

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – JANUARY 21, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 21, 2010. Mr. Smith called the meeting to order at 7:30 p.m. Mr. Maloney called the roll.

Those present:

Board of Supervisors: Ron Smith, Chairman
 Greg Caiola, Vice Chairman
 Matt Maloney, Secretary
 Dan McLaughlin, Treasurer
 Pete Stainthorpe, Supervisor

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Harold Koopersmith stated he would like a list of the Township assets which he needs for the Budget he is going to submit to the Board at their next meeting. Mr. Fedorchak stated this can be obtained from Brian McCloskey, the Township Finance Director. Mr. Koopersmith stated he feels the Country is on the wrong path, and he wants everyone to come together.

Mr. John Torbert, 1396 Oxford Valley Road, stated he and his wife own a boarding facility at 1700 Yardley-Newtown; and he and his insurance company are concerned about the proposed deer hunt to take place on the Patterson Farm. He stated he is concerned that when the hunt takes place an injured animal could run onto his property and potentially cause injury to the horses on the farm. He stated he is also concerned with the potential for stray bullets coming onto the farm and hitting one of the horses. Mr. Torbert requested a map of where the deer hunt will take place on the Patterson Farm, and it was agreed that such a map will be provided to Mr. Torbert.

Ms. Virginia Torbert, Citizens Traffic Commission, stated last night the Delaware River Joint Toll Bridge Commission held an open house/public hearing regarding the proposed Scudders Falls Bridge. She stated she is concerned about the decision made late in the process that this will be a toll bridge. She stated last night State Representative Steve Santarsiero made a request of the Commission that they thoroughly study the ramifications of tolling the bridge on the local economy, traffic, the environment, etc.

before they make a final decision. Ms. Torbert stated there will not be toll booths installed, and they will have a cashless system where you would go through with an Easy Pass, or if you do not have an Easy Pass, cameras would photograph your license plate and you would be sent a bill. She stated she is also concerned that this was not included in the draft environmental assessment. Ms. Torbert stated the environmental assessment can be viewed through a link from the LMT Website to the Scudders Falls Website, and the public has until February 4 to make comment.

Mr. Smith stated they learned at the meeting that they closed some of the gaps in the wall of sound barriers although they did not close all of them. He stated he and others asked that they take another look at closing the gaps particularly since they are now considering that this will be a toll bridge, and it would not be that much more expensive to close the remaining gaps. He stated there were also some concerns expressed about the bicycle/pedestrian walkway. Mr. Smith stated he also expressed his concern that they scheduled this important meeting on the same night as the regular Board of Supervisors meeting and that they held the meeting outside of the Township. He offered them the opportunity to use the Lower Makefield Township meeting facilities and to televise the meeting the next time there is a meeting. Mr. Smith asked that those who have concerns contact the Bridge Commission.

Ms. Sue Herman asked the Board of Supervisors to submit written comments to the Bridge Commission echoing Steve Santarsiero's concerns. She asked that they also request that they close the remaining gaps in the sound barriers. She stated this is a \$310 million project, and installing the additional sound barriers would cost \$500,000; and she feels that they should be able to come up with this money so that the residents will not have to have a lessening of their quality of life. Ms. Herman stated Mr. Santarsiero added that where there is a toll, there is generally a diversion of traffic by those trying to avoid the toll; and they need to look into the impact on neighboring streets if there is a toll. She stated she feels it is reprehensible that they put the toll into the project after they completed the environmental assessment. She asked that the Board of Supervisors also ask that the assessment be reopened. The Board agreed to put together a letter and send it out to the Bridge Commission addressing these concerns. Ms. Herman also asked that the Board reiterate the importance of the ped/bikepath which is currently listed as "optional." She stated the Board could attach to the letter being sent the Resolution that was already passed by the Board regarding this.

Ms. Virginia Torbert stated she has heard that the toll will be southbound only and will be \$.75 although this is unofficial. Ms. Torbert stated comments to the Bridge Commission should be sent by February 4 to: Kevin M. Skeels, Project Manager, Delaware River Joint Toll Bridge Commission, 110 Wood & Grove Street, Morrisville, PA 19067. Mr. Fedorchak was asked to put this information on the Township cable channel.

