

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
SPECIAL MEETING
MINUTES – MAY 31, 2022

A Special Meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on May 31, 2022. Mr. McCartney called the meeting to order at 7:05 p.m. and called the Roll. He stated the purpose of the meeting is to consider some options for the Sewer proceeds.

Those present:

Board of Supervisors: James McCartney, Chair
Fredric K. Weiss, Vice Chair
Daniel Grenier, Secretary
Suzanne Blundi, Treasurer
John B. Lewis, Supervisor

Others: Kurt Ferguson, Township Manager (left meeting
in progress)
David Truelove, Township Solicitor

DISCUSSION AND APPROVAL OF FUNDING A PATTERSON FARM MASTER PLAN

Mr. McCartney stated the Board heard an extensive presentation by the Ad Hoc Property Committee regarding the Patterson Farm and various options for the buildings.

Mr. Grenier asked if the Board were to assign a dollar value to a project tonight could that be executed immediately or would it have to be brought through the 2023 Budget process. Mr. McCartney stated his understanding is that because these are proceeds, it does not need to be a Budget item to occur. Mr. Ferguson agreed and stated this is similar to the Rescue Plan money. He stated the Board had previously heard a presentation on a stormwater project for Maplevale which was not part of the Budget and would come from Rescue Plan money, and this would fall under that same category. Mr. Truelove stated the Board could decide to authorize the spending through a Resolution or an Ordinance which would be considered at the next Special Meeting. He stated the Board is not required to do either, and they could just vote and designate money tonight.

Mr. Ferguson stated he recently spoke to Mr. Steadman who wanted the Board to know that part of a Patterson Farm Master Plan should include the creation of a Steering Committee that would have members on it who would assist with the RFP, and would be the Committee that any consultant would work with and would include a Supervisor liaison or two on that Committee as well. The Committee would assist in creating a Plan and delivering a report to the Board of Supervisors.

Mr. McCartney asked if this Committee would be a continuation of the Ad Hoc Property Committee although it would not have to be the same members of that Committee. Mr. Ferguson stated the Board of Supervisors does not have to make a decision on the Committee this evening, but recognize it should be discussed by the Board of Supervisors which could involve Mr. Steadman and would be on the Agenda on June 15.

Mr. Grenier stated he would be interested in a Steering Committee and their recommendations which would lead to future plans. He stated based on the information that we have already, it is very important to address the existing conditions with regard to lead in the soils and other health and safety issues surrounding the actual buildings. He added this would not be rebuilding the buildings, but it would be cleaning up the soils within the first 20'. He stated we are also looking at potentially getting the Patterson Farm buildings on the Historic Register, and there is an active Application process going on right now. He stated there have been some building and soil assessments done. He stated they are also doing historic resources evaluations, and he noted specifically the dendrochronology studies that were discussed. Mr. Grenier stated he understands that Mr. Majewski and some members of the Historic Commission have met with the individual who could perform the dendro-chronology study. He stated before they establish a Steering Committee to "set up the Plan," we should get the buildings and the grounds ready for that Plan. He stated we should first determine how much it is going to cost to remediate the soils and do basic clean-up so that we could then move forward with a Plan. He stated he feels this could be executed immediately, and we can then plan in a parallel process.

Mr. Ferguson stated the Committee had discussed that the environmental issues would be part of any project. He added that Mr. Steadman was desirous of having a certain level of momentum and community interest. Mr. Ferguson stated if the Board wanted to show the community that they wanted to move ahead on the study, the Board could earmark a certain amount of money; and in the meantime start to work on other items that the Committee had talked about which would come back at a subsequent meeting with cost estimates.

Mr. Ferguson stated this would relate particularly to the lead-based paint which the Board is aware of, and they could ask the firm which put together the original assessment for updated costs for remediation to be considered at a future Special Meeting. Mr. Grenier stated he recalls that the remediation costs were estimated to be approximately \$180,000. Mr. Truelove agreed that was the estimate four to five years ago. Mr. Ferguson stated he believes that would be about \$300,000 today.

Mr. McCartney asked which buildings would be involved in the remediation, and Mr. Truelove stated it was Satterthwaite. Mr. Ferguson stated there was lead-based paint that was also detected in other properties as well, although not in the amount that was at Satterthwaite. Mr. Grenier stated he believes it was the first 20' around most of the buildings that had been painted up to about 1' deep.

