

## MEETING MINUTES

### FOLCROFT BOROUGH COUNCIL MEETING

**JANUARY 19, 2021**

PRESIDENT – Joseph Papaleo: Call the Council Meeting to order at 7:00 PM

Mayor: Flag Salute and Invocation.

Council President Papaleo led the Flag Salute in place of Mayor Frey, who was absent. Council President Papaleo called for a moment of silence for all those who have died as a result of COVID 19 and for Troops stationed in the Capitol. Council President Papaleo noted that Folcroft resident Sara Ropski is stationed at the Capitol and thanked her for her service.

Roll Call (Council President Papaleo, Councilman Kyle Willis, Councilwoman Leigh Daly, Councilman Nick Waters, Councilwoman Malinda Isaac, Councilman Jason McGuigan was not present, Councilman Robert Ruskowski was not present, Mayor Bob Frey was not present, Solicitor Alex Baumler, Secretary/Manager Andrew Hayman) were present.

Council President Papaleo asked for confirmation that the bill lists were included.

#### **Audience Participation**

Manager Hayman read the following public comment from Sandra Adams, verbatim:

“Hi Andrew, per our conversation, here is a follow up email with suggestions I have regarding code violations, specifically for grass above 6 inches. Improvements for Borough Council to consider: background for Folcroft Council if you want to share it with them: On late Monday, 10/19/2020 after 6:30 p.m. (my mail on Bennington comes after 6 p.m.), I received a code violation for grass over 6 inches long. It was an envelope listing the fine and stating I had 10 days to pay The envelope citation was dated 10/15/2020. On Tuesday, 10/20, (the next day after I received the violation notice, I called Borough office and left a message on the code enforcers voicemail, as the secretary could not answer my question as to why I received the violation (at that date, my front and large back yard were not even more than 1 inch long, my little plot of grass outside my back door was possibly 1-5 inches. That plot grows faster) and how to dispute it. The secretary asked me to leave a message for the code enforcer on voicemail. Which I did. I called back, Wednesday, 10/21 and left messages on the secretaries and code enforcers phone.. That day I, also went to the Borough office and dropped off the envelope with my check, as the citation only gave me 10 days to pay, AND I DIDN'T WANT ANY FURTHER CITATIONS. On 10/23, I spoke with the borough secretary, again asking who I can talk to to dispute this citation, and see if they received my check. The secretary recommended I send an email to see if I could dispute this violation. I did. You investigated and found no record of the violation, and, also discovered the check was nowhere to be found in the Borough office. We assumed it was lost for good. You also, stated this violation was a mistake, and I did not owe the \$25. We left it at that. I spoke with my bank, and since the

check was only for \$25, and it cost \$35 to cancel the check, I just let it go, which I did, assuming it was lost. This Monday, 1/11/2021, I saw (late in the day) on my online bank statement that check was pending. I called the bank this past Tuesday and they said that check had been cleared. I called you and emailed you. You had me call my bank back for further information, and they informed me that check was deposited in the Folcroft Borough Account. Per your investigation and our conversation it was deposited by Borough Office, it should never have been deposited. You agreed the borough office will reimburse me the \$25. We also discussed the improvements you have made to verify you have records that others who need to access, in borough office cannot access. I'm so happy to hear of the great improvements made to keep this from happening again. We discussed 2 concerns that you suggested I email you to have borough council look at 1st concern: instead of citing right away, can we give 1st time violators a warning, then a citation the second time, or within a certain amount of time if the warning isn't corrected. 2nd concern. It is unreasonable to request a citation fine be paid within 10 days. That does not give the resident proper time to accrue the money for the fine. Doesn't give time for the resident to dispute the citation. I urge you to look at allowing more time, possibly 30 days for violations to be paid. Could you present whatever background necessary to Council, and my 2 concerns, so they can look at how to improve citations and make them reasonable for residents. I fully understand we have repeat offenders, but most of our residents do our best to abide by the codes. Also, council needs to ensure residents are more aware of all codes. Thank you for your help and time. Sandy Adams 736 Bennington Rd. Also, Andrew, I sent you another email asking if we can make arrangements for me to pick up the reimbursement check at the borough office? I have several appointments and things to do and it would be easier for me to arrange a time to pick it up while I'm out. Again, thanks for all your help, Sandy. 610-529-3542."