Mr. Ralph Heil, 1255 Ward Drive, stated he has been solicited by at least two contractors to re-side his home. He stated he was told that he had suffered hail damage, and they could get his insurance company to pay for the re-siding. He stated he told them to get off his property because he felt they were trying to persuade him to commit insurance fraud. He stated he also received flyers indicating the same thing. He stated he called an insurance fraud authority who indicated that they are aware of this scam. He stated he has seen a number of signs from one of these contractors on a number of Yardley Hunt homes. Mr. Stainthorpe stated he received the e-mail from Mr. Heil and passed it on to the Police Chief and Township Manager. Mr. Stainthorpe stated it is his understanding that a complaint must be filed with the Police Department before they can investigate, and Chief Coluzzi agreed. Chief Coluzzi stated you should first file a complaint with the Police Department who will take a report, and they will follow up with the regulatory agencies. He stated soliciting is not permitted in the Township unless the solicitor has a permit, and they should contact the Police if someone is soliciting in the Township. He stated the Police will check that individual to make sure they have a permit. He stated when solicitors request permits from the Police Department a background check is done on the business and the individual. He stated if a background check does not come back positive, a permit will not be issued. Chief Coluzzi stated according to Township Ordinance, you are not allowed to put advertisements on the lawns other than when work is actually being done.

Mr. Smith stated a number of years ago, he tried to put together a process for registration of people coming into the Township to do work which would require registration, insurance information, and a number where they can be reached. He stated he now understands from the Chief that a Permit is required in order to solicit in the Township, and Chief Coluzzi agreed that it is illegal to solicit in the Township without a Permit issued by the Police Department. Mr. Smith stated homeowners should therefore be asking these contractors to see the Permit signed by the Chief of Police.

Mr. McLaughlin asked that they put a generic warning about this on the Township cable channel.

Mr. Gary Cruzan stated he is concerned about two major financial problems facing the Township which are the Police pension shortfall and the probable \$3 million liability for the Golf Course. He stated he feels the Township should openly start discussing these issues as he does not feel there is a plan or money set aside. Mr. Cruzan stated he is opposed to any capital expenditures until this is done; but if there are going to be any capital expenditures, he feels it is time that the Senior Citizens are considered first. He stated four years ago when they were candidates, two sitting Supervisors candidates made a commitment to have a Senior Center. Mr. Cruzan stated he would be willing to help work on solving the problem of the Township's financial concerns.

Mr. Smith stated they will be getting a monthly report from the Citizens Budget Advisory Committee, and he asked Mr. Menard to present an initial report at the next Board of Supervisors meeting on issues that need to be considered now.

Mr. Bob Pawonsky, Morrisville, stated he is concerned about the proposed Scudders Falls Bridge renovations which have already been paid for by the residents twice. He stated with a toll imposed, they will now have to pay to cross the Bridge. Mr. Smith stated the Board of Supervisors does plan to express their concerns in writing to the Bridge Commission. Mr. Pawonsky stated their Compact indicates that the Commission can establish separate schedules of toll rates for use by residents of areas adjacent to or served directed by such Bridge, and he asked if the Board knew about this policy and that the Bridge Commission currently does this and provides certain people with free access across the toll bridges. Mr. Smith stated they will look at the Compact and follow up on this as well.

Mr. Zachary Rubin, 1661 Covington Road, stated Mr. Smith indicated that the Citizens Budget Commission will be reporting monthly to the Board of Supervisors; and he stated he objects to this procedure. Mr. Rubin stated there are nineteen advisory boards in the Township with a Supervisor liaison for each; and each Board of Supervisors' meeting that liaison should be reporting to the Board what went on at the advisory board. He stated there is a Treasurer and Finance Director; and every time there is a Treasurer's Report, the Treasurer can update the Board through the Finance Director. Mr. Rubin stated he does not see eighteen other advisory boards coming before the Board of Supervisors on a regular basis, and this is the reason there are Supervisor liaisons. He stated he does not feel a monthly report from the Citizens Budget Committee is needed.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of November 30, 2009 as written.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of December 9, 2009 as written.

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of January 4, 2010 as written.

APPROVAL OF WARRANT LISTS FOR DECEMBER 7 AND 21, 2009 AND JANUARY 4 AND 18, 2010 AND NOVEMBER AND DECEMBER, 2009 PAYROLL

Mr. McLaughlin moved, Mr. Caiola seconded and it was unanimously carried to approve the December 7 and 21, 2009 and January 4 and 18, 2010 Warrant Lists and November and December, 2009 Payroll as attached to the Minutes.

CONSIDERATION OF RESOLUTION NO. 2200 ADOPTING THE 2010 AMENDED BUDGET AND DISCUSSION AND APPROVAL TO RE-ADVERTISE AMENDED 2010 BUDGET

Mr. Caiola stated a Motion needs to be made to open the discussion, and Mr. Caiola moved and Mr. McLaughlin seconded to open the discussion on the 2010 Budget.

