

## Penndel Borough Council Workshop Minutes

August 15, 2022

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

Joe Adams asked everyone to remain standing for a moment of silence for Congresswoman Jackie Walorski from Indiana.

### Present at the meeting

Council President Beverly Wolfe

Council Vice President Gary Nickerson - absent

Councilwoman Barbara Heffelfinger – via telecommunications

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

Mayor Sodano said regarding the closure of Bellevue Ave., to this point, PennDOT still has not officially notified any of the EMT services, the police departments, the fire companies or anyone of that closing. That's why he wanted to send the notice out to everybody now. PennDOT released it on the Harrisburg website, which was picked up by LevittownNow. Normally the borough manager, himself and the chief would be included in the emails. He also checked with the fire chiefs and police chiefs of the bordering municipalities and so far, there isn't an official e-mail, but PennDOT does have it listed. The super of the current project is aware of it, so they can assume it's official and that's why they have taken all the necessary steps and so have all the other EMS and local police and municipalities.

### Consent Items

John Stratz asked if they could do the minutes separately since he hadn't had a chance to read through the July 18th minutes because they're quite lengthy. Mayor Sodano said there is a minor correction on the second to last page where it says Joe Adams said to Mayor Sodano's point about the tax, he actually said Mr. Sodano in reference to an audience member that had spoken earlier regarding taxes. Joe Adams agreed and said he was referring to Mike Sodano. Beverly asked if there was an objection to change. There was none.

MOTION BY LAURA GERMAIN TO APPROVE THE MINUTES OF THE JULY 18, 2022 WORKSHOP AS AMENDED. SECONDED BY JOHN STRATZ. All ayes, motion carried.

MOTION BY JOHN STRATZ TO APPROVE THE MINUTES OF THE AUGUST 1, 2022 COUNCIL MEETING. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

## **Reports:**

### President's Report

Beverly Wolfe said that Mr. Cahill is not here tonight about his issue that he brought up last meeting. There is nothing else on her report. If he happens to come in, she'll give it later.

Joe Dudash asked about where they are at with the budget. He said he knows how upset Barbara gets when they are getting near Christmas, and they are late on the budget. Beverly said the borough manager has been working on it for weeks. Joe asked when she thought they may see it. Beverly said she did not have the schedule. Joe asked Beverly about the curb and sidewalk issue. Beverly said she has nothing. She sent another scathing e-mail to the vice president of BIU, and they are supposedly having the whole thing reviewed. He is supposed to get back to her with a full report that she has yet to see. She will escalate it over his head if she has to. Joe asked about what he calls the Berlin Wall and if there was any new information on the court proceeding. Ben said it is still in the realm of pending litigation however, there was an extension granted to the present parties and they have not yet reached a meeting of the minds. His honor could issue a decision any day now. Joe asked if they were past those 20 days. Ben said the extensions granted have expired. He does not know how quickly his honor will have a decision. It's in his hands. Joe asked about Schoolhouse Ct. and the house where the builder is asking for a variance. He sees there is a pending sale and he's been talking to real estate lawyers, and they can sell it as is. Ben said he sees no prohibition to the law to a title transfer called house bill 1437 from 2015 if a property is not in compliance with the code, the municipality is still required to issue one of three different types of access permits. One of them is the property is completely dilapidated and it is an access certificate to go in and rehab the property. There's often a temporary access of unit which allows the person to move in and correct certain minor code violations. Joe said if he does sell that as is and they move in, then there is no U&O, he was told Penndel is ahh. Beverly said let the buyer beware by buying it. Joe said if he bought it and then sold it, this could go on and on but then the thing he is afraid of is that somebody comes back and the place collapses, the borough is going to be on the hook because somebody is going to come back to them and say they're the ordinance guys, so how did they let it progress to this point. Ben said if that happened, ultimately, the approximate cause in his opinion would be the construction company. If anyone would sue the borough, they'd be suing under a theory that the borough was somehow negligent which obviously they would deny. There's a state law that gives them immunity for a number of situations going beyond that. The background on this is a little peculiar in his view because when the land development was granted back 15-20 years ago, thereabouts, part of the land development approval conditions was that the borough, through the solicitor's office, would have to sign off on the declaration. That is a very minor element of this. They have not signed off on it. They may proceed otherwise in the argument that you know, we're unreasonably without it. Hypothetically, there are other matters that he's sure the borough engineer and other members of his office are more aware of, and he believes at some point, they will have to have the borough manager get in on some discussion to address those specific issues. And he knows there are some considerable issues but considering where this may go, that's all he's really going to want to say at this point. Joe said it's like they're in one litigation after another and here is a possibility coming down the track and biting them. He just wanted some clarification because they have a lot of their contractors over there. Carol is and over there, Russ, Charlie and then he sees Sally's notes. He doesn't understand what all these people's positions are. Beverly said that is probably a question for Geoff unless, Carol feels that she is comfortable answering that. Joe