Manager Hayman started out by explaining that he was unaware of where the ticket went. He explained that in October, 2020 he and Chief Bair had met behind Ms. Adam's address and had noted various code enforcement violations from neighboring properties. He then directed Mike Possenti, who was then doing code enforcement, to investigate this area and issue citations if needed. Manager Hayman said that he was immediately aware that this was a mistake and had volunteered to drop the citation immediately. Council President Papaleo speculated as to whether Mike Possenti had actually visited the address. Manager Hayman explained how the previous ticket system had worked, noting that there was no accurate filing system nor way to search these issues. Manager Hayman explained how the new system that he implemented in 2020 worked and how tickets and payment information were recorded to identify repeat offenders and unpaid tickets. He said there is also a shared file so that staff can confirm what fines were paid. Manager Hayman also suggested a 10 dollar administrative fee to be added to all delinquent fines along with a reminder mailer as there are expenses associated with reminding the resident. Manager Hayman said that Ms. Adams would receive the reimbursement on January 20<sup>th</sup>.

Council President Papaleo asked when the citation was issued. Manager Hayman said October 15<sup>th</sup>, however it was not received or paid until after the Possenti's final day on October 20<sup>th</sup>. Council President Papaleo asked how the payment system is currently done. Manager Hayman said a copy of the check and the fine are copied and set into a file. The check is then put into a zip up bag and then given to e-

Collect to be deposited. Manager Hayman elaborated that Ms. Adam's check had been deposited in January. Council President Papaleo officially apologized to Ms. Adams and said that he hoped it would not happen, again.

Council President Papaleo said he was not opposed to the warning system but said he liked the idea of sending out a newsletter to every address in the Borough and said that this would be his warning. Councilwoman Daly suggested that this be done via a magnet which also includes trash days/recycling and codes as residents might throw out flyers. Councilman Willis suggested getting enough to mail out but also enough to have on hand to distribute at events and in the office.

Council President Papaleo asked who would put this together and said it should be proof-read. Council President Papaleo said that in the Municipality that he works in a calendar is sent out, though this will turn to a biannual newsletter. Council President Papaleo suggested doing something similar in Folcroft. Councilwoman Daly said her mother lives in Aldan and residents receive a piece of card stock with a magnet and includes important information about fines, street sweeping and other information as a reminder. She speculated that a resident could come and get a copy when they visit the Borough for a recycling bin. Council President Papaleo suggested reworking the Aldan mailer. Council President Papaleo thanked Ms. Adams again for her constructive criticism.

Councilman Willis mentioned the timing that violations need to be paid by. With mail taking sometimes months to arrive, he suggested that the Borough be more understanding of this fact. Councilman Willis said that parking tickets normally provide you more time to resolve the issue. Council President Papaleo said that considering everything going on that 30 days is enough. Councilwoman Isaac said that she had ordered something on December 4<sup>th</sup> and had only just received it. Council President Papaleo said that the objective with Code Enforcement is not revenue but correcting the issue and speculated as to whether it would be worth giving residents 10 days to contact the Borough. Manager Hayman confirmed that this is generally already being done. Council President Papaleo was concerned that the 30 days would leave people too much time and they might not address the issue. Councilman Willis said he agreed but thought that some residents might not correct issues regardless of the amount of time that is given. Councilwoman Daly suggested making it 10 days from the postmark. Manager Hayman said that they are no longer mailed. Councilwoman Daly noted that this takes away the concerns about the speed of the mail.

Councilman Willis said he wasn't necessarily suggesting a decision tonight but that it was important to have the discussion. Councilwoman Isaac said she agreed with directing residents to contact the Borough within 10 days and then, hypothetically, have them correct the problem in a reasonable amount of time. Council President Papaleo directed Manager Hayman to make this discussion a priority for the next committee (workshop) meeting. Manager Hayman agreed to put this item on the agenda.