Mr. McLaughlin stated a lot of work and discussion was held about the proposed Budget. He stated over the last three weeks they have had the opportunity to look at the Budget in depth and through the efforts of Supervisors, Mr. Fedorchak, and Mr. McCloskey they have been able to find approximately \$160,000 of additional savings from the Budget that was advertised for consideration this evening. He stated he would like these cuts made, and he does not feel any services are being jeopardized nor is any Department being shortchanged. Mr. McLaughlin stated making these cuts would allow them to rescind the .5 mill tax increase currently in the 2010 Budget.

Mr. McLaughlin moved to rescind the .5 mill tax increase, amend the Budget to reflect \$160,000 in decreases, and advertise the Budget for approval at the next Board of Supervisors meeting.

Mr. Maloney stated this would be an amendment to the Motion on the table and would require re-advertisement of the Budget again; and Mr. McLaughlin agreed.

Mr. McLaughlin stated they must have a Budget approved by February 15, so this would be the last opportunity to meet that deadline. Mr. Truelove agreed and stated if they consider this at their next meeting, they would not be able to make any more changes in the Budget because of the notice requirements. Mr. Caiola stated this will give the other Supervisors the opportunity to review the proposed cuts.

Mr. Smith stated he and Mr. McLaughlin met this Sunday with Mr. Fedorchak and went through the Budget again, and through much work by Mr. McLaughlin they were able to find cuts which could be made. Mr. McLaughlin provided the other Board members with a list of the proposed cuts. Mr. McLaughlin thanked Mr. Fedorchak and Mr. McCloskey for working on this. He asked that the Supervisors and Department Heads look at these proposed cuts in depth. Mr. Smith stated they do have difficult issues coming up that the

Board will have to address, and this is why he has suggested the monthly report from the Citizens Budget Commission.

Mr. Maloney asked Mr. Fedorchak if he and Mr. McCloskey have reviewed these reductions to make sure they are not violating any contractual obligations, and Mr. Fedorchak agreed.

Mr. Caiola seconded Mr. McLaughlin's Motion.

Mr. Stainthorpe stated he feels the initial Motion needs to be withdrawn, and Mr. Caiola agreed to withdraw his initial Motion.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated he has a problem with this since it seems two Supervisors got together and made a Decision as to what the Budget should be without the rest of the Board; and he feels this is wrong. Mr. Stainthorpe stated this is why it has to be advertised and voted on by the full Board. Mr. Cohn stated he feels the whole Board should have decided what they were doing with the Budget and not just two people. Mr. McLaughlin stated after the meeting they sent out an e-mail to all the Supervisors detailing everything, and this was not done in a less than forthright fashion. He stated he had asked the Chairman if they could meet to discuss the Budget. Mr. Stainthorpe stated as a sitting Supervisor he is not offended, and he applauds them for making this extra effort. Mr. Cohn stated he would like to hear what has been cut since he feels the Township residents should know what the cuts are. The Board noted this is why it is being advertised. Mr. Cohn stated the Board will only have one meeting to decide on the Budget, because if there was a change they would have to advertise it again and there are time constraints.

Mr. Joe Menard, 917 Putnam Drive, stated the \$160,000 does not equate to the .5 mill as .5 mill would be \$250,000 so there is still a \$90,000 gap. Mr. Maloney agreed and asked if this would then be a reduction in the millage increase to .2 or that the General Fund cash surplus will be used to fill the gap. Mr. McLaughlin stated his intention was to take the increase to zero and not to .2. Mr. Maloney asked Mr. McCloskey if this will require them to take \$90,000 out of cash surplus, and Mr. McCloskey agreed. Mr. Maloney asked if this would take them at risk for the safe harbor, and Mr. McCloskey agreed.

Mr. Ralph Heil, 1255 Ward Drive, stated he has been a YMS member for ten years and has no intention of bringing up the field issue directly. He stated he is concerned about charging user fees to children who are not playing on Township fields, and he would like to know if there is a governing document that permits the Township to charge these fees to children who do not play on Township fields. Mr. Caiola stated user fees are charged to everyone with a higher fee charged to those from out of town. Mr. Heil stated there are 300 children being charged fees, and they only play on school fields – not Township fields.

Mr. Smith stated when fees were initially imposed and then raised, he felt it was a “budget balancer,” and he argued against this and questioned why children had to pay when they were playing on school fields and other fields not in the Township.