said he's confused on each person's job. Carol said she did not want to speak to what the different individuals with BIU do because that's not her expertise. Everything outside the walls is essentially what she's looking at. She's looking at everything associated with the land development and subdivision approval. Her office is looking at the streets, the curbs, the sidewalks, the sewer line, the sewer laterals, but not the water because that's Bucks County Water and Sewer. When it actually happens, they'll be looking at the landscaping. They have been yelling at them about trees. They look at the storm water management installation. The site work is the engineer, the house is building codes. How that's divvied up among codes between Sally, Russ and Charlie, that's not for her to say. Mayor Sodano said he wasn't aware that Joe was going to get into this particular subject, so he doesn't have his notes on something, but Ben mentioned whether or not they could be in a position of liability on anything to do with what Councilman Dudash had asked about the house that's apparently incorrect and they're not going to give a U&O. Mayor Sodano asked, as far as their legal liability, about a year and a half ago, give or take, when they had the forms in the ground and when they poured the basement walls, he questioned that and the answer that the borough engineer gave was that the borough had granted a change in elevation because his question was initially, that those don't meet the elevation of the other houses. And Carol's response was that there was a change in the elevation that was granted. He can look it up in the minutes. He asked if her response puts them in a position where they were given tacit approval, if it's on the record that somebody stated that they were granted. Carol said they provided them with a plot plan sketch that showed the higher elevation to the basement. But on their sketch, it still showed a correct elevation to meet the required grade for the garage floor so they would have had to either lower their basement height, like the house next door did or put steps in from the first floor to the basement, neither of which apparently, they did. She doesn't have elevations on that home. She doesn't have the details to tell him exactly what happened. All she knows is that that garage was high compared to what she saw in this plot plan and their driveway was too steep, but the walls are also high. Tom said the garage wouldn't have been high if the walls were where they were supposed to be. Carol said the basement elevation was set based on the elevation of the stormwater facility that's between that and the other house. She believes it was supposed to be at similar equal to elevation to the house next to it on the basement floor. Her understanding is that the house next to it has a shallower basement, so that the first floor is not as high, but she doesn't think they did that on this lot. She doesn't have surveyed measurements, so she can't be certain on what they did, but what they clearly did not comply with the plot plan that they provided them in which the driveway elevations would meet a code. Mayor Sodano said neither plot one, which are the two houses facing Woodland or plot three, which are the ones directly adjacent to it have shallower basements. They do not. Carol said they may have had steps in their garage that were trying to make up that difference but if you look at the garage elevations on the plot they submitted, they would have met code. So, the end result of that is she doesn't believe it's a borough liability, she believes the liability lays with the builder. Mayor Sodano said that was his question. Is the information that they provided to us incorrect. The response you just gave is not identical to the one originally, when he asked her that specific question, she said there had been a change in the elevation, is how she phrased it. She didn't describe any changes. Carol said in the basement floor elevation. She asked if that's what he is trying to say. Tom said when she said the house was sticking out of the ground too high, you said there had been a change in the elevation on the plans that that was her answer, and she stopped there. Carol said it was about the basement floor. Tom said he said that the basement walls were sticking out of the ground too high, and they are still. That's nothing to do with the garage because the garage was installed at the same height on a basement wall as all the other houses. Carol said that's the problem. Tom said those walls are out of the ground farther. What he's saying is where all the other houses which have eight foot plus, because they're designed to have a drop ceiling to hide whatever infrastructure they want

to hide and still have an 8-foot ceiling. Every house in there has that, as does that house, but on that house only about maybe five and one half to six feet of the basement walls are in the earth where on all the other houses, they've got nearly seven feet.

And that's the difference in the height of the houses. Carol said from an engineering perspective, that's not really bothering her. The problem with the code is the garage elevation and the driveway slope.

Joe Adams said to follow up with what Joe Dudash said about the budget, he would coordinate with Barb and maybe they can sit down with Geoff at some point in time, physically or virtually and just review the current progress to see where he's at to make sure that the expectations they've been talking about are still tracking. They haven't met as a full committee with Geoff yet over the budget. Beverly said DCED has guidelines for the date that you have to hit. Joe Adams said he will set something in motion, and they will have something to talk about next time. Barbara Heffelfinger asked Joe to repeat that. Joe Adams said the two of them will meet with Geoff. He'll make sure that her schedule permits and that she can be in person when she's available. He'll e-mail her offline.

#### Engineer's Report

Carol Schuehler read her report which is attached.

Carol asked if they would like her to pause her report so they can consider the motions. Ben Hauser said he realizes that these are both kind of involving Spring Street. He asked Carol if she would agree that these are kind of separate projects into themselves. Carol said she believes maintaining them as separate projects is the optimal way to process this. Ben said that while the bidding procurement laws require three quotes over \$11,000.00, he does note that two quotes were obtained, and a third quote may have been obtained telephonically. If that quote could be memorialized and presented to the borough, he does believe that that foot is outside the range for consideration. And he would recommend to council that just for clarity, they do what they did with the minutes and make a motion for the approval of the tree removal award and then do a separate one for the drainage. Carol said John Stratz provided a written record of the third tree quote that they gave him a verbal price telephonically of \$4,200.00, which was Affordable Tree Removal. Carol said it was provided to the borough secretary for the records. Joe Adams asked her if they solicit. Carol said at this value, they can request three quotes. They don't have to once it hits a threshold under \$21,900.00, she thinks. Ben said with respect to the tree removal, the borough kind of did a belt and suspenders under \$11,800.00 and this is a yearly number that changes with inflation, so who knows what next year. They do not need to even secure a certain number of quotations. They should be looking for the lowest most responsible bidder. Once they get between \$11,800.00 and \$20,900.00, they have to get three written or telephonic bids and then above \$21,900.00, they have to formally bid. Joe Adams asked if they thought the overall value of the project is falling into the second or third categories and would require this type of formalized bid. He knows they've got a lot of local guys in Pennel that as things start to suck, they're looking for more work opportunities. He just wanted to make sure that if their numbers are right and they're bidding out and giving them an opportunity rather than being selective, which he is not accusing them of doing. Joe said he was just trying to learn and make sure that they weren't favoring or selecting but that they had licensed and insured vendors. Ben said any person may contest a bid award if they are a taxpayer. If they are a taxpayer, they may plead such and formalize that challenge. He has very limited understanding of all things tree removal and excavation. He asked Carol if it were fair to say that the tree removal and excavation, whether they are formatically connected to Spring Street, she would not necessarily consider them part and parcel to each. Carol said that's correct. It is important to separate these out. Beverly said they're all licensed they're

insured and are vendors that have a record that they've done business with them before and have performed adequately. They certainly wouldn't go back to them if they didn't. They didn't even have to get three, but they do that all the time and as much as they can. Joe said he appreciates the exercise and thought to ensure transparency in the process. Carol asked if they would like to take action on the tree portion of this before she proceeds to the excavating portion of the motion. Beverly said the motion is on the agenda and is combined, so they still can do it but separate them. Ben said for the clarity of the agenda, under Act 65, he would ask that a member of council ask for unanimous consent to split the motion under the engineer's report and Marie would have to amend the agenda and if approved, Marie would post it on the website and at borough hall. Beverly asked if there was unanimous consent to amend the agenda creating two separate motions, one for the tree removal and the other for the excavation contract. There were no objections.

**MOTION BY BARBARA HEFFELFINGER TO AWARD THE TREE REMOVAL SERVICES CONTRACT TO JOSEPH MCILVAINE TREE SERVICE IN AN AMOUNT NOT TO EXCEED \$3,275.00 FOR TREE REMOVAL SERVICES. SECONDED BY JOHN STRATZ. All ayes, motion carried.**

Carol Schuehler said she sent out to four different perspective excavating contractors, three of whom were people that they've worked with before, Haines, Isidore and Seifert. She didn't get anything back from Seifert. The other one that she sent out sort of answers Councilman Adams comment. CDU Stormwater Management had contacted her in recent weeks saying they were local and if they ever had any work in Penn del, they'd like to know about it, so that was the other quote that she received because she got that e-mail from them. Hanes Paving and Landscaping has done multiple projects for the borough, and they've been satisfied with their work. They have the proper insurance and they've been able to obtain bonds on larger projects and she would recommend awarding to Haines Paving and Landscaping.