### **Engineer's Report**

Engineer Lisa Catania noted that Council has a copy of her report. She said that we are waiting on some revisions for Popeyes as there is too much impervious service on the second lot. She believes they will

begin shortly. She noted that there may be some rewording needed for the plan reviews and said there would be an updated escrow for that phase of the development.

She said that everyone should see the updates for safestor. She said that there is mud on the street and the developer was written up by the soil conservation district for violating the clean water act. She said that she would report it again if it continued and if the tire scrubber isn't in order there will be mud out on the street.

She said the Community Development Block Grants are out and the Borough should be able to get going by April. She said that HUD is working on the applications and reviews right now. She said she has not yet hear from DEP for the small water and sewer grant that the Borough receives. She said there is \$34,000 that should be used by summer, 2021. She said this should be used to replace the flow meter as the Borough does not currently have one. She said she requested this over two months ago and she had not received it yet. She said she is waiting on the quantities for the former proposal and it is cheaper to advertise two projects together than separately – approximately \$600.00 in savings. She said the Borough will not start paving until April when the plants open, anyway.

Lisa Catania said the Delaware County Planning Department is looking for all municipalities to insert various projects/wish list projects that are transportation related – whether a bike path or street scape. She said there is a list of traffic signal inspections that has not been completed from last year. Or if PennDOT runs a green light go project the Borough could apply for those funds as well. She said that Delcora has sent an email seeking a copy of the resolution for asset transfer. She said she met via zoom with the consultant who is doing the long-term control project, which is a tunnel from Darby to Chester City – 11 feet in diameter and 80 to 100 feet deep – will go through Folcroft and probably Norwood. She said all municipalities were invited to attend the zoom meeting. She said all of the flows going to Philadelphia which the Borough is being surcharged for will instead go to the sanitary sewer plant in Chester. She said this will convey flows from upper, eastern Delaware County to Chester and should save the Borough some money. They will be looking for permits and a contractor's license as they will be working in Folcroft although none of this will be seen as it will be 100 feet deep. Lisa Catania noted where the work would be done on the surface at each pumping station. She described the process of boring the tunnel, which was compared to mining. She said she met with one of the contractors today as they need to check ordinances.

Council President Papaleo asked if a check for a fee in lieu had been received. Mike Hill said he was not aware though he had no record of it being received. Lisa Catania explained the process for receiving it and said that it had not been received yet. Engineer Lisa Catania said that her office has been receiving calls from various departments letting her office know about Grant funding that is available. She said that DCNR Grant funding is opening and the deadline is the second week of April so Council may want to consider this. Manager Hayman noted that the Borough is not currently eligible for DCNR funding because we are not in compliance with the Land and Water Conservation Fund.

Engineer Lisa Catania said that she had found a map given to a prior Borough Manager when the Borough was told it wasn't in compliance. Manager Hayman said he met with them virtually and that the

Borough has received funding for four properties – and is not compliant at three of them. The Borough could purchase property, even in a neighboring municipality, but that it has to be another piece of property not currently owned by the Borough if the Borough does not make the original site compliant. Engineer Lisa Catania said that one property was sold to Suburban Concrete years ago. She said that Jim Costello, the owner, has the proof of purchase in his safe. She said that the property needs to be comparable and questioned whether this needed to be comparable in 1995 land value or today's value. She said the second one is easier as it is behind the municipal building – the salt shed now located where the old "tot lot" was. She said the third location is in Montgomery Park as someone was dumping and residents have encroached with structures onto Borough property. Lisa recommended doing a property survey and then let residents know in this area however this did not happen. Manager Hayman said the final property is where the new Borough Hall will be built – it is currently compliant however it will no longer be compliant when the construction begins. Manager Hayman said he spoke to DCNR about this and notice was sent in 2017 or earlier and nothing was done.