Mr. McCartney asked where Satterthwaite was in the ranking in the presentation by the Ad Hoc Property Committee in terms of which buildings to address first. Mr. Grenier stated he believes the recommendation was to plan for the end use of Satterthwaite so we could come up with a plan to fix it to meet that final use. Mr. Ferguson stated regardless of what the uses are, the clean-up is a given in any scenario.

Mr. Ferguson stated he feels that in the scope of the Master Plan, they would want to earmark about \$250,000 as it would not just be a traditional study; and it would be to consider re-use, historic possibilities, market analysis, etc. He stated in the meantime, they could move on other things as Mr. Steadman was interested in seeing that this does not lay dormant and that people lose interest. Mr. McCartney stated that was the purpose of having the meeting this evening to show the public that the Board intends to move forward with something.

Mr. Grenier stated he would suggest \$300,000 for the Master Plan so that it would cover remediation, the Application to the National Register to get the Farm listed, and the dendrochronology testing which was not a high number. He stated once the property is listed we could apply for Grants and other monies so that all the money would not have to come from the Township.

Ms. Blundi stated she would be in favor of \$300,000 recognizing that it would not all have to be spent as we would then have the ability as we have more information to make sure we can move forward. She stated she wants it made clear that it is the Board's desire to move forward, and she does not want to lose momentum.

Dr. Weiss stated earmarking funds for creating the Master Plan for Patterson Farm does not inhibit other groups from independently moving forward on other things such as establishing historical significance for the properties including the age of the properties. He stated this would help us get more money in the future. He stated the Master Plan is the next step in the process. He stated the Board can then decide if they want to go through with Phase 1, which could cost up to \$1 million and was also recommended by the Ad Hoc Property Committee.

Mr. Grenier asked if the Board should wait until the next Special Meeting to make a Motion in case there are people who are not available this evening to speak given the holiday. Mr. Truelove stated the Board needs to consider the membership of the Steering Committee, and whether they want people with particular skills on that Committee. Dr. Weiss stated he feels that tonight they should just consider if they want to approve the establishment of the Master Plan for the Farm as that is what is on the Agenda. He stated while an oversight Committee was recommended by the Ad Hoc Property Committee, they could consider that at a subsequent meeting.

Dr. Weiss moved and Mr. Lewis seconded to fund a Patterson Farm Master Plan including the Satterthwaite Farm and the homestead not to exceed \$300,000.

Mr. Lewis stated before the formation of another Committee he would suggest that as the Ad Hoc Property Committee has not been discharged, the participants of that Committee could continue to provide oversight. Mr. Truelove stated that would be acceptable. Mr. Ferguson stated if this Motion passes, inquiries could be made of the Ad Hoc Property Committee if they are interested in serving in this capacity. He stated if any of them indicate that they cannot, he would come back to the Board of Supervisors with that information and they could look for new members. Mr. Truelove stated the Committee still exists because the Board of Supervisors has not dissolved it yet.

Mr. Lewis asked if rather than referring to it as a Patterson Farm Master Plan, they should include that the Funding Plan covers the results of the work of the Ad Hoc Property Committee; and while most of this will be spent on Patterson Farm, it is possible there may be minor issues with other properties as well, and that would not preclude them from continuing the work that they have done so far.

Dr. Weiss stated he would not agree to that as the only other property that is not identified on Patterson Farm that they considered was the Slack House at the Golf Course. He stated he would not want to expand past the Farm for this

one issue. He stated he needs to get feedback from Spirit to see if they want to partner with the Township, or if there is another organization who may want to partner with the Township on the Slack House. He stated they have an idea of what the Slack House will end up being. He stated the request from the Ad Hoc Property Committee was for a Patterson Farm Master Plan, and he would like to stay with the recommendation of the Committee. Dr. Weiss added that the Board can always address other properties in the future.

Mr. Lewis stated his intent was not to initiate the Slack House which is in a relatively stable condition, but was to keep with the Committee and their work. He stated provided it is viewed as part of the Ad Hoc Property Committee, and that the funds would be only used on Patterson Farm, he would agree to that. He stated he was just looking to give the Committee flexibility.

Mr. Grenier asked if the Plan would include the soil remediation of the lead paint, the dendrochronology, and supporting the Application for the National Registry. Dr. Weiss stated his feeling was that it would just be for the Study, but they could get the costs for remediation; and if there are extra funds, they could use the \$300,000. He stated if there is not extra money, more funds would have to be earmarked for that.