**MOTION BY JOHN STRATZ TO AWARD THE EXCAVATION CONTRACT ON THE SPRING STREET SWALE TO HAINES PAVING AND LANDSCAPING NOT TO EXCEED \$16,645.00. SECONDED BY BARBARA HEFFELFINGER.** Beverly said these are the three quotes that they have to get because of it being between \$11,800.00 and \$20,900.00. Carol said when they do go to the process of formal advertising, then we've got the bid documents and the cost to advertise, they're going into thousands of dollars in borough expenses. Joe Adams said he comes from a Jersey background where everything was structured, and all the numbers are different. All ayes, motion carried.

Carol said the borough has been awarded a Community Development Block Grant in the amount of \$150,000.00 for additional lighting at Memorial Park. The county has sent over the contract for execution. They prepared the bid documents and are currently under county review, which they do every time. They occasionally get a comment but they're usually pretty happy with their documents. So, in the draft bid documents we have a bid opening date of September 22<sup>nd</sup>, which would aim for a project award in early October. She is requesting authorization to advertise the project and of course, that would happen upon confirmation of county approval of those project documents which she suspects they will see any day now.

**MOTION BY JOE ADAMS TO AUTHORIZE THE ADVERTISEMENT FOR BIDS FOR THE MEMORIAL PARK LIGHTING PHASE TWO PROJECT CDBG GRANTS. SECONDED BY LAURA GERMAIN. All ayes, motion carried.**

Joe Dudash said he was reading the historical book. The old Permabilt was the factory for Rumpf. He asked if they ever had a soil test because from what he's reading in history, there was a lot of arsenic used there. Carol said there was a full environmental study done by the property owner and with DEP. The borough did have access to that information and her office did review it and she believes they prepared a summary of it a year or two ago. She can try and find that for him, but the DEP was involved with that. Beverly said they did lots of testing on that property. Joe said when he worked for the Water Works as a kid, they had a damn down there in the back of the place and it was like a reservoir. He asked if it still back there and who owns that property in the back. Beverly said that's all that same tract of land. It's the person who bought it. Mayor Sodano said that JMC Auto owns it. If you think of what the state of Oklahoma looks like where it has a dog leg sticking up, JMC's property does too. It's a wide vertical like it's a rectangle but it has a piece sticking up. JMC Auto on Rt. 1 owns to the back of Permabilt all the way to the railroad. Beverly said her understanding was that wetlands started much further up. Tom said the wetlands are about 80%, maybe a little bit more on JMC's property and 10 to 15% of it is over the property line. Barbara said that was a pond. Tom said it's wetlands. When you pull it up on the on the county GIS site, you pull up the wetlands. There are still wetlands back there. Everybody remembers there was the redbelly turtle thing. That was the lower half of the area where the red belly turtles were coming out from the old reservoir. Beverly said some of that area was FEMA mapped floodplain so, yes, that means it's under the county. Carol said if it's FEMA mapped floodplain, that's going to limit the development of that. Beverly said it's all on JMC's property and not on Permabilt's property. Joe Adams said that Carol mentioned her group and the DEP and someone else did the environmental and got access to that property and did a report. Carol said there was a report done with the DEP and the property owner's environmental consultants and they did get to see a copy of that final report and produced a brief memo on it to explain what it was to the borough. She will try to find that, and the full report might be in my files. Joe said he knows that there's DEP. He asked if Pennsylvania State has a DEP or is there a county or local equivalent to agencies that oversee the waterways and lands and stuff like that. Carol said there is the Delaware Riverkeepers Network and groups like that but as far as a governmental agency, it really falls on the County Conservation District who assists the DEP. Joe said they talk a lot about sustainability and future in Penndel and all these things, which he thinks are solid goals and things. He wonders if it wouldn't be the worst idea to have a group that would be ad hoc or a committee or whatever that concerns themselves with environmental matters. Beverly said they had an advisory committee, but the members just went away. Joe said he would like to see whatever she has on that. He has two personal issues that are very big to him. Taxation is theft and then the second one is that farming land, hunting land, fishing land and clean water, stuff like that is a very personal view. So, whenever he hears arsenic and chemicals in the land or the water, he thinks of the fish population and the downstream. He would love to make sure that Penndel is as clean and beautiful as possible, so he'd love to hear more.

### ***Committee Business:***

#### Community Committee

Beverly said she has a project that she wants to do a little bit more on. Apparently, a lot of people either misunderstood or didn't read or didn't ask questions or whatever about the front door project. It's not Beverly's playhouse and no, she's not putting in gold toilets next week, but the jewel encrusted tiki bar is coming. That being said, there was a good reason for the doors being mahogany instead of metal. It wasn't a whole lot of dollars but she's going to go back to the RDA and go after the grant again and in addition to that, she's going to go after some more improvements to this building, including a new ramp out the back that is ADA compliant. The one that's there is not. They're going to go for rebuilding that, getting rid of those bollards and

put something a little bit nicer in. Also, replacing the backdoor and make it an ADA compliant door and inner door as well so it's completely ADA compliant. This is a public building, and all the public should be able to get in here. Also, depending on the cost and Gilmore is working on it, would be what Gary Nickerson has been talking about for quite some time, an electronic public notice sign out in the front. That's right along the RDA's guidelines, public information. If there was a problem or any kind of detours or anything like that, they could have that as part of their electronic sign informing the public that may or may not be heading to Parx Casino, informing them that there might be traffic or whatever. They can roll that into the RDA requirements and also the possibility of doing some more work here in borough hall like putting in a new floor and the other things that were part of the door project, which was a keyless entry system, possibly a little bit more of a sophisticated one. Ben has to wear something around his neck to get into the building that he works out of. That stuff all really needs to be done, so that's one project she would like to put in for. The doors will still be mahogany because mahogany can hold up over time and deal with all that opening and closing, and all the electronics and all that hardware needed to open and shut the door. Gilmore could absolutely come here and give another presentation because they already did and explained it. She got notice from Jeff Darwak that they're going to be opening it up soon although, she doesn't know what soon means. She asked Mayor Sodano if he and the chief are working on stuff for the police. Mayor Sodano said yes. He said this includes the casino money etc., all that sort of thing for clarification purposes and it's a large amount of money and they have a lot of leeway if you read the guidelines of what they're entitled to. He and the chief have a couple of things, but they haven't finished putting it together yet, but will let her know when they do. Beverly said she is giving everyone a heads up and if members of the public have any ideas, they would be happy to listen to them. But again, there are guidelines, and they have to tie it in to the casino somehow, which they seem to be doing a good job because they are coming up with grants.