Council President Papaleo said that the Community Center is a recreation facility. Lisa Catania said that this money is only for outdoor recreation. Council President Papaleo asked for an example of a DCNR Grant. Engineer Lisa Catania said the grant that was given was \$5,000 for each of the sites. Council President Papaleo asked if this disqualifies us for any future grants. Lisa Catania said she has gotten grants for \$60,000 and \$300,000 and it depends on the scope of the project. Lisa Catania said that some grants are only eligible to "small" communities designated as under 6,000 people. Manager Hayman confirmed that DCNR would not be able to negotiate here.

#### **Public Finance & Administration - Mr. Papaleo**

- A motion to approve the bill list for the month of December, 2020 was made by Councilwoman Isaac and seconded by Councilman Willis. The motion passed unanimously.
- A motion approve the Treasurer's report for the month of December, 2020 was made by Councilwoman Isaac and seconded by Councilman Waters. The motion passed unanimously.

Council President Papaleo asked if anyone has any questions and said that members should always feel welcome to contribute if needed. Councilwoman Daly said that she loves the Treasurer's reports and thanked Mike Hill for his work, noting it is more accessible.

- A motion to approve the December 1<sup>st</sup>, 2020 Committee Meeting minutes. December 15<sup>th</sup>, 2020 Council Meeting minutes and December 31<sup>st</sup>, 2020 Budget Meeting Minutes was made by Councilman Willis and seconded by Councilwoman Isaac. The motion passed unanimously.
- A consideration of two financing options from United Rentals for a Backhoe was discussed. Manager Hayman clarified that this is not a motion, but two different financing options and that we had some delays in getting it. Manager Hayman said that the Backhoe considered was priced at \$51,300 but after Shawn Payne found several repairs and because of these concerns, the price of the vehicle was lowered to \$49,000. He said he spoke to United Rentals financing and two financing options – one for 24 months and one for 36 months. He noted that solicitor Alex Baumler was comfortable with both

options. Manager Hayman noted that if liquid fuels funds are used in bulk this would credit the Borough for the remainder of the payments. Manager Hayman suggested the 36 month financing option was best and to then use the liquid fuels funding to repay a portion. He said the Borough could expect up to 20 percent of the annual allocation, which should come to approximately \$30,000.

Council President Papaleo asked if the Borough should finance the item and then make a significant principle payment and continue to finance the remainder. Council President Papaleo suggested that the Borough could also use capital outlay funding of \$40,000 to finance both this and a Ford F350 which will be discussed later. Council President Papaleo said that liquid fuels funds could be used to make a principle payment on the Ford F350 at a later date. Manager Hayman said that the Borough might not be able to use the same percentage of the allocation for this. Lisa Catania advised members to remember that the Borough has an \$800,000 road program that the Borough has authorized to bid and to be conscientious of this. Council President Papaleo said that there should be \$400,000 from PECO and \$400,000 in the account. Manager Hayman said the Borough gets about \$154,000 per year in March/April of the year. Council President Papaleo said that Highway Funds should be flush.

Manager Hayman asked Solicitor Alex Baumler or Mike Hill whether the purchase needed to be made in the year 2020 to be counted against the 2020 budget or did the agreement to purchase the vehicle need to be made in 2020. Council President Papaleo suggested down payments for both vehicles and then finance them. Mike Hill said that the Borough should be able to do this. Councilman Willis asked if the financing would be structured the same way depending on who financed them. He said it was a question of whether or not the Ford dealership would operate the same way. Councilman Willis said this was identified as the greatest need for 2021 and that Shawn Payne had suggested we use the allocated funding for this. He said that we can discuss financing options if needed. Council President Papaleo asked what United Rentals needed from the Borough. Manager Hayman said that a large principle payment on the loan would not lower payments. Manager Hayman said that this would just be considered an early payment. He said that he could not confirm that the Ford could be financed and that while he could not confirm financing options for this, he suggested that he could get them.