Mr. Ferguson stated with regard to the remediation, if that is estimated to cost \$175,000, the \$300,000 would not be enough for that and the cost of doing the Master Plan. He stated he feels that there could be another Motion to supplement this one being considered. He stated at this point they do not know what the current cost estimate would be for remediation. Mr. Grenier stated he would like to consider the current Motion, and then he could make a separate Motion to address the other issues. Mr. Grenier stated there was a Study done which indicated that there are lead-contaminated soils at the Farm, and there was an estimate provided for remediation a few years ago. He stated he would also like to see them move forward quickly with the dendrochronology study which he understood would cost \$5,000 to \$6,000, and to support the National Register listing Application which would probably cost slightly more than the dendrochronology study. He stated this Motion would direct the staff to reach out and get a proposal for the remediation and the other items. Mr. McCartney stated he feels the Board recognizes that the remediation will need to be done.

Mr. Grenier stated with regard to the National Register listing, members of the Historic Commission started this process several years ago; however, it was never finished. He stated most of the work is being done pro bono by the

Historic Commission as there are members that can do it. He stated they are working on that Application now with support from Mr. Majewski to fill out the paperwork to finalize the Application.

Mr. Ferguson stated the number that is going to effect the overall aggregate number is the clean-up, and the other items are marginal in cost.

Ms. Blundi stated she would prefer that we do the Master Plan and then take the next steps. She stated she recognizes that the soils have to be cleaned; however, if the soils are cleaned, and then there is additional work to be done, that could impact the soil. She stated she would not want to commit to anything until she has a better understanding of where we are heading. She stated she understood from the presentation by the Ad Hoc Property Committee that the first step was to get more details as to where we might go which would be what will be seen in the Master Plan.

Dr. Weiss stated at this point we do not know what will be remediated, as hypothetically there is the possibility that the Satterthwaite House might not be salvageable; and the cost of remediation if the building is removed and they are only dealing with the land would be different than restoring the building and the land. He stated he feels the Plan should come first, and then we could determine how much it will cost to remediate.

Mr. Grenier stated whether funds are earmarked for remediation or not, he feels it is important that the Township staff be directed to develop an RFP for getting cost estimates for doing the remediation specifically to the soils that we know are contaminated with lead, and it would not be remediation of the buildings. He stated he would also like to earmark funds for the National Register and the dendrochronology study as he feels that could pay dividends for the Township moving forward. He stated that could be included in this Motion or he could make a separate Motion. He stated the remediation needs to be done whatever is decided to do because it is a known environmental issue and we need to consider health and safety if we want to start doing anything at the buildings.

Dr. Weiss stated he would agree to include in the Motion an RFP for remediation of the soils and/or the building at the Satterthwaite House at the Patterson Farm location.

Mr. Ferguson stated once they have an RFP, they would bring that back to the Board of Supervisors, and they could allocate funds for remediation under another Motion.

Mr. Truelove stated the Ad Hoc Property Committee may recommend that there be a parallel path for dendrochronology and the Historic Registry, and the Board of Supervisors could consider that at that time.

Mr. Lewis agreed to second the Motion as amended.

Mr. Joe Camarratta, 1908 Westover Road, stated he is Chair of the Historical Commission. He thanked the Board for including this on the Agenda. He stated the Historical Commission has reviewed the Report from the Ad Hoc Property Committee and strongly supports the development of a Master Plan for Patterson Farm. He stated he feels they need to be clear what they want to come out of the Master Plan, and the Historical Commission's understanding of the Master Plan is that it will be one which will provide alternatives for adaptive re-use of the buildings on Patterson Farm. He stated once we have those alternatives, we can make some decisions not only about remediation, but also the costs that are involved. He stated in dealing with historic buildings there is preservation, restoration, rehabilitation, and reconstruction all of which have different "targets" and costs associated with them. He stated there needs to be agreement by the Board of Supervisors in terms of how they want to use the buildings, and then they can get the appropriate cost estimates.

Mr. Dennis Steadman, 10 Milton Drive, Chair of the Ad Hoc Property Committee, thanked the Board for putting this on the Agenda. He stated the first priority for the Patterson Farm is to develop a Master Plan. He stated he agrees with Mr. Camarratta that having potential alternative uses for these buildings will be very important. He stated this will make sure that the Township money is well spent by having a professional plan and then considering the spending that will be required to add value to the community. Mr. McCartney stated the Board appreciates the hard work Mr. Steadman has done during this process, and they hope he will stay on to help further.

