Surplus. It would be a lot tighter because they still have employees like Geoff and things they have to pay for, but there is some wiggle room there that they're still looking into. They are starting to have that discussion as to what those numbers may or may not look like. Do they need that full 1%? It gives them a lot of Capital Reserve to sit on, but they can still function as a municipality at half with that money, so that's something that they did meet to discuss. They're also in the process of working with Geoff to figure out fiscal year 2023. If they go to half a percent, they could do things in such a way that makes sense and that they've still got enough money to pay for their bills and have a little bit put away. Right now, when they finish out this fiscal year, they're going to have a nice little reserve to sit on. One of the things they're (Finance Committee) trying to do with is come up with suggestions for council as to what they could use with that or how they could sustain that reserve and keep a little cash on hand. He wouldn't mind having a little left in the bank. They had a pretty lengthy discussion about options and ways to do that. Nothing is final yet because they're still kind of looking at how it's coming in and how much they think they're going to have. They do look like they are going to end up with a little bit of a surplus this year. It would be enough of a surplus that they can really actively consider and forecast the impact of a half a percent EIT next year, while still putting money away. They are trying to look at it from all angles and are trying to find a compromise, something that would make sense for everybody. They're trying to forecast what they want to do next year. They're reevaluating a lot of the line items and trying to reduce some of the costs that we don't necessarily need but that's all-in flux. They will have a decent chunk of money to be able to do some actual Capital Improvements next year. Things like sewers and infrastructure. Things that they actually need to get done. They talked a lot about reserving that money for tangible, concrete, physical needs projects. Things like roofs, sewers, inlets, things that you can knock on and can touch, not aesthetic or development driven, but things they need to keep toilets flushing and roads functional. Another point was brought up during his discussion with Councilwoman Heffelfinger is some of the lines and some of the budgets he wanted as part of the Tech Committee. He wants to get an RFQ out there because as they start thinking about where they're going to put money. There are some services that he wants now. Barbara said they should take the discussion of RFQ to council and let them know because she said they needed to vote on whether or not they could authorize an RFQ or if they could just state that's their intent. Ben said it should go through the council. Joe said they can't do that tonight because it is not on the agenda. Mayor Sodano asked Joe to explain what RFQ is for those who may not know. Joe said an RFQ is request for quote. In government purchasing, they can't just go out and say they'd like to buy a truck. They have to get quotes and multiple bids, depending on the cost of an item. What an RFQ does is it opens it up to certain vendors and it says what they want.

Some of the things that he wants are online services to be able to pay, and the Tech Committee will talk a little bit more about that, which is him anyway. He wants to see what the market could currently offer. It is noncommittal. It's just here's our wish list of things, let us know what you could do this at. So, as they start budgeting for next year, they can come up with accurate RFQ requests for proposals. At that point, they already know what the market temperature is, and they'll know what the cost is and then they can sit there and say they already budgeted X amount of dollars. Here's the RFQ. They would have a more direct approach to knowing what they're going to get during that process, so it helps streamline the RFP process and helps streamline budgeting. RFQ doesn't hold anyone to a commitment. It's not binding either way, so they're not spending taxpayer money. It's pretty much just advertising that they want to start soliciting quotes. It's part of how government purchasing works. He's looking at numbers, potentially in the thousands, which would push them above RFQ thresholds or needing to do RFQ. So, he and Barbara said they would bring a discussion to council suggesting that they want to do an RFQ for certain tax services, which Tech Committee will talk about shortly and float that out. And if they need to vote on it, they can next meeting. Joe said if everyone is okay with that, they'd like to throw a motion together for next time that would allow them to do an RFQ. Gary said he just wanted to remind everybody the reason why they looked at an EIT, was, in his opinion, it was pretty much a no brainer. Eighty to ninety percent of residents are already paying the EIT. Out of the sixty municipalities in the county, he thinks 50 of them are already paying EIT somewhere. If you talk about reducing the EIT, the majority of the money is going to go back to other municipalities. It's not like this is money that's going back into resident's pockets. He agrees that there are some residents that absolutely are affected by the EIT, but they are elected to do the most good for the greatest number of people. They were elected to represent the community. It was an important decision and something that he thinks they all thought and talked about. He thinks it made a lot of sense to do and it's very surprising that they would even consider giving this money back, especially, when you look at the track record of this borough, almost since its inception. It's a small borough and for a long time they were able to do a lot of things kind of on the cheap and that worked well for a long time, but they don't do anything in this town free or without a grant. John only paved streets with money that he gets from Liquid Fuels, and they don't get enough money to even take care of their own streets. That's why his street is only getting half paved this year and that's why we don't have a long-term maintenance plan for their streets, because they're handcuffed to Liquid Fuel money. And that money that they're dependent upon for street paving, one nasty winter, and they don't get to do anything. Laura is trying to do fantastic community events for the town with a shoestring budget. Look at what other towns can do. They can have food trucks and do all these fantastic things and they have no money to do that. Bev got them grant money to attempt to make the building ADA compliant. It was embarrassing that they couldn't do the project and had to stop because they didn't have the budget to do it. They only had money from grants. So, for him, it seems kind of crazy that they would be talking about giving it back. Geoff is talking about putting a long-term maintenance plan for the roads and for their rooves, for all this stuff. They're not like other towns that have these large sources of income. Route 1 is not yet revitalized. It would be one thing if they had all these sources of income coming in, but they're not in that situation right now. When he sees the numbers, it looks really big right now. They don't really know what that is. They have a lot of people in Philadelphia that probably stayed home and worked remotely. That's Philly wage money that's going back to Philly. There are a lot of big firms that are dragging people back to the office, so he knows you look at these numbers and you think look at all this, but he thinks it's crazy to have these kind of debates and they don't even have a full year. He thinks they're being a little reactionary. He knows a lot of people are very vocal that were affected by it but as someone who's walked around town and went door to door and talked to constituents and residents, he hasn't heard a single person talk to him about the EIT. Everybody talks to him about how bad