Councilwoman Daly said that the payment plan for 34 months would be \$1,400 and for 22 months it would be over \$2,000 per month and asked how much had been allotted for the item. Manager Hayman explained that for the initial bid, Council had sought up to \$30,000 and liquid fuels could pay for about \$30,000. Mike Hill said that the Borough has enough cash in the general fund to pay for the backhoe. Councilwoman Daly asked why the Borough is financing if they don't have to. Council President Papaleo said that the Highway Department needs this vehicle and a wood chipper and that either purchases can be staggered or they could be financed all at once. He said this would expedite getting things done for the Highway Department. Mike Hill said the 4<sup>th</sup> quarter real estate tax isn't due until January 31<sup>st</sup> and that with payroll to be considered Mike Hill advised financing the vehicle. Council President Papaleo noted that if the Borough pays outright for one and then finances the other vehicles, we will have exceeded the amount allotted for that year for the Highway Department.

Councilman McGuigan asked what the vehicle was. Council President Papaleo explained that it would be as a plow. Councilman McGuigan suggested using an old, outgoing Police vehicle as a plow and that he

believed the Police were rotating out a truck last time. Chief Bair said that he didn't intend to rotate anything out this year as the Department is down on vehicles for patrols, though he noted that it should not be an issue. Councilman McGuigan said his idea wouldn't work anyway as his vehicles couldn't handle a plow.

Manager Hayman reiterated that the Borough also needs a lawnmower and other day-to-day items that are needed and that while it is annoying to spread those items out over a period of years, it would give the Borough equipment up front. Councilman McGuigan said that it sounds like the Highway Department needs the equipment and asked what the finance charge is. Councilman Willis said that over the 35 month payment option it would cost over \$53,000. Councilman McGuigan suggested that this is a reasonable amount. Councilman Willis said that the 22 month option is \$52,000. Council President Papaleo and Councilman Willis discussed the verbiage and how a lease-to-purchase with a \$1.00 purchasing option works.

A motion to opt into the 34 month financing option for the 36 month lease with a 1 dollar purchasing option was made by Councilman Willis and seconded by Councilwoman Isaac. The motion passed unanimously.

Council President Papaleo asked to have the vehicle to be delivered by the end of the week.

**Public Works Committee** - *Mr. Willis*

- A motion to advertise the Code Officer position was made by Councilman Willis and seconded by Councilwoman Daly. The motion passed unanimously.

Manager Hayman said that the idea was to bring permits, inspections (and especially use and occupancy inspections) and other items to an in-house employee, which he said was realistic and appropriate. He explained that he had worked with Charles Catania and Michael Diaz to create the job posting. The job would cover concrete pouring and other non-structural permits. Manager Hayman reiterated that this would be an in-house employee. Manager Hayman said that right now 50% of the revenue from these items is already spent to Catania engineering and that this cannot exceed the amount. The budget currently lists \$143,000 in net revenue for these services. Manager Hayman said he understood there is a pool of potential employees for this so far as he understood and potentially our current code enforcer might be able to perform some of these services as well. He offered posting the job and not hiring, not yet posting and going back to the drawing board as options.

Council President Papaleo suggested running the position and seeing what employees apply. Councilman Willis said that we can post a job and see who applies and reminded Council that they do not need to hire immediately.

Councilman Willis made a motion to advertise the Code Officer position. Councilwoman Daly seconded the motion. The motion passed unanimously.

- A background discussion of purchasing a new F350 for the Highway department at \$38,545 was had. Councilman Willis said that the current vehicle may date to 2004 and there are some maintenance

issues that have come up. This vehicle was identified as the most necessary vehicle that could fall under capital outlay and is their top line item. He noted that the pricing comes out to \$383,222 after pricing was sorted out. Council President Papaleo noted that he was looking at the warranty option. Councilman Willis said that the vehicle would not be delivered until 4 to 20 weeks after being ordered and payment is due 30 days after delivery. Manager Hayman was unaware if there was a financing option. Councilman McGuigan said that it might be worth waiting to purchase the vehicle in September as property taxes come in. Council President Papaleo suggested waiting to find out if financing is an option as the plowing season is almost over.

**Public Safety Committee** - *Mr. Ruskowski*

Councilman McGuigan said that today is the national day of remembrance for all those who have passed away due to COVID and the County put on a ceremony and the Police deal with it every day. Councilman McGuigan also noted how to see about getting a vaccine.