Barbara said to just keep in mind that Marie has to do this because she has the portal, and the completed information has to be submitted to her and not at the last minute. They need to give her time because she has to do them all. The grant is due at no later than 4:30 pm on September 30<sup>th</sup>, so whoever is doing this better get their act in gear. Laura Germain said that for the sign, Gary has a lot of things already and he showed her some of the information, so they can pursue it for the sign. Beverly said Gilmore had the project for the front doors and they're going to reuse what they already did and add onto it, and they'll see about tying it all together in one grant or maybe it might be more than one grant. They don't have much time.

Laura Germain reported that they are having the third event of the summer. This Saturday at noon they're going to be burying the time capsule. She thanked everyone who submitted stuff. The first half hour, the things that will be in the time capsule will be in their containers, so people can see what's going to go in there and then the second-half hour or so they're going to do a little speech about what it is and everything. Representative Farry is coming. She doesn't expect this to be like movie night attendance but she's hopeful the people who submitted their creative projects will be here with their kids, so she expects to have at least some people there and obviously, everyone is invited. They'll just have very minimal refreshments. Just some water and some chip bags. She thinks it is a really good project and will be really cool 50 years from now for people to look back and read what they went through during this COVID epidemic. Beverly asked Laura to give her the GPS coordinates for the resolution and documenting where exactly it's buried and the depth.

#### Public Safety Committee

MOTION BY JOE ADAMS TO ADOPT ORDINANCE #2022-1 AMENDING THE CODE OF THE BOROUGH OF PENNDEL TO REPEAL AND REPLACE CHAPTER 13 "CIVIL SERVICE

COMMISSION," WITH A CHAPTER 13 – "CIVIL SERVICE COMMISSION." TO PROVIDE FOR THE RESTABLISHMENT OF A CIVIL SERVICE COMMISSION. SECONDED BY JOHN STRATZ.

Ben said he wanted to enter into the record as exhibit one which is the affidavit proof of publication in the Bucks County Courier Times on the 4th of August, which satisfies the requirements that the ordinance be properly advertised under the borough code. He'll give a copy to Marie, who he believes has a copy. Exhibit two will be the proof of filing of the ordinance with the Bucks County Law Library, as required by the borough code. This is also being given to Marie. Joe Dudash asked about item 4, the ordinance shall be effective immediately upon approval of the mayor or immediately upon majority, the council plus one. Ben said that's kind of boilerplate language. He is not a mind reader and there is a scenario where a mayor can veto an ordinance so if there was a situation and he's not saying this case, but it's catchall language in every ordinance that if council had to override it, that's how it also could be affected. Joe Dudash said he is still worried over having a council representative on this board because they have a history in this borough of overuse of political power and he's just afraid that this thing is going to get tarnished. That's why he wanted it written a little harsher, as far as terminology. Beverly asked him to define harsher. Joe said the word he wanted is more in depth, as far as breakdowns. The best example is everybody should look at the Gettysburg Borough Civil Service Commission. They go down to everything, even the testing and everything else. His major objection to this is he thinks it's just going to add more cost to the borough and to the taxpayer with this and he thinks they kind of shot this through real fast like they've been doing with other things. And he thinks they should have taken a little more time on this. Even on the police full-time officer or sergeant thing. He just thinks that they should have taken more time on this and he's afraid that they just have a bad habit in history of when they get the political officials involved in something, it always turns sour. But that's only his opinion. He doesn't know what the residents would feel but he doesn't think they need to be adding cost at this time where the economics is of having a full-time police sergeant and then in addition to this, but that's his opinion. Barbara said she totally disagrees with Mr. Dudash. She would like to see a member of the Public Safety Committee on that commission. Beverly said she doesn't think they can. Mayor Sodano said to Joe's point, he actually does have reservations of having a council member on only because he believes in diversity, and he thinks that they can get a lot of perspectives that aren't normally within discussion parameters of people when you include people other than council. He also is not in favor of and forgive him if this sounds like it's an attack, it's not, former higher officials in the borough that may have been too close at one point to the police situation. He thinks it can, and he's not saying it would, but it can create a jaded view and color someone's choices. He thinks that it's something that needs to be considered again, in diversity. And no offense to Marie, but when you have three members of a family now involved in close borough government and everyday activity, adding a fourth he thinks, begins to get crowded and limits the scope of who they're allowing or who they're choosing to make decisions. They need to include more of the borough, not shut them out. The choice is going to be councils. He doesn't get to make a choice or vote on this, and he doesn't get to choose a person for the Civil Service Commission. He just wanted to throw those ideas out because he would like to see it be widened as much as possible, so that they get the best choices and a diversified group of people. Ben said to clarify this and this is not meant to suggest any person for the office or not, the general rule and this comes right out of the state code, is no commissioner shall at the same time hold an elected or appointed office under the federal government, this Commonwealth or any political subdivision of the Commonwealth except that one member of the Commission may be a member of council and one may be the member of the teaching profession. He knows that that does not bring solace to some, it does not require