Route 1 is when it floods, and he says yes but they don't have any money to do anything. They don't have a long-term capital plan, but they can start setting money aside to do some of these major projects. They're talking about doing stuff for the Tech Committee and doing stuff for a long-term plan. That's what actual revenue can do for the town. If you want to do away with that and just go back to running everything on a shoestring and a prayer, that's what they can probably do. But to him this just seems kind of wild. Joe Adams said to Gary that he appreciates the fact that, and he knows he's passionate and that he actually stands by these convictions, and he doesn't think that this is some type of bullshit act from him, but this is actually what he believes. They are looking at exploring the options for sure, and he'll be blunt. His EIT is approaching his property taxes so for someone like him, he starts to question the value of living in a 1% EIT town. If they talk about improving and bringing people in and talking about wanting to raise the income bracket, why would he live in Penndel versus a half a percent or 0% EIT place. That's very relative and that's very personal but the damn EIT is getting ready to double his property tax. It's getting to the point now where if they have residents that did go from zero to 1% during the pandemic, like his family specifically, it hit hard. So, they are going to explore options to make sure there's a way that they can still put money away. The Finance Committee might come back and say it's not feasible and then they can bring it to council and have that vote. They will present the conversation that they've had, and he will make sure that they are given the time to address it because again, he thinks Gary is serious and passionate about what he's talking about. He's not going to try to just push this through without having that conversation with him and all of council. His family started to have the question of what makes the most financial sense for them. Middletown is at a half percent and Yardley is at zero. If they want to attract those higher income families, it doubles their property tax, essentially. He's not taking away from the fact that they need the money. He's just letting them know where these discussions are coming from. John Stratz said he would first like to congratulate him on his high yearly salary. There are a lot of people in this town that cannot say that and are struggling. They lowered the property taxes based on this EIT. He does not want to go to those people specifically struggling and say the rich people in town were complaining, so they have to take it out on them. The good of the many outweighs the good of the few. They are trying to do good in this town and improve things. There were some residents a few meetings ago when they first started about this, saying they don't care about improving the town. He does and he cares passionately about improving this town. People like that just really annoy him. The second point he would like to bring up is that they were at a meeting a few weeks ago with the president of the Penndel Fire Company. They're in for a big storm soon, within five years. The two of them weren't at the meeting, so they weren't privy to this information, but both Rich Schramm and Steve bent over backwards to try and get everybody to that meeting. Soon they're going to be buying their own fire department. You don't have to have a police department. It is extremely important for them, though with all the crime they've had, but it is by Pennsylvania statute that they must have a fire department. They're going to have to start paying for this fire department, within five years. Volunteers are going away. The trend throughout all Bucks County is to pay for firefighters. This is going to be expensive. They were just talking about that they got an incredible deal on that hook and ladder truck at \$1,000,000.00, and that was an incredible deal. Once they have to start paying for this fire department, people in Penndel are going to be just stricken down as if they were hit by baseball bat. He has a call into Rich Schramm and would like to get him or Steve to come in and give a condensed version of what he told them at a meeting and get it on the record. He hasn't gotten back to him yet. Joe Adams said, similar to Gary, the first thing he'll say is he doesn't think he's bullshitting, and he knows that when given the chance to grab a shovel, he'll be out there on the street and improving the roads as best he can. So, take anything he says with no attempt to insult him in any way, directly or personally, although he may use language that will be construed as such. To his first point, he thinks the council does a really confusing job of it when he said

congratulations on his salary, but not all of them can do that. Personally, he thinks the council does a confusing job of, do they want to attract businesses and higher earning incomers to get their tax money and get their revenue, or do they want to meet the needs of the people where they're at and accept the fact that Penndel is not a higher income town. If that latter is the case, higher income families will move to lower EIT places. That's just the nature of it. They're attempting to attract those types of families and businesses. For higher income families, they pay a larger EIT, and it will take a large portion out of them, so he thinks they need to decide perspective on that. It's going to be disproportionately impacting some residents. When they (Finance Committee) met on there was zero discussion and if they were discussing dropping the EIT, it would not be at the sacrifice of the millings. They're not even entertaining discussion of raising property tax because in doing so, that would disproportionately affect one group over the other. He doesn't want to be in a situation where they're exchanging one tax for another, because what's the point of that. When they're doing their projections, they will not be receiving projections that are talking about going from 24 to 25 or 24 to 26 because that hurts the senior citizens and fixed income people. It hurts the people who have been here, and council voted on dropping from 30 to 24 and they'd give the EIT. And it would give the break to the senior citizens, so he wants to make it clear they're not looking at options that would raise property taxes at all. And if they can't financially, do it, the Finance Committee won't make a recommendation that says to drop the EIT. He's not touching property tax because he's paying the tax either way and he doesn't want to do that. He's looking for what makes the most sense for individuals and groups and he thinks on John's second point, he asked him to remind him of that. John said the president of the fire company said they're due for a financial storm within five years that this town has never seen before. No one in Bucks County has ever seen this before, because the whole county has relied pretty much on volunteer fire departments. There won't be any more volunteers and they're going to have to start paying professionals and buy equipment. He said people complained about the price of the police department. That's nothing compared to the price of a fire department. Joe said he would absolutely agree with him there. He's watched small fire departments lose their volunteers and go to all paid employees. This is maybe where they start having the discussion of discussing Long Range Finance and maybe reinvigorating that type of a committee or having a discussion about Long Range. They only met to discuss 22 and 23. They did not have a long-range projection but that's a valid point that he thinks should be addressed. He does think the idea of a Long-Range Finance Committee, and maybe potentially reassigning people or discussing that back out, may be beneficial for that because if they are spending millions of dollars in the fire department, that's a lot. He's not going to try to crap all over that point as if it's not relevant because it is. Joe Dudash said there's a human aspect of this. They have to take into consideration, which she had given them, the figures and quotes of low-income people in Penndel. They're at a 40 year high with inflation. They're saying it's still going to go up even more. The problem is they look at paper and everything, but they need to remember who voted them in. His second thing is he was for revitalization, and he wishes he would have listened to John and Barb because they didn't want it and he wouldn't have voted for from today to then. Gary has brought up revitalization. He really thought they could get this thing moving and all. He started going back in that cabinet, and he's seeing all these drafts of the beautiful ballfield and Taddei Woods and they have nothing. Route 1 is still a dump and now they have a trucking company down there adding to the traffic. He understands revitalization, but also with revitalization you have to have somebody that's going out there like all these other towns. Look at Dublin and all up north. They changed old mills into Amish markets and stuff. They have nothing down here, so he's kind of reached the point where John and Barbara are. He thinks revitalization is dead, but the problem is, they have to keep an eye on it. For instance, if Permabilt goes to senior citizen housing, it's going to affect their sewer. They don't have enough toilets to flush. As Carol brought up, they're going to have to pump that up Neshaminy St. and they don't have a big

enough pipe and pump, so there's more money. He doesn't think the Finance Committee should get involved. It's more with the manager. He keeps saying what are these projects they keep talking about and they say not to worry about. He does need to worry about it for the future. If it's a senior center, it's not going to work. There's no revenue and he's not getting any money out of there. If they're talking about revitalization, they need tax money coming in. It's sure not coming in from the trucking company. It's not going to come in from a low-income senior center. He told Joe he really needs to go in there and dissect that budget and look at the line items and look from last year to this year and how certain items have doubled. He asked why they are doubling so much. He asked if it's the incompetence of the contractors. If you look at the boroughs around here, some of their line items are way cheaper than what they're doing and they're not even a square mile. He thinks it's threefold. Human, line items and the revitalization thing. Everybody keeps looking at the EIT and it's bringing this money in. That's great. That's what Congress is doing. They're spending money down there and that's why they have a recession. Take that into consideration because this 40-year high is going to be higher than that. They have kids and know what milk costs. Everything else is going up higher and higher. He doesn't know what doors they were banging on but the ones they went to, the EIT came up a lot and it was connected to revitalization and that it's a dump and nothing has improved for 15 years. He wants them to look at those three aspects when they start, because that's the whole thing of finance. Joe Adams said the hardest part of this is looking at the human aspect because he doesn't know every person in Penndel. He hasn't sat with every family in Penndel, and he doesn't know how each of them are personally affected by the pandemic, the economy, inflation, things like that. As they're aware, he's a republican and his republican constituents are not in favor of the EIT, out of everyone he's had a discussion with. He would like to hear more of the human story, for sure, like how families are affected at actual town meetings or at Committee Meetings or something like that because that's where the human factor weighs in a lot. He has a responsibility to govern and if it can be justified that there's a need for that money to spend on a project like what they've got coming down the road with fire department or having the money to do these infrastructure improvements. That's the toughest part, balancing out that human need. As far as line items, they spent a long time on them. They are still looking into that, and it is being taken very seriously because they do have points that they want to bring up when they are ready to discuss with Geoff about fiscal year 23. And we can make those available, if they want to see that. They had a long discussion on revitalization, and he was very much against Barb about using any of the capital money or using any of the savings for revitalization. He's started and sold the business, hired and fired employees. It's a personal risk. They can make this town pretty but if you want him to sign over his capital and get an insurance policy, start a business, and hire people, it's not about how pretty it is. It's about how profitable it is. He wants to know he can make the most money as possible or he's not going to risk his house, his collateral, his family. Revitalization is one thing, but the reason he decided to buy the house off his in laws was because it's by Route 1, the train station, Route 95 and the turnpike. The neighbors he lives directly near are super quiet. He's met about three houses worth of people and he loves that. He used to live in the city and here he basically lives in the woods compared to Philadelphia. He enjoys the neighborhood, the houses, and the people. He mostly enjoys everything about the politics about this neighborhood and there's a really great reason to live in Penndel. What he's thinking about when they do these things with finance, is he's trying to think of reasons to sell for his friends, coworkers and people down in the city that he works with is why they would want to live out here and buy a house in Penndel. One of the common questions he gets is they're used to paying city wage tax and they go well, what's the tax here and he says it's 1% and the property taxes are lower, so it pays off. But as they climb the scale, 1% matters. Property taxes don't go up as much, so they look at Yardley and Middletown where it's a little more cost effective. He likes it here and would actually like to stay here long term and he would like to make it attractive for those type of