Ms. Lora Tarantino, 185 Durham Road, Newtown, stated at the end of April Pennsylvania bought the development rights for forty farms in nineteen Counties across the State to insure that these Farms stay green spaces. She stated part of that is an Agricultural Security Area which is 250 or more acres of land which are used for agricultural production of crops. She stated that could be used to protect the farms, and when they talk about having alternative uses for the buildings, they are not considering that these buildings have a purpose for the farm. She stated before they fund other non-agricultural uses, the priority should be to keep it as a farm. She stated the Board recently granted permission to the "Yardley group for picture-taking sessions as a

fundraising option,” and she feels that is wrong because they should keep the farm as a farm. She stated she is grateful that there is a focus for a Master Plan. She stated she does not feel there is any place for Patterson Farm Preservation, and the Township gives more “credence to an art group who has been a tenant on the land.” She stated she hopes that the Board will look at the land and the buildings and see how they can be adapted for agricultural-related uses and not for something else.

Mr. Grenier stated first and foremost this is a farm, and there are over 200 acres in an Agricultural Conservation Easement which means that the land that is under Easement, which is the active farmland, will always be active farmland, and it cannot be changed. He stated they do not want to impede the use of the land as a farm which is a huge asset to the Township on multiple levels, and he does not believe anyone is trying to do that. He stated with regard to the buildings, they are not within the Agricultural Easement as that is not how the Agricultural Easements are written. He stated after they go through this process, they may find that there may some buildings that are best used for agricultural purposes which would add to the farmers’ ability to farm the land. He stated with regard to the other uses whether it is Artists of Yardley or whatever may be done with the Satterthwaite Home or any of the other buildings, there is some flexibility.

Ms. Tarantino stated the Farm is a collection of those buildings, and it was purchased as open space with all of those components. She stated if they try to separate it, she feels they are diminishing the “chances for application.” She stated when Pennsylvania purchased the farms, they purchased the farm-houses as well so that no one would come in and develop it.

Mr. McCartney asked Ms. Tarantino if she knows what percentage has to remain as a farm in order to be eligible for the Grants, and Ms. Tarantino stated she did not know. She stated she is familiar with the Agricultural Security Area, and she knows that there is still a “component of the house and other buildings near the farm which also adds a natural habitat.” She stated there are areas that you have to allow for “run-off water,” and it cannot be just purely the farm. She stated if the land has a house and an outbuilding, they still can contribute to the overall welfare of the farm as a protected natural area and habitat.

Mr. Truelove stated he did research on the Conservation Easement specifically under the program in which the Easement was conveyed, and the Deed for the Easement refers to Agricultural Areas Security Law. He stated the acreage that is under Conservation Easement is subject to

be an Agricultural Security Area, and the Township would not want to do anything to hinder that. He stated in 2017, that was expanded. He stated he did not hear from any Board member tonight that there is any indication or intent to deviate from that. He stated adaptive re-use does not mean different use, and it may mean re-use of the property, and maybe enhance it for that purpose.

Mr. Ferguson stated in the Ad Hoc Property Committee report it indicates that they felt it was vitally important to use the buildings to serve the farming function. Mr. Ferguson stated Mr. Steadman spent a lot of time with the family that farms the property, and he asked what their needs were; and they talked about having a longer Lease so that the farmers could invest more in the land as well as how to use the property.

Motion carried unanimously.

Mr. Grenier stated he would like to make another Motion. Ms. Blundi asked with regard to the process, before they decide to spend any money would that have to be advertised. Mr. Truelove stated that is possibly the case, and they may want to consider doing that at the next meeting so that there is no Objection. Mr. Ferguson stated the next meeting on this matter is scheduled for June 9.

Mr. Grenier moved to have the Township Manager reach out to a dendro-chronology provider to have a quote ready for the next meeting. Mr. Ferguson stated he can reach out without a Motion to get quotes. Mr. Truelove stated that could be done by consensus, and this was acceptable to the Board.

Dr. Weiss noted that at a meeting of the Ad Hoc Property Committee, a member of Patterson Farm Preservation spoke and inferred that that group would pay for that dendrochronology study; and he stated staff should not only get quotes but also reach out to that group to see if there is a commitment from them on the comment that was made by one of their members.

Mr. Ferguson stated he will look into both of these and advise the Board on June 9 what he has been able to put together. Mr. Grenier suggested that Mr. Ferguson speak to Mr. Majewski as he understands he has met with the people who would do the study.