council to appoint a council member to the Commission, it allows them to and just one. They may also appoint a teacher because teachers are technically working for a school district, which is an arm of the Commonwealth. This council, if the ordinance were to pass, ultimately would have to start figuring out who would like to sit on that Commission and seat that Commission and that Commission would have to organize within 10 days. He has no inside read on to what this council may do if it passes. The ordinance to it might appoint to those positions. It could be one member from council from the Public Safety Committee. It could be another instrument for council to say that maybe they want just three people from the community at large. In his personal experience, sometimes the problems that they deal with in the borough, it can be a little difficult getting people to join certain committees and commissions. This is a commission that if you have an interest in the safety of your community, you would probably be very interested. Not to single anybody out, but to give another example of someone who's not eligible to serve on the Commission, Mr. Smith because he is a member as an alternative. If someone were working for the federal government, they are not eligible. The state policymakers see a reason that maybe with certain communities, maybe you need to have some opening up because the bodies simply need to fill things that you allow from exceptions for a council member or a teacher. Council does not have to appoint either. Barbara said the one thing that they have to keep in mind is they want the most qualified people. That should be at the top of the list. Qualified and no bias. Laura said as Ben said, it's very hard to get people to get on these committees so she wouldn't exclude anyone in this, and they should make it a case-by-case determination on who it applies to and who it doesn't apply to. That seems to make the most sense to her. Beverly said they have some applications that they would be reviewing. They would also need to do the rules and regs. Ben said the rules and regs are under review by an internal informal committee. It's probably been a long summer for a lot of people, and he does want their comments when those are completed. He imagines there will be some changes to those and would ultimately, have to be adopted both by the Commission and the council, once they are completed. Beverly said in her opinion, civil service just gives another level of oversight, for checking qualifications. The chief does a tremendous job on the background checking and all the officers. This just gives maybe a little different objectivity, particularly when it's a candidate for a position in the police department that's been screened and then the Civil Service Commission does their screening as well. If everybody comes out in the end to the same decision, that's great. Keep in mind that this applies where the borough has a Police Department of less than three members, the borough has a police department of three or more members, if there are members in excess of two or appointed on temporary basis through a federally funded program, volunteer fire department or company that employs its own operators, the borough has less than three salaried apparatus operators. The time is rapidly coming from what they've been told within the next several years, that there will no longer be a fully volunteer fire department. This is something that they need now and tweak it. Ben said the way the decisional law is moving in this Commonwealth, it's moving strongly forward to having a civil service available for employees, especially in the context of terminations. Some of those things can be handled through CBA arbitration process but at least they would have this and also the Civil Service Commission typically, in his understanding of it. Meanwhile not all of them are all perfect. It tries to take some of the favoritism out of the process if they already have the candidates and there is a veteran's preference for the initial hiring. Joe Dudash said that's why he thinks they need time to really write this. This is a powerful board and have subpoena powers and investigative powers. This is not some slipshod committee. That's why they need to take a little more time. He asked what the internal committee is and who is it. Ben said they are reviewing the rules and regs. The draft right now is before the council president, the mayor and the chief. It's an informal discussion on what they like and obviously, that has to go before the whole council. Once those rules and regs are in a form that the presumptive commission might be able to adopt, they would also have to adopt and that's often where a lot of the

questions he believes that he's asked in the course of these discussions are answered. Those rules and regs and the procedure but how you select the candidates. This is more of an authorization statute and then the rules and regs are done under the guise of resolution to be implemented jointly by both bodies. And then the Commission does not function independently of council gets its own solicitor. For instance, David Truelove, his employer serves as the Civil Service Commissioner in Yardley and when certain things can't be resolved through the CBA process, when someone wants to go from the Commission or the Commission wants to hire a new employee for that office or for that department, that's the main, so they're not meeting all the time but they are screening things in the event of a discipline or discharge or termination there. The body that is the more neutral body that is hearing that case and giving a recommendation. Beverly said if anybody wants to see how good this ordinance is, it was a lot of work and their current ordinance on the books is terrible and this replaces it. Somebody at one point in time thought of creating a civil service and they just didn't do it. Ben said the law has been rapidly changing over the last five years in terms of the importance of civil service even in very small communities with police departments. It used to be you would read the code as it's three full time officers. Well, that interpretation has expanded and that's why this is becoming more and more important. Beverly said the PSAB has been talking about that for the past couple of years. Joe Adams said, so they may be forced to do it. Ben said if you don't decide to go through with the Civil Service Commission and you have a condition with an officer that they can't resolve by CDA, they may find themselves in a little bit of trouble. The case law certainly says with respect to terminations and discipline of an officer. There's certainly one side of it that's hard with fast it's only a matter of time that same logic applies. Joe Dudash said that's why he feels that this really has to be written well and there can't be any overuse of political power in this because they have a horrible history. Ben said ultimately, with any Commission, board or anything else, it's council with the plenary power to make an appointment and so far, as you see, council's political or apolitical it's not going to change.

Beverly said if you read this starting at 13-17, there's a lot of checks and balances about competitive examinations, the way to fill a vacancy, how a promotion based on merit needs to be done, notices of vacancy certifications that are required. There are lots and lots of checks and balances on the people that are passing through and are going to be recommended and appointed by this Commission. She thinks it's very well written and it seems to cover just about everything. This is what an ordinance was meant to be. This the creation and the other part, the rules and regs, are the how and when. This just makes the board. The rest of this gives that board specific rules.

Mayor Sodano said what Beverly just said was one of his points in which this allows them. The next step is the one where they define it but to Councilman Adam's point about the necessity and how soon, you'll all notice that there's a lot of language in here that has to do with the fire companies and Councilman Stratz had pointed out correctly, in past few meetings that they're closing in on needing that but what is left is sort of hanging out there. They actually have paid fire people who work within our borough limits although, they are technically employed by Middletown. They don't want to not have something like this, should there be an issue. They don't want to get caught in the middle. So, it's equally as important on all the other EMS as it is on the police that they're discussing but they'll define the parts about hiring their own people in that next step. This just covers them. Joe Dudash said there are a combination of things why he doesn't like this. He still doesn't understand the function of one full-time sergeant and he's taking away four officers. There's a whole mismatch here that they have to look at. He agrees with the fire department but suppose Middletown takes the whole thing. Beverly said they don't know that. Joe said Rich Schramm said it's a good possibility. Everything is a possibility. But as elected officials, they have to think of the taxpayer here. Not to get into the weeds of things,

but their police department is for how many boroughs. He can count three boroughs they are full time police for, and their taxpayers out here are paying it. If they add this on, it's probably going to be \$10,000.00 more a year. Beverly said the other boroughs that she's looked at their budgets for civil service were \$5,000.00 and under. And it looked like they were just putting it in. They weren't spending it; they're putting it in there as a place holder in case they needed it. Joe said there's a combination of things that affect this one. He just doesn't understand the whole thing of losing four officers for one officer. It makes no sense to him and they're still losing officers. He thought this was supposed to stop the guys from leaving. Beverly said they didn't vote yet and it's really not in effect yet and they have to do the rules and regs, so it really doesn't apply to anything happening right now. 5 yes, 1 no (Joe Dudash). Motion carried.