families. Because if you stick a bunch of avocado toast and Starbucks drinking people in here, eventually they are going to start to pull businesses in because there will be a market opportunity for it. Until they have this scenario where they've got a market opportunity for a business to create the risk to actually say I'll put capital down, I'll put my house on this, I'll lend against myself to create that business, he doesn't know that making Pennel prettier is going to benefit that as much. That's not to say revitalization wasn't a good idea or isn't important, but he thinks what they're fighting at now is philosophy. He's not upset with Mr. Stratz or Mr. Nickerson and their points of view. He disagrees with perspective, maybe a philosophy of on what revitalization means to them, but he's an analyst and they're making analyzations. They're looking at these things and there's no way in hell he's going to try to raise property tax because that also negatively impacts him. There's no way in hell they're going to just do this on a whim, so they are exploring it. They're trying to weigh the human factor and they are definitely going over line items but they're not just going to be pushing something through magically that says they're going to get rid of it. He likes having a Capital Savings. He likes having the ability to spend money on improvements. He likes the idea that when he flushes his toilet, shit goes away, and he wants to keep being able to do that. And John just scared the hell out of him with the fire department thing, so they're going to have to have a chat. That's where they are right now. Nothing is final. Nothing is solid but there are a lot of balls up in the air that they need to manage for sure. Mayor Sodano said on revitalization or lack of it, Joe is 100% right. If people in this town want to know why they failed miserably over the last ten years in revitalizing this town. It's because none of them have ever been in business. They don't think like businesspeople, and they don't understand businesspeople. If they want to know how to fix it, ask businesspeople. If they think calming traffic by making a single lane on Route 1 is going to revitalize the town, they're sadly mistaken. They don't have a place to park cars. Look at Bristol, Tullytown, Morrisville, Newtown, New Hope and Doylestown. The towns in this county that have managed to revitalize and have walkable downtowns, they have municipal parking. That's what they have and what Pennel doesn't have. They also don't have the drive to help businesses. A cute little story about how many times people in this room have chided him. Maybe they need another auto parts store on Route 1. A little thing about auto part stores today, in today's dollars, to match \$1,000,000 of 1980 money takes \$7 million. He asked if they knew how many auto parts stores were generating \$1,000,000 in taxable dollars going through their doors in 1980: three. They'd need an awful lot of hair salons, nail salons and pizza joints to do \$21 million worth of business. So, don't laugh about which businesses they're attracting. Say thank you to the ones that bother to put up a brand-new store to move into the town to make sure that we are in a situation where we're collecting ratables. Ask the people who can generate dollars how to make it better and they're going to give you answers. Tom said with the fire company, he did listen to the same thing John did. He doesn't think it's five years away. He thinks it's more like ten. But those guys are aging out and one of the things that the fire company talked about is they're actually all banded together in a consortium. He thinks if they look down the road, what's going to end up happening is all the municipalities like Pennel are going to contribute to a group fund and they will probably all end up having to band with Middletown who's currently manning our fire company in the daytime. They man Hulmeville and Parkland in the daytime. They will all end up somehow in cahoots with them and contributing. Are they going to have to pay, yes. Are they going to have to actually buy \$1,000,000 fire trucks themselves, he doesn't think that's really what's going to end up happening. He thinks they will be part of a group. Joe Adams said he's not attempting to make it political. Well, yes, he is because he's a politician and this is a political meeting. He asked why he would start a coffee shop here. The retail margin on coffee is a \$1.50 a cup. He's going to need to pay some blue haired teenager \$15.00 an hour and give them a free bag of coffee. That's quite a bit of money. He's going to need foot traffic. The mayor is right, they don't have Newtown's municipal parking. They don't have that Main Street. They don't have the facility for that. So, for him, he's

not starting a coffee shop, not investing in a coffee shop, not going to become a partner in a coffee shop. In somewhere like Newtown, yes. Some businesses up there have 12 or 13 separate investors, and they are local families. They're decent sized income guys. They're all pulling together. They're starting the pub. They're changing ownership. Stores up there are flying, and investors keep moving in and out constantly on those businesses. Clear noticeable footprint for retail traffic. He thinks an opportunity to meet with the local businesses, investors and people who would actually be able to throw that investment money towards grouping it together and starting a business would be a great opportunity. That's actually a discussion that they should have. Look how many pickup trucks have a ladder on top of them. How many vans have tools in them. He's pretty sure Penn del has got a lot of businesspeople that would be able to speak as to what businesses are needed in this area. He doesn't know that revitalization is really the best way to spend that money when capital improvements like the tangible ones like the sewers and those things out there are needed. Make it better for homeowners is his philosophy and it's his perspective that if they make Penn del more attractive for homeowners, businesses will see a reason to put a risk in and come to them. And in order to do that, they've got to give people the improvements that they need. They've got to give them the financial advantage to want to live here, potentially, with that EIT break and keeping their taxes low enough for the existing residents and for the sake of those that aren't here yet. This isn't the Finance Committee's official recommendation for that. This is the status update as to the things that are in flux, but he does appreciate everyone's comments and questions on this topic. He does want to continue to have this discussion and see what they come up with before fiscal year 2023 hits.