Mr. Ferguson stated he had felt that this meeting would be one hour, and he has another commitment; and he left the meeting at this time.

DISCUSSION AND APPROVAL OF FORMATION OF A TRUST

Mr. McCartney asked Mr. Truelove about the ability of a future Board to tap into these funds if there was a dire situation if were in an Irrevocable Trust. Mr. Truelove stated in the Municipal context, there is really no Irrevocable Trust. He stated he had discussed in the memorandum provided to the Board the different means to establish a Trust. He stated Resolution is one, and that is the easiest to undo as you would just need to pass a Resolution at a subsequent meeting. He stated the second would be an Ordinance which is legislation that would have to be advertised and provide for public comment. He stated in order to rescind an Ordinance, you would have to go through the same process. He stated another one which would be the most “iron clad” is the Authority creation, and the Authority created would oversee the Trust, but the Authority could be dissolved by the creator. He stated there is therefore no absolute way that the Trust could be irrevocable; however, if it was done by Ordinance there could be specific terms. He stated in Middletown they did this, and you can include circumstances where you can declare an economic emergency or something like that, and those circumstances would have to be specifically laid out to allow for some invasion of the body of the Trust. He stated this could be done by the Supervisors at the time, or, as they did in Middletown, have a Referendum approach as well.

Mr. McCartney asked if it could be a combination such as a unanimous vote by the Board of Supervisors as well as a Referendum. Mr. Truelove stated he feels they would have to have at least a majority of the Board to authorize a Referendum before they could do it. Mr. McCartney stated the Irrevocable Trust is truly not irrevocable; however, they could put checks and balances in place to require a unanimous or majority of the Board in agreement as well as a possible Referendum in order to release funds. Mr. McCartney stated he feels there should be things that would trigger that such as an economic reason which he feels would be the only reason. Mr. McCartney stated the Accessible Trust was discussed as far as the Township becoming “our own bank;” and that money would be there to borrow from at a certain rate, and then we would repay ourselves.

Dr. Weiss stated he agrees that no Trust is forever, and the Trustees can always dissolve a Trust; however, we could make it very difficult for future Boards or Trustees to dissolve a Trust and very strict standards could be set. He stated he would not support an Accessible Trust because in borrowing from the Trust, it would basically mean tax increases for the community which would negate the reason for a Trust. He stated he would be in favor

of a Non-Accessible Trust and to set up standards that would make it very difficult to remove the corpus of the Trust. Mr. McCartney asked Dr. Weiss if he would be in favor of a unanimous Board vote with a Referendum or would it be a "Trust Committee." Dr. Weiss stated he feels they can consider further the make-up of the Trustees and how this will be done. He stated a voter Referendum would be appropriate as well as it would involve a significant amount of money to fund the Township for whatever the Board sees fit.

Mr. Truelove stated he believes that the choices are really Accessible or Non-Accessible since if it called Irrevocable, by Law, he does not feel there is truly a way to accomplish that.

Mr. Grenier stated he would like to protect the principal for as long as possible and let the interest feed back into our annual Budget as a Revenue source. He stated in addition to how this is set up, we also need to consider what the options are to invest in. Mr. Grenier stated he would not want there to be an opportunity for a Board to spend a significant amount of money on a project which would take away the principal. He stated he is open to a Motion to direct the Manager or Solicitor to provide the Board with different options for a structure for the Trust.

Dr. Weiss stated he would hesitate to talk about specifics at this point because there are a number of options. He stated we could have the Board of Supervisors serve as Trustees and we could add extra Trustees. He stated there could also be separate Trustees which would not be an Authority, but there could also be an Authority to independently manage the Trust. Dr. Weiss stated what he feels strongly about is protecting the money for as long as possible; and if the Trust ever needed to be dissolved or if there was a need to spend a part of the principal, it would have to be for a very good reason. He stated we are restricted in investments so that there is no capital gain, and there is only interest or dividends. He stated once a decision is made as to an Accessible or Non-Accessible Trust, then there could be more meetings on the best types of instruments to manage the money, and that could be discussed in an Executive Session between now and the end of the year once it is decided the kind of Trust we want.

Mr. Lewis stated he would support very limited accessibility to the monies. He stated he has concerns that we have limited investment options. He stated given what happened in March in terms of significant inflationary pressures, we are going to have a situation where the principal is going to be of less value over time; and as a consequence, he would want to make sure that whatever

investment strategy we have that it has a real value over time. He added that even if we are invested in very safe investments, we could end up losing real value over time. He stated we have the option of the Treasury Index Bonds; and Mr. Truelove stated Treasury Bonds are part of that and he could look into the specific types available. Mr. Lewis stated that would be to protect the principal in the long run.