Mr. Smith stated YMS does not charge a two-tiered fee and are charging the same amount for their registration whether you are a Township resident or not. Mr. Heil stated the YMS fee structure is not the business of the Board of Supervisors. Mr. Smith stated their have been claims about field shortages; and part of the reason for this is there are, according to the figures he has been provided, over 1,000 children playing in Lower Makefield who do not live in Lower Makefield. He stated the Lower Makefield YMS families are subsidizing the children from out of town in their registration fees. Mr. Heil stated he still does not feel it is fair for the Township to charge a user fee to children who do not play on Township fields.

Mr. McLaughlin stated while they should not be charging YMS for fields they do not use, the counter to this is the Township should be charging the full cost to the Township for those fields to every out of Township player. He stated if they were to charge YMS the full cost to the Township for maintenance, utilities, and operating expenses for the fields and charged nothing for the children who were using the School fields, the Township would be getting more from YMS than they are currently. Mr. McLaughlin stated Mr. Heil is asking the Township residents to subsidize out of Township players. Mr. Heil stated he would agree if they felt that YMS, PAA, and the other activity programs provide no benefit to the Township; and he does not feel this is the case. He stated YMS provides a tremendous service to the Township residents and 20% of players outside the Township. He stated he feels the Township would be a far worse place to live if YMS did not exist. Mr. McLaughlin stated while this is true, the vast majority of Township residents are paying for fields that are being used by those who do not live in the Township.

Mr. Caiola asked if Snipes were built out with extra fields for soccer and other uses what impact would this have on the ability of YMS players to use Township fields as opposed to the school fields. Mr. Heil stated he feels YMS would move more kids away from Macclesfield and onto the School fields so that they could avoid the user fees.

Mr. Stainthorpe stated what Mr. Heil is indicating runs counter to a discussion he and Mr. Caiola had last week with representatives of YMS, PAA, and the other Leagues. He stated League representatives presented to them what their needs were and why, and it was agreed that everyone is going to have to pay more. He stated they are going to have a discussion on what the user fees should be and how they are used in the context of moving fields forward. Mr. Stainthorpe stated he is trying to move the fields forward with no tax increase. He asked that they consider how they can all work together to make this work.

Mr. Heil stated he does not feel he will see new fields in his lifetime. Mr. Heil stated currently they do pay user fees, and he does not believe that the fields are being maintained in a manner that is safe for the children or himself. He stated he is concerned when walking across the “premier fields,” Field C and D because they are “lumpy.” He stated oftentimes the grass is not cut appropriately, and they should improve the fields they have.

Mr. Caiola stated field maintenance is always an issue, and they do need to discuss this. He stated he and Mr. Stainthorpe made a point of making sure everyone that would be impacted by any field decisions were in the same room, and they discussed the needs. He stated they are trying to do some things with the current debt and to roll over new debt into old debt without any increase to taxpayers. He stated if they are able to do this, they have plans that they feel will work for a lot of organizations. He asked that Mr. Heil speak with some of the other YMS leadership so that they can fill him in on their discussions. He stated they had a three hour meeting; and everyone had an opportunity to discuss exactly what they needed, the impact on the other groups, where the fields would be, who would use them at what times a year, and how much more they would be paying in. He stated they are not asking the users to pay the full amount but are asking that there be an increase in fees which could be put toward the debt. He stated this would also prove to the rest of the public that the user groups are partners with the Township. He stated it was an excellent meeting, and he would like to remain positive.

Mr. Heil stated he is only asking to be billed for the children who are playing on the Township fields and that the Township fix the fields they have so that he does not have safety concerns for himself or his children.

Mr. Smith stated the volunteers should be commended for trying to help maintain the fields.

Mr. Geoff Goll, 5 S. Homestead Drive, asked if the public can be advised of the proposed Budget cuts. Mr. McLaughlin stated in Central Government they have some overtime, so they are looking to rationalize overtime. He stated there are some professional service fees that they are looking to minimize. They have some dues and subscriptions that they are going to reduce. He stated there is a contingency plan called, “Unplanned Projects,” and they have reduced this slightly. He stated they have taken out approximately \$3,000 from Historical Commission Special Projects. They have repairs and maintenance to the Patterson Farm which has been cut by approximately \$5,000. They took \$1,000 out of Parts and Supplies for Information and Technology. He stated they have asked the Police Department to commit to \$12,000 in overtime contingent on all Police Officers being hired immediately versus the staggered schedule which had been proposed as well as the elimination of Community Pride Day and the Veterans Day Parade which should result in overtime rationalization. He stated they have Conferences they have chosen to eliminate

and they will send only one representative to the Hershey Conference for Supervisors. He stated they took out \$2,000 in pistol range maintenance which will be delayed. He stated the greatest decrease in any line item was \$12,000.