#### Ordinance Committee

Gary Nickerson reported that they authorized the Bucks County Planning Commission to update their electronic sign ordinance because it deals with flashing signs and there's no description for anything that's an electronic sign. He has their draft proposal, and he can send that around for everybody. Next it goes to the Penn del Planning Commission, and they're going to review it and make comment on it. They're basically creating it so they're going to be permitted in commercial, professional and industrial districts. The Max LED area is not to exceed 30% of the permitted sign area. They can't have flashing, pulsating or scrolling messages. The duration of the messages is 5 to 15 seconds. There's a brightness limitation of 5000 NIT's and the hours when it can be illuminated. This is pretty much an insertion of this thing into their code to try to regulate it because currently, they do not have anything that deals with it. The standard TV would be about 1,200 in your house, 5,000 would be about five times. The max sign square footage permitted is not changing, so he doesn't see this as anything too controversial. He can send a draft copy out to everyone after the meeting. Regarding fences, the Planning Commission did not meet at the end of June, so that is still ongoing. They are still reviewing it and they have not provided them with a recommendation letter as to date. They did receive comments back from the Bucks County Planning Commission. They're also in the process of soliciting comments from the Penn del Borough Planning Commission. The Bucks County Planning Commission had four comments. The first comment was that they recommended that they consider allowing front yard fences. They thought that was a good idea. To remind everyone, the whole purpose of this was to eliminate front yard fences, so he's not sure if they're going to go back and do that unless people want to do that. The other comment was on the fence set back. The current ordinance is proposing a 0-foot set back. So, essentially, you could put your fence on the property line. They asked that they consider a 1-foot offset or a 6-inch offset. They recommended that they put more images and visual examples. He added a couple descriptions to the code to try to illustrate things such as clear sight triangles and whatnot, but he thinks one of the discussions that came out from the Penn del Planning Commission was that they have sort of a horizontal plane that shows things that can happen in

there. And he agrees that they should do those but that falls to him drawing things, which he is not a visually creative person, so he's going to try to put one or two more things in there. There are a few minor typographical errors that are going to be revised, so they're going to provide these comments to the Penn del Planning Commission. They were already provided a copy of these, and he thinks the next step is that the Penn del Planning Commission is going to take this and they're going to hopefully, at the end of the month, finalize their deliberation and provide them the letter that makes recommendations and then they'll go from there and we'll probably end up sending it back to everybody. Ben said it's his anticipation that the local Planning Commission has considerable comments to the ordinance. The ordinance committee here will have to take into account, and in conjunction with those rendered by the county, and then decide what they want to do with that and then get some council authorization as to how to proceed. Gary said most of their comments he believes are on sections of the rules that they did not change. Joe Adams asked if on the fence, he's saying that they said they want it a foot off the property line. He asked if they agree. Gary said he believes he threw a couple of what he deemed to be larger items, to council to try to take everyone's temperature. The way he felt the room was, that people were not in favor of any set back. The current code has a one foot set back and the current proposed code does not have that. If enough people want to change that, they can let him know and they can discuss it. Whatever the majority of council wants to do, is what is fine with him. Joe Adams said he is in favor of getting rid of the set back. Joe Dudash said he didn't know if Gary can answer this. It's about the fence. There was a meeting last week on what he calls the Berlin Wall, and he asked what the outcome was of it. Ben said Gary was not in attendance. He will not be publicly commenting on it. Joe Dudash asked if there is a statute of limitations on it. He asked if they have to get this thing moving. Ben said in June, the parties appeared before Judge Fritsch and he held any decision in abeyance for a certain period of time, 20 days. All parties agreed to extend that 30 days beyond that 20-day period to hopefully have some discussions. They met on Friday. There is some additional information that needs to be coming. He's hopefully trying to schedule a meeting towards the end of this week, if not early next week. Council would have to approve anything reached by the parties and the only meeting that would remain for that to happen for those 30 days, is the 1st of August. If that runs out and there's no negotiation, then it would go back to the judge. The judge would then basically, take that as a decision that the parties say they've settled or if one of the parties says they're done, his honor would be at liberty to issue his decision in the case. Mayor Sodano asked if his decision is only on the quash. Ben said it's both on the quash and the underlying appeal, which were merged at a case conference in January. There's a Rule 27 conference. Mayor Sodano said he just wanted to clarify it's not just on the quash, he would rule on the status of the fence. Ben said that's correct. If he just determines one way on the motion to quash, that may render the second thing moot. It may not if he decides to go one way or the other, quash then he might rule on the other. Joe asked about the curb and sidewalk issue, which they've been promised an answer to by Madam President a couple of times. What are they going to do with the curbs and sidewalks because it's a safety issue over there. Beverly said she doesn't have it with her. She'll bring it next time. Joe said they've been going on six meetings they've been going like this.

### Public Safety

Mayor Sodano said everyone received a copy of the draft of the Civil Service ordinance. There were preliminary meetings, mostly phone conferences, including himself, the chief, the solicitor's office and the council president, to clarify language in this proposed ordinance. Most civil service ordinances are very similar, if not identical from municipality to municipality through the State of Pennsylvania. There's nothing in their Civil Service proposal that is special or unique. One of the few things they did, was make sure that they clarified language that it fit a municipality of their size, so they didn't sound like a city. And the other thing, they never had a

civil service agreement that included anything for fire. John was discussing the fire thing, looking down the road and their Civil Service Commission will have to consider that, so that language has been added. It will probably be relatively short lived because as that is in a state of flux, and probably every three to five years they'll have to update because the statutes will change, and everyone will have to update. They went through it and kind of compared it to other municipalities local and in general of what they have, and he believes that the chief or Madam President found anything outlandish in this. He didn't even find anything minuscule that he thought stood out that was questionable as compared to what everyone else is doing that currently has a Civil Service Commission that's operational. Joe Adams said he doesn't see anything crazy about it but would like him to walk him through it, kind of assuming everyone likes everything for tonight's action. Ben said if council were so inclined, they would make a motion to authorize advertisement of the ordinance. Once that authorization is given, his office will draft the advertisement and it will be placed in the Courier Times and it will be available to view at borough hall. The Courier unfortunately, no longer has a Monday publication date, and it also has some restricted advertising, so they would try to get it in as quickly as they can. It may not necessarily fit at the next meeting. He doesn't know if council has a sense of if that could not be made done in that time period, would it be OK passing an ordinance if they were so inclined, at the next work session rather than saving it for the main business meeting. They have to have the ordinance advertised once between 60 and 70 days. To get it into the Courier, there's a lag time of three days, so they get it advertised for the next available session and go from there. Council would then adopt the ordinance, if it so chose. Once the ordinance is adopted, the Commission that's formed, council would be tasked to appoint members of that Commission. Joe Adams asked if this was one of those legacy blue state laws that says they have to physically print it in a physical paper. Ben said yes, Pennsylvania is still very much an ordinance state that requires newspaper publication. Unfortunately, it cannot be done electronically although, I hear time to time that that may be changed. Once a commission is formed, they will have to meet within ten days and organize. Then the real rubber meets the road, which is the rules and regs that both the commission and the council will approve that will govern how the commission operates. Joe Dudash said there's a lot of stuff missing. The veteran's point system, as well as due process is missing. It's missing the duties of the chairmanship, vice president, and secretary in the ordinance. Beverly asked if that would be appropriate. Joe said in all the other boroughs, they do it. Ben said some places decide to codify their ordinance. Theirs will be in the rules and regulations and also rejection of applicant is in there providing for some due process and rights. The rules and regs will also provide for the Veteran's Preference Act which applies to new officers. From what he's seen in here are the rules. There's nothing in there because the state code for the borough code is basically, more or less, a transference of that code into local borough form from the state borough code. In the state borough code, civil service positions do not have the Veteran's Preference Act. Joe Adams said he does like the idea of putting those things in the rules and regulations. Correct him if he's wrong, because then they don't have to post/advertise when they change the rules. Ben said the mayor, the chief, Barbara and Beverly will be working on it which will have to be adopted by the borough and the Commission jointly, once the Commission is formed. That's when that's going to come in. Joe Dudash said he doesn't like the wording of Section 13.9 investigations. The word "may" should be "shall". It has the command; it's mandatory. They're taking the power from the Commission. Same thing with subpoenas. Get rid of "may". It should be "shall". Joe Adams asked if the word "shall" traps the committee in the sense that if it's "shall" do this and it fails to do it, is the committee now liable for failing to take the action. Joe Dudash said the point of the Commission is to enforce with the power, because they have subpoena power. If you look at what he wrote in the subpoena, it says "shall". That's the power of the Commission because then you're going to start getting political, which he doesn't like. It's kind of scrambled here. One paragraph he has there are no politicians from the council. Ben