Mr. Lewis stated as far as accessibility, his suggestion would only be in cases where the fund would be restored to its prior value in a very limited period of time. He stated if we were to borrow against the fund, it should be paid back with interest that would exceed what would have been earned as an investment, that would be an option in terms of protecting the overall real value of the fund. He stated he is not sure it is going to “spin off that much money” after inflation for the General Fund.

Dr. Weiss stated in an inflationary cycle like we are in, if we ladder CDs and Treasury Notes, we are averaging five-year to one-year Certificates; and that would be an average of 2 ½%. He stated if we were to put in \$10 million for example, that would be \$250,000 added to the General Fund at the end of the year which is not insignificant. Dr. Weiss stated he would strongly urge the Board not to make this accessible; however, if we were facing a disaster and we were looking at an Act 47 insolvency, that would be something the Trustees would consider the Trust to pay for the liability of the Township, but something less than that he would be against to dissolve the Trust or even borrow from it.

Mr. Grenier stated there are some examples of investment options for Townships at the Pennsylvania Local Government Investment Trust. Dr. Weiss stated these are investment options which can be considered once the Board decides on what kind of Trust we want. Mr. Grenier stated he would like to have a few scenarios provided as to what they could anticipate each year for our Budget if a certain amount were put in the Trust.

Mr. Lewis stated there seems to be broad consensus on very limited accessibility. He stated his concern is that there are not a lot of appealing investment options, and even if we are earning 5% on laddered CDs, we are now at an annual inflation of about 7.2%; however, he has respect for the Federal Reserve Chair, and hopes that the efforts that he and the Federal Reserve Board are doing will help bring inflation down quickly.

Ms. Blundi moved and Dr. Weiss seconded to form a Trust that is Irrevocable/ highly Non-Accessible which would be protected and have built in strengths as to what it would take in order to touch the corpus of it.

Mr. Grenier stated he would prefer directing the Township Manager and/or Solicitor to frame that for the Board with different options, and the Board could vote on whichever one we like best at the next meeting. Mr. McCartney stated at this point he feels it is Irrevocable versus Accessible; and if they are going to agree to an Irrevocable Trust, we should consider what stipulations we will put in as we move forward so that it could become accessible under a limited scope. Mr. Grenier stated he feels the Board could vote on the Motion as stated tonight, and then have another vote at some point on the details. Ms. Blundi stated if we move forward with the Motion as stated, the specifics as to how the protection is laid up would be discussed at a later date.

Mr. Fred Childs, 1345 Lexington Drive, thanked the Board for all that has been accomplished over the last few years in securing the Township's financial stability and continuing to look into ways to improve cost efficiency. He thanked Mr. Ferguson for all his efforts over the last few years.

Mr. Childs stated he appreciates the fact that the Board is looking to establish a reserve fund and to lock some portion of the proceeds away for a number of years which he feels will be helpful if the Township faces any future financial issues, emergencies, or Capital replacement programs. Mr. Childs stated it is not clear to him whether the Board is talking about the entire amount that has been received from the proceeds or if it is some portion of that. He stated he feels that should be clarified. He reminded the Board that the reason we have these proceeds is because of the sale of the Sewer system which has enabled them to strengthen the finances of the Township and relieve the taxpayers of the increasing costs that would be due as the Sewer system deteriorated further and needed expansion. He added we have seen recent news about the level of rates that Aqua is proposing and being approved for in other Municipalities from 50% to 75% increases to the ratepayers. He stated when the Board was discussing the potential sale of the Sewer system, there was an implication that there would be some amelioration or something that would adjust those rates for the ratepayers in the Township since after the first two years of no increase, the ratepayers will be solely be responsible for the increases in rates that Aqua may charge. Mr. Childs stated now that the Township has received Revenues and a lot of the Debt has been eliminated, the responsibility now falls directly on the individual Sewer ratepayers many of whom are retired or on fixed incomes. He stated he feels it is a concern throughout the community

as to how the benefit to the Township itself can accrue to those who are going to be faced in a couple of years with potentially extremely increased Sewer costs as well as water and other utilities which are always going up. He stated that the Board should consider potential increased Revenues from the Golf Course and the Slack House if that is renovated, and consider if some adjustment in the tax rate should be considered in lieu of our increased Sewer rates.