### Tech Committee

Joe Adams said at the last meeting they discussed live streaming or doing video for the council meetings. He met with Geoff and in their discussion, to avoid the question of public comment if they were not to live stream the meetings but if they were to simply have a recording device that recorded the meetings and then at a later time uploaded the meetings to a public website like a YouTube or a Vimeo or something like that, it was kind of casual, informal non legal opinion that if they are recorded and simply uploaded afterwards they don't have to discuss themselves or have a discussion about what constitutes the need for public comment in the access rights and things like that. Ben said some of the larger townships have the ability to get a channel on Comcast. He will need to double check that. Joe said his initial concern with that was he doesn't want someone to say that they made a comment on YouTube so do they get the right to use that during public comment and does that get entered into the record. He still thinks that they can do it at 0 cost by setting up an iPhone on a tripod and sticking it in a corner somewhere and going home afterwards and dumping it to a YouTube page. He'd want to discuss something like that with council. Ben said he will check in with his office. This would not be the first time and won't be the last time that someone, whether it's the borough itself or a member the audience, videotapes a council meeting from the audience. That is their right as a member of the public to sit there and audio and video record a meeting. Ben said he will double check on behalf of borough doing it as a state act versus a private act. Not to pick on Mr. Smith, but if Mr. Smith wanted to record it and live stream it, that is entirely within his prerogative. The video becomes a public record. In light of some of the other cases that have gone out of late, they can't edit that file to perhaps create a false impression of what might have been said or not said at a meeting. A certain governmental entity kind of got a large slap on the wrist for that. Joe said maybe the Tech Committee could meet with or just have an informal discussion with the solicitor's office to make sure that any official plans they do recommend follow a policy guideline, something that they would actually write up and it should just be a couple of simple points of a few basic rules for this is how they would do it. This would be for a population in Penndel that can't physically make it to a meeting but wishes they could still experience it as if they were there. This is kind of like the next best thing at 0 cost. The cost will be incurred in the time and effort it would take to guideline this out and have an official here's what you do, here's what you don't do. But as far as slapping an iPhone on a tripod somewhere and recording video for a couple hours of him swearing into a microphone, from a technical perspective like the solicitor said, as long as they don't edit it and as long as they're not screwing with the footages and as long as they have an easy way to facilitate something like this where they can dump it directly to YouTube. As long as it is decent enough with volume and as long as they guarantee it is and as is service, something that says look we're sticking a camera with a mic up there and the official records are still the minutes that are typed and things like that. This is a public document, but it is not the same as the minutes. He thinks this is a low-cost win for someone who physically can't attend. It wouldn't prohibit them from reminding members of the public that if they can't attend in person that maybe they have an e-mail that should they wish to

send a letter electronically or something. He just wants to avoid any case in which Marie is sitting over there with the laptop reading twitch comments live as they come across. It's not exactly the most ideal situation for them. He's seen when the pandemic started across multiple municipalities, the negative downside of online live commenting at public meetings. He's never seen more racial slurs or offensive terms on a chat than what he's seen coming through government live streamed events. He would like to give people access but he doesn't want to force Marie to start reading certain derogatory terms to council. He thinks video recording is fine and he thinks they could do it at either low cost or small cost and he will talk to Beverly about a cheapo webcam that they might slap somewhere with a microphone. The Tech Committee will get on that. He wanted to discuss that prior to discussing the RFQ, and he knows he received authorization for the RFQ for web and online services. He just wanted to make sure prior to releasing that, having had the discussion they just had about streaming and whatnot, if there were any costs associated or any products associated. He wanted to put that as an item he was saving that off plus, there's one or two other things of late that he has been revising on the RFQ to make sure that they're asking for the correct and right services. A couple of things happened at work recently between them and a vendor that's making him be a little more thorough with the level of service agreement they're getting from their vendors is up to snuff, so he should have response time availability, contractual obligation backup and recovery timelines when they say they have an incident. He had a vendor recently tell him that their services went down due to a power outage, which doesn't make sense. So, there are a lot of questions he had with that, so he's updating based on some of the things that he's seeing. He should have something before the September meeting.

Mayor Sodano said forgive him because he's an admitted techno dope. He said Joe said and it sounded like Ben said the same thing, that there aren't any laws technically governing to record something like that and post it. So, he takes that to mean that anyone from the audience could walk into one of their meetings and set up. Joe Adams said that in Pennsylvania with the way the tech laws are written, you get this concept of assumed privacy. If you're somewhere where there's no expectation of privacy like a public street, he can record you because you don't have any assumed expectation of privacy. At a public meeting nothing they're saying here is private except an Executive Session is very different but right here, right now, there's no assumption that anything being said is private. If anyone in the audience pulled out their iPhone and started live streaming this to twitch, God bless America. It's their first amendment right. There's nothing they can do nor should they in any way attempt to discriminate from that type of activity, unless, they, themselves would want to face some type of counter legal action. Beverly said there's no expectation of privacy as long as they're sitting in this public building except for Executive Sessions. Joe said the only reason he suggests doing it themselves is so that when someone asks them if they have videos of these, they can point them to the official PennDel channel or whatever it is on YouTube. Ben said there is no expectation of privacy under the Sunshine law. In section 711A of the Sunshine Act, borough council shall have the right to use recording devices to record all proceedings. There is nothing in this section shall prohibit the agency from adopting rules and regs for the reasonable use like you don't put the camera in front of everybody so everybody else can't see. There have been members of the public, in his time here who have live streamed a meeting. He doesn't see a particular problem with that. The interesting thing in the generic law is you can videotape almost anywhere you cannot necessarily audio record in Pennsylvania. Pennsylvania has a fairly strong wiretap act that is highly pendant on the expectation of privacy. A borough hall public meeting is not really a private place, not getting into form analysis for free speech, but a different kind of situation. Out in public there has to be an expectation of privacy which he doesn't think exists here. It may not be a bad idea if the borough were to go in such a direction just to advise people that this