said that the language of the borough code in 1170 of the brokers the Commission may conduct investigations. In 1179 of the state borough code, the Commission may issue subpoenas. It provides the discretion to the Commission. That's the state law. It gives the Commission the discretion. It doesn't necessarily require it. This is the wisdom of the legislature. They are saying the word "may". Joe Dudash said other boroughs and townships use the word "shall" because you're taking your authority away from the Commission. Ben said he's not quite sure if that's taking authority away. Joe said that's why he thinks this needs to be held up because he can give five boroughs that have it in there. Ben said he doesn't know whether those boroughs themselves would conform with state law. Joe said he just said they have to conform. Ben said if they're using "shall" and they're requiring their Commission, and he doesn't think there's a functional difference anyway, but the law in the borough code, the state borough code, is "may" for both of the paragraphs he's referencing. Joe Dudash said, so he's saying the other boroughs are wrong and their solicitors are idiots. Ben said he is not saying that. He's saying that the state borough codes have "may". Whether they're just deciding to do something different is their prerogative. Joe said he thinks they're giving teeth to the Commission. Ben asked how the word "may" limits the Commission. Joe said may is suggesting and shall is mandatory, a command. Ben said may in this context is they are permitted. Joe said on the annual report, he has nothing in their full county for any expenditures of public money. In rules and regulations, they're missing the application, oath and affirmation, which is part of the Pennsylvania 18 PA CS a 4909 relating to sworn falsification, which in federal is 18 USC 1001. He thinks most of the boroughs and townships have where the Commission is strictly civilian. Some towns and cities can use a Councilperson, but they are too political, and it won't work. Ben said Pennsylvania State law for the borough code section 1173 defines a specific office is incompatible with the Civil Service commissioner. No commissioner may hold elected or appointed office under the federal government, the Commonwealth or any political subdivision of the Commonwealth, except that one of the members of the Commission may be a member of council and may be one member of the teaching profession. That is mirrored in the ordinance. Joe said he can take it out and don't tell him they can't because you're telling him that fifteen other boroughs are incorrect. Joe said they're going to go to the solicitors to find out why is he different than the other solicitors. Ben said he's simply following what's in the borough code. Joe Dudash said that's like saying John is going to jump off the bridge and he's going to jump off the bridge with him. Ben said that's an inappropriate analogy. Joe said in some towns it'll work. It will not work in this particular borough because it's too politicalized. Ben said then council need not appoint a member of its own to the Commission. Joe said Marie's husband applied. He asked what it means by government because when you're appointed, you're hired. You're appointed to the US government in the job. Ben said if he's in an appointed office and he doesn't know precisely under which her husband works for, that does not need to be discussed here at this present time. Joe said he's just using an example. Ben said a person who holds office under an appointed office under the federal government, would be disqualified. Joe Adams said he wants to be on the Civil Service Commission. He made clear to the president he wants to actively serve on it. He likes having the option of leaving it in there because if people don't want him on that, respectable people in here could say, no screw off, and then he's not going to be on it. Joe asked if council decides who's going to be on it. Ben said initially council would appoint one member for a two-year term. Another member for a four-year term and another member for a six-year term, then after all those terms expire, the next person filled with the two-year term expired, they would appoint a 6-year term, when that time came up. Joe Dudash said, so he's pumping out a civilian because it's three members of the Commission. Ben said he's not quite sure where Joe is going with this. Joe Adams said three active members at any given time and two alternates. Joe Dudash said there's not supposed to be a council person on there. Joe said this is almost like the fence thing. Let's take their time in writing this and comparing to other boroughs. It seems like they're throwing this thing together

awfully fast. Ben said it sounds like the gentleman's opposition is to the way state law is written. Joe said it's what he's projecting to a state law compared to what other solicitors say from five other boroughs. Ben said he cannot speak to their civil service ordinances. He can say Pennel's conforms with state law. Joe said this is why he gets frustrated. It's like banging your head against the wall. Do whatever you want. He's done. Ben said this was an effort with the police chief, the mayor and the council president. They all discussed the ordinance and the impression his office received, was that this ordinance checked the boxes and he's sorry that the member is not satisfied, but he's at a loss to understand the grievance. Mayor Sodano said one of the things that was discussed was the fact that they had to realistically look at that they would likely revisit this in a couple of years. He said if in fact, Joe has instances of other municipalities, does he know how recently they adopted what's in their civil service and whether or not it concurs with the current Pennsylvania statutes on that. A lot of these municipalities have had civil service for a number of years. Unintelligible response. Mayor Sodano said this is 2023, so that's a 7-year-old document. They looked at what is required by the State of Pennsylvania. What they thought would work best, was to adopt that as the core for the support of their own rules and regulations if you will separately, and that they would then be able to adapt when they wanted to. This is not the be all and end all of the civil service. It's the ordinance that allows them to have one, and quite frankly, it's correct to the current 2022 Pennsylvania State requirements for this. If when they get to the point of their own nuts and bolts, if he or any other of the council persons want to change the language in the code of conduct, they can do that but in order to adopt having a civil service there are requirements and this is what is currently in the State of Pennsylvania to have a Civil Service Commission at all. In the seven-year swing, quite frankly, if they adopt a civil service ordinance, and he's still here seven years from now and they're still working on the same one, he's going to be complaining. Seven years without being revisited, it's too much of a flux in the world today. Look at just the fireman thing that they talked about. Look at how much that changed and that was all added in the Pennsylvania Code. It was updated in 2021 in the fall, and that's pretty darn recent. Ben said often with statutes and unfortunately, his legal Bible here does not have the last passage history. He does want to also note that just kind of housekeeping talking about the veteran's preference section 15 talks about the eligibility list including points for which an applicant is entitled by virtue OF51PAC S Seven chapter 71 relating to veterans' preference. It would not surprise him if this section of the borough code were revised in 2021. He just doesn't have the textual history that kind of shows the legislative enactments that are often available. Mayor Sodano said the point is, it's a seven-year-old document and it needs revision.

MOTION BY JOHN STRATZ TO AUTHORIZE ADVERTISEMENT OF THE CIVIL SERVICE ORDINANCE AS WRITTEN. SECONDED BY JOE ADAMS. Laura Germain said this is just the advertisement of the document. If something comes up later, they can still change it. Beverly said the ordinance is in compliance with those sections but if something were to come up, they'd have to revise it and readvertise it. 5 ayes, 1 no (Joe Dudash), motion carried.