Mr. McCartney stated he does not believe that there is a consensus of the Board at this point as to the amount that will be put into the Irrevocable Fund.

Mr. Lewis stated while he is generally supportive of the Motion, he is troubled that there was discussion that we were not talking about the full proceeds post Debt repayment. Mr. McCartney stated he was not under the impression that anyone felt it would be the full proceeds of the Sewer sale, and Mr. Lewis stated that was his understanding. Ms. Blundi stated the Board just voted to spend some of it earlier this evening. Mr. McCartney agreed stating that the Board just earmarked \$300,000 of it for the Patterson Farm Master Plan. Mr. Lewis agreed that was a decision that was made a few minutes ago. Mr. Lewis stated the Trust becomes less valuable if we take a certain amount of it out now, and he does not feel that is in the spirit of what was suggested previously.

Mr. McCartney stated he believes that the approach is a combination of both taking a large majority of the money and putting it into an Irrevocable Trust; however, if there are proceeds available now for infrastructure that could be used, we could do that. Mr. Lewis stated there is a lot of money that was already received as part of COVID relief as part of the Nation's Infrastructure Bill. Mr. Lewis stated his understanding was that we intended to protect the proceeds of the Sewer sale. He asked how much the Board intends to protect. Mr. McCartney stated he feels that is what the Board will discuss at the next meeting as to the amount and what the framework will be. Mr. Lewis asked why there would be a framework over a Trust if we do not know how much we are protecting. Ms. Blundi stated she feels that is something that needs to be determined, but the amount to be protected does not impact the structure that has been created.

Mr. Lewis stated we could state that we are "going to protect all 100% of it, and some portion of it can be accessed at a future time." He stated he has a problem with the suggestion that we are saying we are protecting all of it, but we have not decided how much we are protecting and we are going to "figure that out later." Ms. Blundi stated nobody said we were protecting all of it. Mr. McCartney also stated he never said we were protecting all of it. Mr. Lewis asked how much they wish to protect.

Dr. Weiss stated since this process was started, it was decided that if we were going to sell the Sewers, which has been done, that there were three major issues that were to be solved – getting out of debt, repairing infrastructure, and creating a fund that would ease up either rates or the tax burden to the residents. He stated we have fulfilled the first one, and we are dealing with two and three. He stated if we protect all of the remaining funds, we cannot fix the infrastructure without going into debt or raising taxes which would change the whole reason why we are having this discussion. Dr. Weiss called the question adding that we have heard from the public and the Supervisors, and he would like to go forward and create the Trust.

Mr. McCartney stated the only reason he was continuing the discussion was because he felt there was some confusion by Mr. Lewis that he thought it was all going to be put into the Trust. Dr. Weiss stated while he understands this, this is a continuation of a “long journey,” and this is the logical next step since we are out of debt and it is now time to fix our infrastructure and protect the residents of the Township the best that we can. Dr. Weiss stated if the Board decides to negate infrastructure improvements over protecting the funds that is within the purview of the Board; however, at this point he feels we need to create the Trust.

Mr. Lewis asked Dr. Weiss what he defines as infrastructure; and Dr. Weiss stated it would be paving roads, storm sewers, stormwater management, community amenities such as ballfields, parks, more open space, and other quality of life issues. Mr. Lewis asked how much of the proceeds he anticipates would be part of infrastructure spending.

Ms. Blundi stated the question has been called, and she seconded calling the question.

Mr. McCartney stated they can consider what Mr. Lewis is asking about in the future, and the decision at this time is if we want an Irrevocable or an Accessible Trust regardless of the amount. Mr. Lewis stated this depends on how much they intend to protect.

Dr. Weiss stated he called the question, and Ms. Blundi seconded it. Dr. Weiss stated there is no more discussion except on the Motion which is to call the question.

Ms. Blundi, Mr. Grenier, Mr. McCartney, and Dr. Weiss voted in favor.

Mr. Lewis stated he did not know what he was voting on because we do not know what we are protecting. He stated until he gets a sense of that, he has to oppose.

Mr. McCartney stated the Motion carried four to one with Mr. Lewis objecting to forming an Irrevocable Trust with some portion of the Sewer funds in an amount to be determined later which will be discussed at the next Special Meeting.