- A motion to approve the Police Chief's Report for the month of December, 2020 was made by Councilman McGUigan and seconded by Councilwoman Daly. The motion passed unanimously.
- A motion to approve the Fire Chief's Report for the month of December, 2020 was made by Councilman McGuigan and seconded by Councilman Willis. The motion passed unanimously.
- A motion to approve the Fire Marshall's Report for the month of December, 2020 was made by Councilman McGuigan and seconded by Councilwoman Daly. The motion passed unanimously.

**Public Health and Literacy** - *Ms. Isaac*

- Councilwoman Isaac said there is no new business but the Library is closed until next Wednesday.

**Municipal Planning and Zoning** – *Mr. Waters*

- Councilman Waters had no new business.

**Public Parks and Recreation** – *Ms. Daly*

- Councilwoman Daly made a motion to contribute \$125 to the Darby Creek Valley Association for their creek cleanup and to help meet our NPDES. Councilwoman Isaac seconded. The motion passed unanimously.

**Municipal Legislation** – *Mr. Waters*

- Councilman Waters had no new business.

**New Construction Committee** – *Mr. Willis*



- Councilman Willis noted that the Borough has closed on our loan and that this process has completed. He said he would update council when contracts could be signed and when there was a construction schedule.

#### **Parking Permit and Paving Committee** – *Mr. Willis*

- Councilman Willis said he has been busy this month as he is now working in-person in school and he did not schedule a committee meeting so he has no new updates. He looks forward to having more updates in February. Council President Papaleo said that he knew some residents who were interested and wanted to know if more people could get involved. Councilman Willis said he believed that Council President could simply appoint them.

#### Police Chief's Report

Chief Bair said the new vehicle that was purchased has been lettered and is out back. He said there is another vehicle out back from the County which is an F350 to go to SWAT calls. He said the paving is going to restart tomorrow and will be this week and the rest of next week and possibly further. Councilman Willis asked for updates about this work. Chief Bair said that he understood there would be work on the 1100 block of Taylor Drive and that he would post this on Crimewatch. He said he would post updates tomorrow morning.

#### Solicitor's Report

Solicitor Alex Baumler had no separate report.

#### Finance Director's Report

Mike Hill stated that the Muckinipates authority and Darby Creek Authority are past due. M&T bank and Republic bank do not have quite enough funds to comfortably cover them. He said that he was not clear if they were aware of they were affiliated with Delcora or if there are separate entities. Councilman McGuigan noted that they are separate from Delcora and are independently run and they are who we pay to get our sewage cleaned. He said they are looking at another 10% increase next year for both authorities. Councilman McGuigan said that payments would not come in until March and that there was a time that they were four consecutive quarters behind and that payments would be made when large amounts of sewer funding comes in. He said we should be caught up from the point we were behind previously and as long as you are in communication with them they should be reasonable about interest payments.

#### Borough Manager's Report

Manager Hayman said that he had already sent out a report last week but as an update, which was addressed by Councilman McGuigan, he has already signed up staff for the COVID 19 vaccine. He said he spoke with County Councilwoman Schaffer and that he had requested 50 spots for vaccines as employees and possibly elected officials would qualify. Manager Hayman said that essential Borough contractors may also qualify for the COVID 19 vaccine as they are also vital – including engineers,

finance and legal representation. Solicitor Alex Baumler said that this is currently the case in Montgomery County and things could be updated again. Councilman McGuigan said that the elderly should be in before people who attend zoom meetings. Solicitor Alex Baumler noted that these people had been upped to 1A and would be prioritized. Councilwoman Isaac said that she still hasn't gotten the vaccine despite working in healthcare. Manager Hayman said he was happy to abstain from getting a vaccine if his staff could get it first, however our Police and Highway Department are out on the street now and these services are essential. Chief Bair said that staff are getting shots tomorrow from 11:00am to 2:00pm at Fitzgerald Mercy and not all officers would like to get it.