Joe Dudash said the man who lives across from the old Burger King, one of his children is deaf. Beverly said he means John Rutter. Joe asked if they could get a sign put on Route 1 for him. Beverly asked Carol if they had put in for that with the Hulmeville Ave. project. Carol said they asked that they incorporate into the crosswalk signalization, something accessible for the hearing impaired because Beverly had raised the point of that child being in the area. Beverly said he might also have a blind child living there too. Carol said that might be a school district question, but she will try and find that answer. Beverly said they are young children and thinks the borough should do something if they can get permission to put them in because the bus stops there. Joe Adams said they are freaking council. He asked who they need permission from. Beverly said it's a PennDOT road, but she doesn't think they'll fight them on it. Mayor

Sodano said at this point they should get the deaf child area and blind child area signs and simply post them along the roadway while they look into whether or not they can do it. The worst that they'll do is holler at them for putting them up. They should put them up temporarily to try to at least make people and drivers aware. He has a soft spot for the deaf, especially because of his sister being so and the blind because of being involved in the Lions Club. Ben said he's not making a ruling. He's never physically stopped anybody from doing anything, but he would advise that given the relationship the borough has with PennDOT, that they leverage that relationship and try to get the sign up as soon as possible.

#### Public Works

MOTION BY GARY NICKERSON TO APPROVE AND SIGN THE LETTER TO BCW&SA AND BUCKS COUNTY BOARD OF COMMISSIONERS REGARDING THE POTENTIAL SALE OF THE SEWER AND/OR WATER UTILITIES TO AQUA AS REQUESTED BY WARRINGTON TOWNSHIP. SECONDED BY JOE ADAMS. All ayes, motion carried.

#### Tech Committee

Joe Adams said he is keeping this quick because he's already regretting being here. He said he is less than satisfied with their website provider. Sometimes they have to go through multiple rounds and multiple layers to get the understanding as to whether there's an issue with the website or if they need support. He asked Marie for her thoughts. Marie said what she does when something needs to be posted, is she'll send it to Laura and Geoff to put it on the website. If she doesn't hear back from either one of them or if there's a problem, she'll call KE Social, and they will be able to put it on. Joe said he would like quotes from potential providers that are out there that'll be able to handle websites, which are used to doing this at a municipal scale. There are a couple of vendors he's worked with in other municipalities that will come in and not just do the website and take a lot of the effort off of the administrative staff and some of the governing staff but will also help streamline things like records' management. This will be the point where not just one type of meeting notes we need that virtually all type of government records will come in and get scanned and they'll also be able to provide options. He wants someone that will handle the website, records' management. and digital payment processing for collections, so that they don't have to write physical checks. And an alternate option, not prohibiting the writing of physical checks or dropping off but if people were to wish to pull out their phone to pay the sewer bill and move on with their lives, he would like that feature. With this quote, he would basically say here's my friggin' Christmas list. He wants to see who's interested and who's out there and what kind of money they are talking. He'd like to have that as a feature, so rather than committing money, rather than saying they're going to throw \$1,000,000 out there tomorrow, he'd like to solicit a request for quote to see what some of these digital services would cost and get a realistic idea before we even waste their time on committing money, is what vendors are interested, who's out there and what kind of money are they talking. If this is something that could be done for \$40,000.00 or \$50,000.00, he'll give Gary his 1% EIT and they'll talk about it and have a discussion. When he emailed Marie, this is what he was talking about with fair market rates. There are vendors that'll do these services for them that'll be more designed at running it. There are a couple of big ones out there like Civic Plus that do this for the state and the feds. They do these smaller municipalities at low cost to grow their portfolio and say they've got more of Pennsylvania, so they make a play at the state and Congress, and they can try to make more business off of them. There are vendors out there that will do 24/7 support that, and if Marie needs to pick up the phone and call, they'll provide her training. They'll do onboarding sessions. He's worked with vendors that will legitimately offload a lot of the burden without removing the need for the employee. The staff will still have input, but it will be easier and quicker with the ability to pick up a number or just get stuff done. He'd like to see options and that's why he's requesting this RFQ and the permission to do so. And he believes

according to their rules lawyer over here, they have to push that vote for the next session. Beverly said it looks like council is pretty much in agreement with him. Laura said they went through that process a few years ago. If he saw the original website, it's a huge improvement but she totally agrees that going to a new vendor who has more experience with government might be beneficial. With the payment plans and given the ability to pay online, there were a lot of concerns from the public and from Karen about privacy issues and security. So, please keep her in the loop when he's talking about this. Joe said he actually spoke with her in person and will continue to have that conversation. He's a cybersecurity instructor at the Bucks County Community College IT Academy and a cyber security professional. This is what he does for a living. Digital hacking is the complicated stuff and there are industry standards. Basically, there are different types of audits that get done. He won't get super technical, but as a tech committee chair, he will make it his personal responsibility not only to vet these vendors but then translate their Latin back to plain speak and explain why he thinks what a particular vendor offers for these type of solutions. He understands the privacy concerns but having been in financial tech for a long time, checks are just as dangerous as your credit card online. With paper checks, copying a checking number and routing number off a piece of paper is so much easier than coming to one of his advanced ethical hacking classes and learning how to do it on a computer. Laura said those are great points that you have the ability and the knowledge to address them. Joe said they're concerned about protecting themselves from those type of risks. Let's get the RFQ's and the bids. He beats vendors. It's his job to like to grab a cane and whip them until he gets the answers he wants. He wants to see SOC two audits, transparency and things that impress him before he would even bother taking that to council, let alone the public. He will get technical answers and if he doesn't, he would never be in favor of recommending that vendor. When they get to that point, he's fine if Tech Committee has to hold something public where people can just bring whatever tech questions they have and if they want to come in and discuss the financial sector security protocols, they can do that.

#### Public Comment

**Donna Heron**, said they will never get this town beautiful until they get a grocery store, a doctor and a pharmacy in it. She can't believe that they allowed Aldi to pull what they did with Bottom Dollar with a 13-year contract. The borough should have been against that immediately. They need something to attract something. A doctor, grocery store and pharmacy are what they need in this town. The other thing is she called the police the other day about the situation in Taddei Woods. She doesn't know if it's her property or the woods property because trees have been chopped down that weren't supposed to be chopped down. She had a big orange X on a tree that said this was her property line and it's gone. With the damage they did, she called the police that day and they never came. When she came here to talk to them about it, Barbara told her they had something going on, but they never even got back to her. When she talked to one of the policemen, they said they had something big, but she said they never got back to her to ask what she wanted. She thought that was kind of unreasonable. She has pictures. They really ripped it up and they're not allowed to touch that land. If she can't touch hers, and if that's part of hers, they don't need to be touching and chopping down trees and throwing a big mess around. It was the people on Adams Ave. that did it. Mayor Sodano asked what day it was that she called. Donna said he was at some big Northampton thing or something. She said she didn't know and that it's water over the dam. Mayor Sodano said he'll check on that. Donna said he still didn't get back to her and ask why she called the police.