Mr. Smith stated some of these were not decreases but were roll backs to the amount of money spent in 2009. Mr. McLaughlin agreed that almost 90% of the reductions were roll backs to where they ended 2009.

Mr. Zachary Rubin, 1661 Covington Road, asked what .5 represents to the average taxpayer, and Mr. Fedorchak stated it is approximately \$20.

Mr. Fran McDonald, 937 Randolph Drive, thanked Mr. McLaughlin and Mr. Smith for looking at the Budget. Mr. McDonald asked the consequences of advertising a Budget that puts the Township below safe harbor. Mr. Stainthorpe stated they would have to actually spend the money, and it would impact their credit rating if the money were not there. Mr. Smith stated they also need to consider what is going to happen with Elm Lowne, and this may address some of the issues they have. Mr. McLaughlin stated there are also some anticipated positives not in the Budget that they are anticipating such as refinancing the debt at a lower interest rate, and this has not been included in the Budget as they wanted to be conservative.

Mr. Smith stated another item that was considered was the need for a stenographer at all of the Committee meetings. He stated he recognizes that they are necessary at certain Boards but a number of Boards use a tape recorder to take the Minutes. He stated while this may not be a great deal of money, it could be a way to find savings.

Mr. Ethan Shiller, 367 Lang Court, commended Mr. Smith and Mr. McLaughlin for tightening up the Budget. Mr. McLaughlin stated Mr. Fedorchak, Mr. McCloskey, and all the Supervisors were involved. Mr. Shiller stated even if they had the .5 increase, they would still be under safe harbor in the General Fund balance. He stated he would like to provide Mr. McLaughlin with his insight on some additional cuts. Mr. Shiller stated there is positive revenue that has yet to be accounted for that would go back into the Fund Balance, and he noted one item is \$130,000 for recycling which the EAC was able to secure which will build the Fund Balance back up. Mr. Shiller stated he feels there needs to be a monthly Fund Balance policy; and the Board should know all the increases into that from positive cash flow and all the expenses taken out. He stated the Fund Balance is not tracked monthly. He feels the Board needs to know where the money is going, and he would suggest that there be a written policy adopted by the Board. Mr. McCloskey stated while in theory this would be a good idea, the Township is not cyclical; and they do not have their revenues split evenly over twelve months. He stated in January, February, and March, the revenues are very small; and the tax revenue comes in April which is when they see a big influx in their revenue. Mr. Smith stated the Board does get quarterly and monthly reports from Mr. McCloskey.

Ms. Herman asked for clarification on elimination of stenographers for the advisory boards. Mr. Smith stated he agrees that Minutes should be taken but questioned if it was necessary to have a stenographer to take those Minutes. He stated some of the boards use a tape recorder, and one of the members will prepare the Minutes for that board. He stated this saves expense. Ms. Herman stated she does not feel this is appropriate. She stated most of the boards she is aware of have a secretarial individual present who will commit the business to written Minutes which she feels is essential. She stated she has served on boards where she was the one who was taking the Minutes; and it is enough to volunteer her time to the Township to serve on the board, and she does not want to have to do the Minutes. She stated she feels someone deserves to be paid to do that job. Mr. Smith stated he does not feel that they should be precluded from looking at this.

Mr. Maloney stated he feels they are doing more than just looking at it, since if they do not pass this Budget, they will not have a Budget for 2010. Mr. Maloney advised Ms. Herman that in the latest proposed Budget the Citizens Traffic Commission would be reduced by half.

Mr. Goll asked if this means that they will be eliminating all the stenographers from the volunteer commissions, and Mr. Caiola stated this is not correct and they will be cutting back. He stated there is a potential reduction of \$1,000 for the EAC stenographer and a reduction for the Historical Commission. He stated EAC has been reduced from \$2,500 Budgeted to \$1,500. Mr. Goll asked what they required last year from their stenographer, and Mr. Maloney stated it was \$3,600. Mr. McLaughlin stated they could consider taping the meetings as Farmland Preservation does with the tapes then sent to the Township and summarized. He stated at this point they are looking at less expensive alternatives. Mr. Goll stated he would like to ask the EAC stenographer to provide input on what she could do about the meeting Minutes if they were to just provide her the tapes as opposed to having her attend the meetings.