meeting is being recorded. John Stratz said back in 2014 or so he recalls a certain lady weaponizing her camera and using it for intimidation purposes. They had a bizarre council back in 2014 and a bizarre president of council and he had a very bizarre wife and doesn't know what she did with it. Beverly said they can't stop the public from recording. John asked if they could stop the weaponizing of their recordings. Ben said weaponizing is certainly a charged word. He doesn't have the facts to kind of evaluate that. He doesn't know if anyone has the particular opinion of weaponizing and that's not to say he's correct or not but without those facts in hands, that is a highly speculative situation. Joe said he believes that John's intent of that question is coming from a very honorable place but as the libertarian inside of him would say, he could never imagine limiting an expression of free speech, which he believes the courts have interpreted. There was just a case recently in which several gentlemen were videotaping a police DUI stop with the intent of broadcasting it and with the intent of shaming the police and the police attempt to then stop the video cost them qualified immunity in court. The officers themselves were directly charged. It was a federal case where the court just totally threw away their qualified immunity and went after the officers directly. He doesn't want to see people harassed but he just doesn't know that they have a leg to stand on with that. Ben said if they have someone putting the camera up in your face, you probably have a little bit of a right to ask them to remove it, but he struggles to see the limits of people as long as they're not being disruptive to a meeting. The times that he's been here when that happened the two times that he can remember off hand, they were not disruptive. Joe asked if they need to give guidelines of like if they wish to set up a tripod or if they wish to film. Ben said need is a strong word. They may as long as they're reasonable and use common sense like you need an aisle for people to get out. You can put it in this place as long as they're not blocking somebody. That would be reasonable restrictions.

#### New Business

MOTION BY JOE ADAMS TO ADOPT RESOLUTION #2022-13 OPPOSING THE SALE OF BUCKS COUNTY WATER AND SEWER AUTHORITY'S ASSETS TO AQUA PENNSYLVANIA. SECONDED BY JOHN STRATZ. Joe Dudash asked if he were reading the Doylestown manager's e-mail where he said that only the townships can respond, and he would represent them. Beverly said they asked them to support it with their own resolution and he said something about he would take all the borough's resolutions to the in-person meeting. Joe asked if it sounds like the townships have the power. Beverly said they're the bigger authorities than they are. Pennel is a wholesale customer. Joe said the report they got about the rates is outrageous. Hulmeville has it and it's bad. He said it'll be like Waste Management. They'll be taking over everything. There'll be no competitive prices or competition. Beverly said this is just the sewer portion of it. Wait until they go after the water. Joe said he thought it was the water. It pays for them to keep the sewer. Beverly said they have the system, but they charge us the rates because they are wholesale customers for sewer. Joe asked if this meant they'd be taking over the pipes and everything. Beverly said no, they would charge us to get rid of the wastewater that flows down the interceptor. Joe asked if they are intending to sell the water too. Beverly said they don't know. This is just for the wastewater. John said there was a charter created that created Bucks County Water and Sewer Authority. Getting rid of the drinking water itself would mean a major change to the charter, which they would not be allowed to do. Just selling sewer is not horrible therefore, they can get away with it. Joe Adams asked if it was the sewer that they sold for \$2 billion. John said it is the wastewater system, so the sewer rates are going to shoot through the roof if this goes through. Joe Dudash said it's like they always lay low for three or four years. Beverly said they were told one year. John said being a wholesale sewer provider, they won't get a 10-year moratorium. Pennel's will skyrocket in one year because they are wholesale. Beverly said that's why the work they've been doing on the sewer system that's when it becomes even more critical because if they keep their flow rates down and

keep all the infiltration down, maybe it'll help. Carol said they have a meter where the sewer leaves the borough, and the borough is paying by the gallon that we send down the Neshaminy interceptor. Beverly is correct when she said there is I and I and they're paying by the gallon for that gushing storm water going down the system. Whatever they can trim is going to help save money. New connections help actually, because it generally helps spread costs. If they get a new development that adds new connections, they're also paying sewer rates, so that's not the problem. The problem is when you get water coming in during a rainstorm and you're paying by the gallon to treat rainwater, that's just crazy. That's where the I and I work that's been ongoing really does have a value. She did a presentation years ago on another community where they actually saved more money than they spent. They spent a couple \$100,000.00 and they saved more money than that in sewer treatment costs. Joe Adams asked if she has a status of the sewer system and have an estimate of how much rainwater or whatever extra water that is not shit water is getting flushed down into these sewers. Carol said they do have a surge with every rainfall to be sure, so they're going quadrant by quadrant to try and work on that. Beverly said it's gotten better but they've had it for years. Carol said they do reports semiannually, and they go to Bucks County and to the DEP. She can make sure he gets a copy of that report. It shows all the work that they've done in the past six months to a year. It shows laterals that have been repaired under the lateral inspection program. Beverly said that's why we adopted that ordinance. Carol said this last video inspection they repaired; she thinks it was thirteen leaks. She had it in her last council report and then smoke testing. Joe Adams said this sewer could become a critical infrastructure problem for them is what it's sounding like. Beverly said it already has been. Carol said they were actually under a moratorium for a while until they started to get this under control. Beverly said they did a lot of work to try to get them out of that moratorium, so we could get new connections. Joe Adams said don't take his comments as a way to try to say that doesn't think they're not improving on this. This is one of those issues that nobody gives a shit pardon his French, if they're paying extra money on the sewer bill and now it's being sold and the rates are going to skyrocket, it just hurts everybody. He's asked you for one DEP report or whatever it was. Now he is going to ask her for another. Carol said they're actually working on the report right now for this past half year so that'll come forward when it's done but if he wants in the meantime, she can send the last Chapter 94 report. Beverly said if he wants some light reading, read the Act 537 report. Joe Dudash asked if the commissioners can stop this because it seems like the PUC, and all is in favor of this. Beverly said she thinks the commissioners are the ones that are selling it. Mayor Sodano said the commissioners appointed a committee that has recommended to sell it. Since the commissioners appointed the committee, they're going to take that advice but now that everyone has pushed back, and he means everyone. He doesn't know of one municipality that hasn't pushed back. There's likely going to be a whole lot of weeping and gnashing of teeth over this. Beverly said all they can do is what they're doing, protest. John has been on every web every time they do live voicing displeasure. He's been to all those meetings with them about this and he's not happy. Joe Dudash asked if John thinks it's a done deal. John said, personally he thinks it is unless they as a county really hammer at this. The head guys at Aqua are kind of like used car salesmen. It's amazing that's how they come across and he really does not trust them. Channel six and channel three on the six o'clock two weeks ago had a full report on the TV news about how Aqua is interviewing some of their customers and they're saying rates have gone up 50% and everybody is screaming at Aqua right now even though you'd think they would lay low and try and get the sale to go through. They're not. They're just like to heck with the bad publicity for raising the rates right now. Beverly said they are becoming a giant utility. Joe Adams said you lose the advantage of capitalism and free market when a monopoly prevents competition. Beverly said Aqua used to be small. Now they're gobbling up stuff. All ayes, motion carried.