**Mike Smith**, said what he's going to say here is probably going to fall on deaf ears but when Mike stood up earlier and talked about speaking to you guys during the part where they're going to make a decision for all of them, it really means something to the people who are sitting here. He said to Beverly that she acts like she doesn't really give a crap about what they have to say.

He said she can smile and snicker, that's fine. Beverly said she's doing what they do to her all the time. Mike said they vote on stuff that means something to them and they don't have a say in it. The only time they ever get a say is after the fact, but that's fine. That will all change at some point. He said to Gary that he doesn't want a survey for fences. He said to ask Mr. Hauser what has become the biggest thing under the fence situation: a survey. If they're going to put fences on property lines, somebody's going to have to get a survey. Keep it in mind, or they're going to have legal bills like they have now, and he knows that line item has doubled.

**Mike Sodano**, said regarding the fence set back and whether it's going to be on the property line or the one-foot line. He asked if the adjacent property owner wants to put a fence up, wouldn't that leave a two-foot strip between the two fences. So, who is responsible for maintaining that and preventing it from becoming overgrown and becoming a haven for vermin. On the earned income tax, he's been curious, and he doesn't get to make a lot of meetings. Council made a decision in enacting the EIT and that came after a lot of long discussions in the Long-Range Finance Committee. He asked what information council was provided regarding the committee's recommendations toward any EIT and what the agreement that committee came to. It made him start to question himself and his recollection so he looked to return to the minutes from that session where it was finally hashed out and at the time, the person who was doing the minutes would distribute them within the body of an e-mail. There wasn't a separate document. He could not find any reference within his own personal e-mail files and he's pretty good about squirreling away years and years of them. He doesn't believe that the Long-Range Finance Committee ever approved the minutes from that meeting. He's curious as to what was presented to council as far as the findings of the Long-Range Finance Committee because he can assure them that what was enacted by council was not what was agreed to and recommended to be taken to council by the Long-Range Finance Committee. He asked if someone could provide him with that information as to what was presented to council in order to persuade them to enact the EIT at the level at which they did. Beverly said it's in the minutes from that zoom meeting. Mike said it's not in the minutes because the mayor had asked specifically of the borough secretary. It wasn't a Zoom meeting. It was a face-to-face meeting. It's for the Long-Range Finance Committee. If there is something in the minutes of the meeting on the EIT where the Long-Range Finance Committee was referenced, he would like to know. And during the EIT discussion earlier amongst council, there was a comment made about income levels and maybe it hurts some people more than others. He resents that kind of a comment coming from the people that he's elected to be lectured back from council about how he should choose to spend his money and how he's wrong to question council demanding the amount of money that they had. It's certainly his right and it's the right of everyone in this borough to question council on their choice to go to that 1% and how bad they need that. He disagrees. His opinion was that if they're going to choose to enact the EIT it should have been a half a percent for reasons that would appear in those minutes had they ever been submitted. He wants it to be known that when he's lectured from the dais about his earned income, that's his money and he can choose to spend it as he wishes, or it could be confiscated. Maybe he was going to use that for an altruistic purpose, but they tell him how badly they need it. They aren't a charity; they are a service to this borough. He said to please keep that in mind.

**Dave Cahill**, said he got here around the time Joe brought up Permabilt and Sally Bellaspica. He asked if the owner of Permabilt gets to use Sally on the borough's dime. He's assuming she's billing for things. He said to Joe that he was asking what was going on at Permabilt. Joe said he just wanted a full description of what the conversation was. Dave said so Sally is meeting with the owner of Permabilt and she's billing for things and the taxpayers are paying for it and they're not allowed to know what's going on. Beverly told Dave that Sally would be part of the process if the owner is asking what he can do there. She'd have to review it and say they

can, or they can't do something. Dave said that means that she would know what's going on. He said she said she had no idea. Beverly said she doesn't know. Dave said somebody on council, or the mayor or somebody has to know what's going on with Permabilt and why Sally's down there and why she's billing for things that are going on down there. He guesses nobody knows what Sally's billing for, so they will strike whatever billing she has. They're going to pull it out and they're not going to pay her because nobody knows what she's billing for. Beverly asked if he was referring to 40 Hulmeville Ave or whatever the address is. Dave said yes. Beverly said she will have to look into it. Dave said they had a meeting on Wednesday night and apparently, it's a controversial meeting because someone is claiming it was illegal. He doesn't know if the information has been handed over to the DA's office yet. He asked if there was a vote by council to send Carol to that meeting. Beverly said she has to look that up. Dave said, so she doesn't know if there was a vote. He asked if anyone from council knows if there was a vote taken to send Carol to that meeting on Wednesday night. Dave asked Mayor Sodano if he knew that there was no advertisement for that meeting. Dave said he was there. Mayor Sodano said he knew that when he got the e-mail from the council president. Dave said, so everybody was aware, and they still had the meeting and they had Carol there and they paid Carol for the meeting. Carol didn't come for free. She's coming from too far away. He asked Carol if she billed for the meeting. Dave asked Ben if he said the settlement that was made involving the Pennsbury School Board and free speech. Ben said he's aware of it. Dave said there's a lot of that going on here. He said he knows Ben is not here all the time and that he and Dave split it up. Ben said they do split their time here. Dave said they have a problem here with free speech. They're being shut down because a certain council president doesn't like certain people and doesn't like what they're talking about, and she doesn't like the questions that are being asked. Dave told Beverly that he thinks it's time to retire. He said she's not here for the good of the borough and it's been a while and now everybody can see it. Everybody sitting in the audience can see what she's doing. It's not funny about what you're doing with the professionals here in town. She's directing the professionals to do things without council votes and if she wants them to put in right to know requests to find out if the professionals have been voted on, they'll do it. Let's go there. Maybe they'll do a lawsuit for free speech here in Pennndel Borough since she likes shutting them down. He thinks this is the longest that she's let him talk in quite some time. That's because she doesn't like what she's hearing. Transparency is what they're looking for.

**Donna Heron**, said they talked about the civil service thing. She asked if they are going to get a siren. They need a siren or an early warning system like one on top of the firehouse. They always had a siren and if there was something going on, they would sound the siren. If there was a tornado coming, they would sound the siren. Beverly said they can ask the fire department, but they can't make them do it. Donna said there should be a siren on top of that firehouse.