Mr. Maloney stated he is concerned about having a Budget that is so clearly into the non safe harbor range recognizing that it is all a matter of where they end up by the end of the year. He stated a lot of what is being considered is cutting down Budgets in the form of contingency budgets – overtime budgets, unplanned budgets, etc. and are also cutting utility budgets, fuel, parts and supplies, etc. Mr. McLaughlin stated they are not cutting them – they are reducing them down to last year's levels. Mr. Maloney stated his concern is that those Budgets are for elements that are outside of the Board's control. He stated their options are to not provide the service or go over Budget. He stated part of contingency budgets are not to say that they are not going to do something, but that they are "hoping" they will not have to do something.

Mr. McLaughlin stated they spent \$52,750 last year for repairs and maintenance. He stated the original 2010 Budget for this was \$66,300 and they took \$5,000 out of that so that the new amount in the Amended 2010 Budget is \$61,300 which is still \$9,000 higher than the amount spent in 2009 so he does not feel this puts the Township at that much risk. Mr. Maloney stated it is actually \$1,500 more than spent last year since they actually went \$7,000 over Budget. Mr. Maloney stated while it is still above what was spent in 2009, repairs and maintenance and utilities do not happen the same every year; and he feels that when Mr. Hoffmeister budgeted for this, he feels he did so because he felt that was the correct amount to budget for contingencies. He stated when they change this, they are hoping that they will have the same amount of unexpected costs that they had last year; and he does not feel this is realistic. Mr. McLaughlin stated last year could have been a high year.

Mr. Maloney stated the point of a contingency is to have some “padding” in the Budget. He stated for the last ten years, they have gone over Expense Budgets every year. He stated the proposed Budget will be \$100,000 below safe harbor with no room for leeway. He stated while there could be unforeseen revenues, in the current environment with transfer taxes, etc. he is concerned about having too many hopes for revenue. He stated he does not feel it is doing their fiduciary duty to the Township to be setting a Budget that they do not feel they can live up to. He stated his understanding was a lot of the recycling revenue has declined, and Mr. McCloskey stated two years ago the Board of Supervisors made a decision to utilize the contract with the County where they receive commissions back from the recycling plant used, and this is part of the recycling revenue received. He stated the other part is the State Grant money. He stated the portion that goes to Otter Recycling where they resell on the commodity market has declined significantly. He stated in January they received \$105,000 in 904 Grant money, and this was in the 2009 Budget in a receivable.

Mr. Caiola stated there are some cuts he would be in favor of and some he would not support and he feels they will be discussing this at the next meeting when they will have a better sense regarding the work Mr. Fedorchak and Mr. McCloskey are doing relative to a request he and Mr. Stainthorpe made with regard to the debt and the possibility of moving forward with some recreational projects if they can do so without raising taxes.

Mr. Maloney stated the difference between .5 mill and \$160,000 will come out of cash reserves.

Mr. Smith asked Mr. Truelove if they can “tweak” the Budget at the next meeting and not have to re-advertise; and Mr. Truelove stated he feels they are indicating that the Budget they are advertising is what they are going to do, and any more adjustments would require re-advertising.

Mr. Maloney stated he does feel there could be some minor changes in the four digit range, and Mr. Truelove stated he would have to look into this. He stated they are permitted to have Budget transfers depending on the line item and there is flexibility even during the year.

Motion carried with Mr. Maloney opposed.

APPROVAL OF RESOLUTION NO. 2196 PROVIDING THAT NO CONTRIBUTION BE REQUIRED FROM POLICE OFFICERS TO FUND THE 2010 POLICE PENSION PLAN

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to approve Resolution No. 2196.

APPROVAL OF RESOLUTION NO. 2197 PROVIDING THAT NO CONTRIBUTION BE REQUIRED FROM ANY NON-UNIFORMED EMPLOYEE TO FUND THE 2010 NON-UNIFORMED PENSION PLAN

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to approve Resolution No. 2197.

APPROVAL OF PRELIMINARY/FINAL PLAN FOR LUTHERAN CHURCH OF THE RESURRECTION

Mr. Edward Murphy, attorney, was present. Mr. Truelove stated this is a request for an addition to be placed on the Church. Mr. Truelove stated the Church is located at the intersection of Sutphin and Makefield Roads on the southeast corner. Zoning Hearing Board relief was obtained for a number of Variances; and while an Appeal was taken by some neighbors, the matter was subsequently dropped. The current Plans have been reviewed extensively by the professionals and reviewing agencies. Mr. Truelove stated he has submitted to Mr. Murphy a proposed approval letter.