Council President Papaleo said that officers that are rejecting the vaccination and that the current Borough policy stipulates that staff do not need to take sick time if they get COVID 19 as they will be given unlimited paid days off – he said that if the vaccine is made available and an employee were to reject it and then contract COVID 19, they would no longer be given unlimited paid days off. Councilman McGuigan objected and noted that he cannot currently get the vaccine as he has too many antibodies. He said this was not a choice. Councilwoman Daly said that people who have recently had COVID 19 are forced to wait. Council President Papaleo said that this was targeted to officers who have not contracted the virus and could get the vaccine. Chief Bair said that there is an officer who received a flu shot last week and was not able to get the vaccine yet. Council President Papaleo reiterated that people who have religious or medical exemptions would be not be required to get the vaccine. Council President Papaleo said that after the CARES act ended, the Borough will not be reimbursed for expenses incurred as a result of being off due to COVID 19. Council President Papaleo said he wanted to continue allowing people out as he does not want staff who are sick to come work. Manager Hayman said that these policies are a topic for executive session but that Borough Labor Counsel had advised that the Borough could require staff to get a vaccine unless they can prove a valid medical or religious exemption but that more details should be discussed in executive session. Councilwoman Daly reminded members that the vaccine does not guarantee 100% protection from the virus and a single shot does not come close to protecting you and employees should still be given time off as an asymptomatic person could still theoretically spread the virus. Chief Bair and Council President Papaleo discussed how he checks for symptoms.

There was no old business.

Council President Papaleo noted there was a resolution under new business and asked Manager Hayman to read it.

Manager Hayman read the following resolution into the record, verbatim:

**“A RESOLUTION OF THE FOLCROFT BOROUGH COUNCIL, DELAWARE COUNTY, PENNSYLVANIA, REGARDING IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES**

WHEREAS, President Donald J. Trump has actively incited an armed insurrection seeking to subvert the Constitution and void the results of the free and fair election of the President in 2020 in violation of his oath to uphold and defend the Constitution of the United States.

WHEREAS, Section 3 of the 14th Amendment to the Constitution of the United States reads “No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.”

WHEREAS, The following members of the United States Senate and House of Representatives did attempt to overturn the results of the free and fair election of the President in 2020 in violation of their oath to uphold and defend the Constitution of the United States:

Manager Hayman stated that the list of names would be included.

NOW THEREFORE, BE IT RESOLVED, that any United States Senator who votes not to convict President Donald J. Trump for inciting an armed insurrection and seeking to subvert the Constitution and void the results of the free and fair election of the President in 2020 is in violation of his or her oath to uphold and defend the Constitution of the United States.

BE IT FURTHER RESOLVED, that the Borough Council of Folcroft Borough strongly urges our federal representatives to seek the removal from office of any United States Senator in violation of his or her oath under Section 3 of the 14th Amendment to the Constitution.

DULY PRESENTED AND ADOPTED by the Borough Council of Folcroft Borough, Delaware County, Pennsylvania, this 19th day of January, 2021.

Councilman Waters made a motion to pass this resolution. Councilwoman Isaac seconded.

Councilman McGuigan said he did not understand the purpose of this resolution. Council President Papaleo said this resolution would be sent to both United States Senators who represent Folcroft. Councilman McGuigan said that this resolution punishes those who have a different view of events. Council President Papaleo said that this crime was committed on a national scale and there is no denying what occurred. Council President Papaleo said that these members had to hide in their offices and were witness to an insurrection and that to deny that this incident occurred is a violation of their oath.

Resolution passed 4 to 1. Papaleo, Willis, Daly, Waters voted yes. Daly left. McGuigan voted no.

Council President Papaleo asked to have the resolution be printed and sent to Congresswoman Scanlon, Senator Toomey and Senator Casey. Manager Hayman said this could be printed professionally and

would be received in a few days. Council President Papaleo said this was not political but about treason and he did not want to know anyone who did this.

Councilman McGuigan asked the Council President and Vice President to stay after the meeting.

A motion to adjourn was made at 8:57pm. The meeting was adjourned.