Ben Hauser said he would like to address something that was brought up and he thinks the public is waiting to hear it. There was a characterization of last Wednesday's gathering and the terms are often synonymous but they're not exactly the same under the law. Under the sunshine act, a meeting is defined as a prearranged gathering of an agency which is attended or participated by a quorum of council or the members agency. He doesn't think anyone disputes a quorum from what he understands from the facts, for the purpose of deliberating agency business or taking official action. When his office was approached by the council president about that the idea behind the meeting was to have an informational gathering and again, he apologizes as he slipped to the M word rather than the G word. It's an informational gathering to have this discussion with the public to be informed. The Supreme Court case law does not require an informational gathering session to be open to the entire public. That was

the decision in the case of Smith versus Township of Richmond. He's just going to highlight a couple of things that the Supreme Court has said. In this Commonwealth, the law allows council a closed or informal gathering concerning a prospective project for information or educational purposes and information gathering. Informational background discussion is permitted at such gatherings. The courts are clear that gatherings for the purpose for collecting information or educating members of an issue, does not constitute deliberations even if the information may assist a councilmember in taking action at some future time. There was no official action from what he understands, before or after. There was no vote and no decisions. He wasn't there, but there was no vote no decisions. The other part of that prong for having a meeting is deliberations. Deliberations is slightly different than discussions. Deliberations is a discussion of agency business for the purpose of making a decision at that particular time so the case law as they've researched it, and they can take that for what it's worth. It's a 30-year veteran of the district attorney's office fact finding not need not take place in public whether or not a quorum is present or other private parties are present. Council members may study, investigate, discuss and argue problems and issues outside the confines of public meetings and deliberations does not mean any and all of discussions of any topic related to future agency business. From the information provided to them, this was a legal gathering. He understands that there's a minimum one person in this room who disagrees if not more. Dave Cahill yelled out that they were already told that he was going to say this. They'll let the DA's office figure it out. He's not the one who submitted it. Ben said there's at least one member who disagrees. They're all free to seek whatever remedies they believe or merit in being fit and they're within their rights to do so. He's confident that the other reviewing entities are going to come to the same inclusion. Dave said he has a problem with businesspeople making decisions for his town. He doesn't remember inviting them to a meeting for Wawa. He doesn't remember that happening. Beverly said public comment is not over but he's talking out of turn. Dave yelled at Gary to stop trying to shut him down. He said he guesses he didn't hear him about the settlement with Pennsbury. Ben said he knows it was raised at one point of meeting. He said he knows that different business and the meeting kind of shifted away from that, but he wanted it to put into the record. Dave said he'd like to have a Wawa in this town, but that didn't happen. He'd like to know who chased it away. He'd like to know the real reason why it's not here.

**Mike Sodano**, said he had a question for Mr. Hauser regarding the statement that he just made. Dave Cahill was arguing with Gary and Beverly said it's public comment. Dave yelled shut the fuck up to Gary. Mayor Sodano told Dave to watch his language. Beverly was telling Dave to stop. Mike Sodano asked again about the statement that Ben just made. Beverly again tried to stop Dave and said that's enough. She said to let the public speak. Mike asked Ben, from the statement he just read from, can it be assumed that what he described does not have to involve any public at all and it could be any the number of members of council up to the full council as long as it's just an informational gathering and they're not deliberating. He asked how the public would know if nobody's there. He said it's a very gray area what he described. He's not talking about Wednesday night. He's just talking about the statement that he made tonight. Ben said that's a very interesting question. There's nothing in the sunshine act that prohibits that kind of meeting from occurring however it does invite the kind of questions that the public asks and then it becomes a very fact specific inquiry. It was presented to them to indicate it was a legal gathering for simple informational purposes. Hypothetically they could have it and that would open the door to this level of scrutiny from the public. That's ultimately not a calculation for him, it's a calculation for the body.

#### Council Members to be Heard

John Stratz said the president and vice president of the Pennndel Fire Company asked all of council to come to an informational meeting over at the firehouse. He asked if the general

public object to that. It's the same difference of all of council coming to a meeting just like Mike said.

Ben said there's gatherings and there's meetings. Meetings has a very specific definition under the statute. The court seeing that there's something different at a meeting. A gathering may be a civic event that's a gathering of all of council. If that happens, they can even talk about some things, but they can't get into deliberations. Deliberations aren't just simply discussions. It's literally taking discussions to make an action and those are different things that can happen whether the meeting is at the firehouse that's being described. He doesn't think at this point that nobody's mind is going to be any more changed than they were. He just wanted to explain what happened or what his understanding to those who feel that further scrutiny is required. He is almost certain that they will take those steps necessary, and it will be in the appropriate hands.

Joe Adams said he reached out to a republican lawyer, one that he thinks is smarter than Ben and he thinks he would probably agree with that, and the republican lawyer said the DA is going to laugh at it, toss it out, and say what the hell are you wasting my time for. Joe said what he needs if they want to shift and change the tone of this town, is not amateur hour attempts to come up with some bullshit conspiracy. He needs republican candidates for the fall. He needs a republican strategy for the fall. He needs to know that they're going to have a republican position for what they are going to do if they get council. He needs to know that there's going to be a republican solicitor put up if they want to start talking about a particular side making changes. Where's the fucking strategy? She didn't do anything illegal. If they want change, he needs three other Republicans on the council to change Beverly, with a strategy, with a position, with a marketing campaign as to how they're going to get them, and he needs it survivable to get them on a vote. This isn't going to work coming up with some bullshit plan like they're going to get the DA to take her out. Unless there's three other Republicans up here that are actually going to do it, it's not going to matter. He doesn't care about the nonsense that the DA's going to laugh at. He wants to see where the other republican council candidates are that are going to be running in primary that if they want that kind of change, they'll have it. Until then, everything else is unrecorded C-SPAN bullshit that no one cares about. He doesn't care about conspiracy. He wants to see votes. He wants to see republican council people if you want a change. Barring that, this is just wasting all of their time and he gets so tired of the Republican Party having nothing but Fox News commentary to provide and no actual candidates lined up for 2023. When they have that, that's fine. To Mayor Sodano's point about taxes, he thinks taxes are theft and he wishes they could get rid of all of them. He hates taking the people's money and it's the hardest part of governance. He hates taking taxes from him so if that was directed at me earlier, he does apologize for taking his taxes. They're trying to give them back at this point. If they want that, if the people want that to happen, then he's fine replacing this with a seven-person republican council. But they need people that are going to run and actually do something, make progress, and reach over to the other side of the aisle and say I disagree with you politically, but I like you as a person and what can they do. If they yell at these people like they're some kind of devil and they continue to fight, they're never going to get those votes and there's three seats next run he thinks. Something like that, that he's got to fill. He has to fill all three if they want to change government. If they want a different president, he has to get three people that are willing to vote the other way and then he still has to get in in case one of these people doesn't show up so that they have veto ability. That means they've got to play ball with at least one other Democrat. He asked what the plan is, and the strategy come time for that because barring that, it's going to be another Democrat administration and they have to learn to either play with them or make progress. Joe said to John he's sorry for swearing. He apologizes and will redact that. Beverly said it's not redacted. Joe said he's done with it. Ben said there's language that some people might find distasteful that you may not be able to say on

television. Certain words that they may not like are not actually to be acted upon unless you were to say directly, I'm going to \_\_\_ me up, something like that that's an actual threat. People might not let a flag that says a certain four-letter word and then a five-letter word that is free speech. This is America. Deal with it.

John Stratz said since they are doing free speech, he just wanted to remind everyone about the good old fashioned republican transparency. Going back to 2016 when there was a very good possibility of Penndel losing its Police Department for ten years at a ten-year contract, written up by a solicitor who was later convicted and had to move out of Pennsylvania just to keep his license and is living up in Maine, half the council did not know about that until the night of the vote. He said how's that for republican transparency. Just want to remind people of that.

Mayor Sodano said he doesn't have anything so erudite, and he apologizes in advance for that. He just wanted to mention that they've discussed what they need to do, what they'd like to do, what they would have on their wish list to improve Route 1, he said how about they get some of those people to cut their weeds.

MOTION BY JOE ADAMS TO ADJOURN THE MEETING AT 10:18 P.M. SECONDED BY JOHN STRATZ. All ayes, motion carried.

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