Mr. Murphy stated they are present this evening with Phases IA and IB only. Phase IA is a 700 square foot addition to the existing building. Phase IB is the addition of a second floor with a total addition of approximately 3,700 square feet. He stated there is a larger addition, Phase II, which is a more significant addition; and while this was part of the Zoning Hearing Board Decision, Phase II is not before the Board of Supervisors this evening. He stated that Phase would have more implications in terms of stormwater, etc. He stated the Plans have been recommended for approval by the Planning Commission.

Mr. Murphy stated they have the draft of the proposed letter including the outline of conditions and Waivers, and they have no objection.

Mr. Stainthorpe moved and Mr. Maloney seconded to approve the Preliminary/Final Plan for the Lutheran Church of the Resurrection, Plans dated 6/25/09, last revised 10/5/09 subject to the following Conditions:

- 1) Applicant shall comply with the Lower Makefield Township Subdivision and Land Development Ordinance, Lower Makefield Township Zoning Ordinance, and all applicable local, state, and Federal Ordinances, statutes, and/or laws;
- 2) Receipt of all permits, authorizations, or approvals from all agencies with jurisdiction including PaDEP and the Bucks County Conservation District;
- 3) Compliance with the following review letters:
 - a) 11/2/09 review letter from Remington & Vernick, James Majewski, PEPP
 - b) Lower Makefield Township Planning Commission review memorandum dated 11/24/09
 - c) Remington & Vernick Engineers letter dated 10/26/09 regarding sanitary sewer issues
 - d) Fire protection letter from James V.C. Yates dated 7/28/09
 - e) Bucks County Planning Commission review letter dated 8/13/09
 - f) Lower Makefield Township Zoning Hearing Board Findings of Fact Decision and Order dated 1/15/08
- 4) Following Waivers to be granted:
 - a) SALDO Section 178-13 requires certain procedures to be followed for Plans submitted to the Township. The Applicant requests that the requirements for the site visit, pre-planning conference, and the four-step design process be waived for this small building addition
 - b) SALDO Section 178-20E14 states that the Applicant must submit a Landscape Plan showing all required street trees, buffers, tree protection areas, a Plan for tree protection during construction design to meet the requirements of 178-85. This Waiver is no longer required since the proposed Landscaping Plan and details have already been submitted.
 - c) SALDO Section 178-20E-15 requires a Lighting Plan in accordance with the requirements of Article X. The Applicant does not propose any new lighting for this project.

- d) SALDO Section 178-20E-29 states that pavement core samples be provided for all existing roads abutting the site to be developed. The Applicant does not propose any new road improvements for this project.
 - e) SALDO Section 178-20.G states that an Environmental Impact Assessment report shall be submitted for all land developments.
 - f) SALDO Section 178-81 states that street trees be planted along both sides of all streets where suitable existing trees or natural wooded area do not exist.
 - g) SALDO Section 178-82 states that all buffer requirements of the Lower Makefield Township Zoning Ordinance regarding requirements for buffers, types of buffer, buffer width, and planted areas shall be met.
- 5) SALDO Section 178-93.B3 requires infiltration test for proposed infiltration facility. An additional test shall be conducted within the proposed infiltration BMP area. A partial Waiver is required if the Applicant wishes to complete the required testing post Plan Approval.
- 6) Where applicable, Applicant shall comply with all comments from the appropriate authorities responsible for proposed utilities.

Mr. Murphy stated they would be agreeable to these Conditions.

Mr. Maloney stated this is the first Phase of the project, and the second phase is a larger project which includes stormwater management issues. He stated during the Zoning Board discussions, there were requirements that they use porous paving for part of the parking lot; and he asked if any improvements to stormwater management are being made as part of Phase I. Mr. Truelove stated they are not during this phase of the project. Mr. Murphy stated the area where they are going to increase the footprint in this Phase is already impervious.

Mr. Geoff Goll, stated the EAC requested that for Phase II, which is a sizable addition, that they work with the neighbors and the EAC to make Phase II a model stormwater management facility on site and something that could be educational for the Township residents.

Motion carried unanimously.

APPROVE REQUEST OF RICHARD AND CYNTHIA RAITON, 556 HERITAGE OAK DRIVE, TO INCREASE THE IMPERVIOUS SURFACE TO 24 PERCENT TO CONSTRUCT A PAVER PATIO AND A BASEMENT WINDOW WELL EGRESS

Mr. Truelove stated this is a minimal increase and Mr. Majewski has indicated there are no substantial engineering issues. Mr. Majewski stated they are in conformance with the Zoning Ordinance; however, the recorded linens for the original Subdivision have a voluntary restriction on impervious surface of 21%. They are asking to exceed that voluntary restriction. He stated based on the increase above what the stormwater management facilities for the development were designed for, he would recommend that approximately fifty cubic feet of storage be implemented on the property either through the use of an infiltration trench, a dry well, or for this property since they do back up to a detention basin, additional landscaping to help absorb some of the water to mitigate any impact to the detention basin from the additional impervious surface.