Mayor Sodano said since they were just discussing that water thing, he was just curious if anyone else noticed that even with the drought that's been going on, the water was still pouring on Bellevue Ave. from in between all those buildings until Bucks County Water took these pipes apart on Centre St. Within two days of when they broke ground, the water stopped. Beverly said she did not notice it. There's Centre St. then Lincoln Ave. and then Bellevue Ave. so it's two blocks in between. She wouldn't have any clue what the underground pipe structure is in there. It's interesting and is it a coincidence. Mayor Sodano said he doesn't believe in coincidences.

#### Public Comment

**Mike Smith**, passed out a letter for council to be read and said that's his public comment. He hates to interrupt anybody's tick tock or videos or anything. Beverly asked if she needed to read this into the record. Mike said it's so Joe understands. Joe Adams said Mike is referencing that he told him he wasn't listening during his last public comment and then he went on Facebook and alleged that he and Gary were watching videos during his public comment. Mike said they were. Beverly read Mike's letter which is attached.

#### Council Members to be Heard

John Stratz said three weeks ago he was accused of hating Republicans. This was carried so far that the mayor made a report to the district attorney's office, who of course called the council president for verification who then gave the District Attorney representative the real truth. This was followed up by the mayor seeking a reporter from the Courier to interview him and his first question to him was, John why do you hate Republicans? He of course explained that only two people at the earlier meeting deserved his anger and most definitely not the whole of the Republican Party. To show solidarity with the Republicans, I wear this red Hawaiian shirt and shake hands with the mayor, and he means no disrespect.

Laura Germain said she forgot something in her report earlier. She is working on the newsletter so if anyone has anything they want to put in the newsletter, which she hopes to have out in the next few weeks, let her know.

Joe Adams said to John Stratz that he couldn't tell who the Republicans were that he was angry with from his particular comment. But he likes the way that that was addressed and handled, and he thought that was a very nice literal reaching across the aisle. That was very nice of him. Joe asked, regarding the Mike Smith statement, how did Mr. Smith know what was being discussed in an Executive Session. Mike said he sat right there and said it. Joe asked Mike what he said. Mike said that they were back there talking about the fence. Joe said no he didn't. Mike said oh yes, he did. Joe said he said that he got tired of what they were talking about, so he left. He asked Mike what they were talking about. Mike said he made the statement that he's tired of hearing about the fence. Mike said he said that. Joe asked when. Mike said when you were sitting out here and he said to him, oh you didn't want to be back there, huh. Joe said he was tired of hearing about what they're talking about. Joe said he can play it on his phone. He didn't use the word fence. Joe said it's convenient that it wasn't on a recording. It almost seems like that entire session was designed, but that's speculative and he's got nothing about that one. He missed the rest of that comment though because he wasn't paying attention for most of it. But what is interesting about that comment is that yet, Mike felt so upset that he wasn't paying attention to his public comment that he went home, and his friends were telling him on Facebook, because he doesn't have Facebook or tick tock or anything like that, that he lambasted himself and Mr. Nickerson. What he will tell you is that he and Gary were discussing the upcoming RFQ and that's what they were talking about. When Mike told him to pay attention to him, Joe said he told him he was actively ignoring him which he did, and

he doesn't think there's any reason that he's allowed to not ignore someone. He doesn't know how that works but in general he doesn't think he has to listen or pay attention to any particular public comment as a member of elected body, and he is absolutely tired of hearing about the fence thing. He doesn't care about it anymore. He doesn't want to take any more Executive Sessions on it. They pay the lawyers to deal with it. The lawyers will deal with it, and he thinks it's a giant distraction that chews up a lot of time conveniently, when they have other pressing matters that they probably should be paying more attention to. And that would be his particular position on that.

Mayor Sodano said earlier when they were discussing the videos, etc., Councilman Adams made a statement that nothing they discuss is private and he agrees with that statement. He thinks that anything that gets discussed, especially if it's been discussed twice in the public forum here, is not private. So, with all due respect, he doesn't understand why anything that has to do with council meetings and what was publicly discussed would be protected by right to know. Ben asked if this is during a council meeting or an Executive Session. Mayor Sodano said council meeting. Ben said if something is said during a council meeting, that is public record. Mayor Sodano said thank you very much. Ben said to clarify just for the purpose of the record, if there's a matter discussed in Executive Session with their legal counsel that is protected by attorney-client privilege, he would strongly recommend that if in that circumstance they were to have, that they do not waive their attorney-client privilege. If however, there's a matter discussed on the floor here and it's appropriate to be discussed on the floor here, then that is public record. Mayor Sodano said to that effect, considering their track record with they talk about transparency, they don't have video and if someone wants to hear the audio, they have to make an appointment to come here during business hours. That's the only time so if it's someone who works and couldn't make the meeting anyway, the chances of them being able to come here in the middle of the day to listen to the audio are probably not any better and this is important because when you look in the perspective, the meeting minutes from July 18th were an anomaly, somebody who's on vacation and he's not discussing them, however, the meeting minutes for April, May and June were not posted until the first week of July. He thinks that any member of a voting municipality who wants to take the temperature of the voting public of the people who elected them by putting something online, he applauds that person. He thinks that they probably have a lot better understanding of what's going on online than he does and if they can use a medium like that to take the temperature of the voting public, he thinks they should.

Beverly said there were some documents posted online on a social media site that were given to council at the last meeting which included a proposal which had not been signed or approved from their engineering firm with regard to the front door project. It was the papers that she gave out to council that day and they discussed. They were freely given by somebody here to a member of the public who posted them online. She had conferred with the solicitor on whether those were documents that the public should readily have. They've talked about those doors for months, but the actual documents are part of a process and when they would have gotten the final estimates and bids on it and gotten to the point where they're going to sign the agreements with Gilmore, then it could be given to the public. As far as the solicitor was concerned, those documents should not have been given out to the public. Mayor Sodano asked if Mr. Truelove said that. Beverly said yes. She said their engineering firm also knew because she made sure they knew that their proposal was posted online. They weren't happy about it. Mayor Sodano said this was discussed. Beverly said it was discussed but their actual document, the contract with the borough was out. It was posted out on that site. Beverly said they can agree to disagree.

MOTION BY JOHN STRATZ TO ADJOURN THE MEETING AT 9:45 P.M. SECONDED BY BARBARA HEFFELFINGER. All ayes, motion carried.

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