Mr. Grenier stated Dr. Weiss listed a number of items that could be included as infrastructure, and he asked Mr. McCartney if he anticipates having a list of items that would be discussed at the next meeting and how much would go into the Trust. Mr. Grenier asked if it is anticipated that residents will be coming in at the next meeting with requests to fund their projects. Mr. McCartney stated when there is money available, he believes that people will be asking that projects be done. Mr. Grenier asked Mr. McCartney if he anticipates putting any specific projects on the Agenda for discussion at the next meeting. Mr. McCartney stated he feels infrastructure has been a huge part of this including stormwater management, culverts, road paving, and Park & Rec projects; and he feels all of those are on the table. Mr. Grenier stated there are still a lot of Federal dollars available specific to infrastructure so that could probably offset the cost for certain projects. Mr. McCartney stated he will make sure that Mr. Ferguson is available for the full meeting so that we can get questions answered.

Mr. Lewis asked Mr. McCartney if he has an anticipated amount that he views as infrastructure, and Mr. McCartney stated he does not. Dr. Weiss stated we have more than Sewer proceeds to consider. He added there is \$1.7 million of Relief money yet to be spent and we have about \$3.5 million from the Bond Fund. He stated we are looking at the potential of \$25 million to \$27 million that can be used which is open for discussion. Mr. Lewis asked how much they want to spend and what projects do they want. He asked why they would not have thought of that before creating the Trust. Ms. Blundi stated that is what the Board will be discussing.

Mr. McCartney asked Mr. Lewis if there are any projects he would like to see the money go toward, and he asked Mr. Lewis to consider that for the next meeting. Mr. Lewis stated he has been “the most aggressive advocate for road paving ever, and has been out in front on that for a while.” He stated for other infrastructure projects and the culverts, as it relates to stormwater

there is a larger strategy that we need to think about as to how we address that over the long haul in discussions with staff. He stated he does not have a dollar amount or “project figure” on that.

Mr. Lewis stated his concern is that he does not want a situation where we are trying to push too many projects through too quickly. He stated we have “actually been relatively poor” in implementing the projects that have been pre-approved and were funded multiple times over where we were receiving State Grants on projects that we have not executed on.

Ms. Blundi asked who Mr. Lewis is referring to when he stated “we;” and Mr. Lewis stated it was “all of us.” Dr. Weiss asked what he was referring to. Mr. Lewis stated we can talk about all the ones that are State funded that are still not complete. He noted the path around the Caiola Fields and Oxford Valley Road as that project has been “out there for a long time.” Dr. Weiss stated that was not due to the Board of Supervisors. He stated that was money that the State had not given yet. Mr. Lewis stated we have to execute the project first.

Mr. Lewis stated the only projects we have executed were the ones to make the Sewer system “in such clean shape that Aqua is getting an amazingly great wastewater conveyance system.” He stated all of those projects are completed, and those are the ones that we made the investments in over the last couple of years; and there have not been investments in other infrastructure that we were looking for.

Dr. Weiss stated we have quadrupled our Road Paving Program and already addressed the issue at Maplevale with the relief money. He stated we have also improved the Community Center and fixed the Dog Park. He stated we also dealt with Sandy Run, Makefield Road, and the signal lights at Lindenhurst. Ms. Blundi stated we also ended the Contract with BrightFarm. Dr. Weiss stated we removed the negative outlook from Moody’s, and hopefully this year we will upgrade to where we were before we ended up in “near insolvency.” He stated he agrees there is a lot more to be done and every member on the Board is willing to move forward to make sure that our Township continues to get stronger. He stated not only will our Sewer rate increases over the next ten years be lower than they would have been if we had stayed in the Sewer business, but we will continue to go on a very strong path.

Mr. Lewis stated a member of the community earlier “expressed his pain over pending Sewer increases.” Dr. Weiss stated the Township Manager had indicated that the rates would be lower with Aqua than if we kept our own system. Mr. Lewis stated the Township Manager requested a rate increase and told the Board the projects he wanted executed. Ms. Blundi stated those projects were required to be done. Mr. Lewis stated there were options where we could have sold the Sewer system to other participants with a ten-year guarantee of no rate increase. Mr. Lewis stated it was a “really bad decision to sell the Sewer system.” Dr. Weiss stated Mr. Lewis is “attempting to re-write reality in something that is not true.” Mr. Lewis noted the e-mails he received from residents telling him he “made the right call.” Dr. Weiss noted the Indicated Rates that Aqua gave us versus what we would have had to pay had we stayed in the Sewer business.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 8:50 p.m.

Respectfully Submitted,



Daniel Grenier, Secretary