Mr. Raiton was present and stated they did communicate with Mr. Majewski, and would agree to installing the additional landscaping.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve the request conditioned on working with the Township engineer.

APPROVAL OF EXTENSION FOR BEAZER HOMES FOR THE GATHERING AT YARDLEY

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to grant the extension for Beazer Homes for The Gathering AT Yardley to 4/15/10.

DISCUSSION AND APPROVAL OF SALE OF ELM LOWNE

Mr. Smith stated this matter has been discussed for over a year. He stated recommendations have been made by a number of advisory groups. Mr. Smith stated Mr. Fedorchak has indicated that there are no impediments toward the sale of Elm Lowne. Mr. Smith stated they do need to discuss whether they will sell the entire parcel or sell part of the parcel. Mr. Stainthorpe stated the discussion was that they would sell the entire parcel, but a decision needed to be made whether or not it could be subdivided. Mr. Fedorchak stated the way it would be presented is that they would allow for a two acre severable building lot. He stated if the Board was to approve the sale in that manner, the appraisal is approximately \$900,000; and if it is sold as one parcel which could not be subdivided, it would be \$700,000.

Mr. Stainthorpe asked if they are satisfied that they have the appropriate façade easements in place, and Mr. Fedorchak stated this was reviewed before the Board a few months ago by Jennifer Stark, and the Elm Lowne Committee made a recommendation to the Board of Supervisors which was accepted by the Board. He stated it would be their recommendation that they include the façade easement as part of the Sales Agreement.

Mr. Stainthorpe asked what the next step would be if the sale is approved this evening, and Mr. Truelove stated assuming the Board wants to go with a sale as opposed to an auction, it would be done in a bid format and the specifications would need to be spelled out and include notice of the façade easement and whether or not there could be a severable lot.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to move forward with the sale of Elm Lowne with the severable two acre building lot and contingent upon the appropriate façade easements being included.

Mr. Maloney stated the subdivision makes him uncomfortable, and he is not willing to support it as he feels there will be another house “shoe-horned” into the lot. However, he stated he understands the reality they are within and would be willing to support the sale.

Mr. Zachary Rubin, 1661 Covington Road, stated he objects to the Motion on the grounds that the original lot, grounds, household, barn, etc. was purchased for open space. He stated the way the Motion is stated, the person that buys it could sell off two acres of what the Township purchased for open space. He stated two acres according to the valuation is \$200,000; and he stated he does not think the Township could purchase an acre of land for open space for \$100,000. He stated he feels it is a disgrace that they are taking away open space when there were Referenda passed indicating the residents want the Board to purchase open space. He stated the last large parcel of land that was purchased was Aria Hospital which paid \$500,000 an acre. He stated he recognizes that the two acre parcel that could be subdivided backs up to I-95. He stated this property was purchased as open space and should stay as open space; and if they want to sell the acreage it should be “as is” and not chopped up.

Mr. Maloney stated when the Township purchased the lots, they were subdivided, and they then combined the properties together; and Mr. Fedorchak stated they were two separate parcels, and after the sale, the Township combined the two.

Mr. Geoff Goll asked if the site to be subdivided would be subject to the stormwater management Ordinance, and Mr. Majewski stated since they would be adding a substantial amount of impervious, they would have to comply with the Ordinance.

Motion carried unanimously.

SUPERVISOR LIAISON REPORTS

Mr. McLaughlin stated the Citizens Budget Commission met and they prepared an outline of information needed to develop a comprehensive business plan. Mr. Fran McDonald will be the liaison from Park & Rec and the sports organizations to provide the information which includes projections of enrollments, their needs in terms of field usage, and willingness and ability for usage fees.

Mr. Caiola stated the Veterans Committee will be selling bricks of different sizes for different costs to help raise funds for the monument. They will also have a Texas Hold'Em Tournament, and information on this is on the Township Website.

Mr. Smith stated he met with the Farmland Preservation Corporation, and they are preparing a proposal with regard to the Snipes farm to possibly remove some of the trees.

Mr. Maloney stated the Park & Recreation Board had a discussion with representatives from the Citizens Budget Commission at their meeting, and they appointed Fran McDonald as Liaison to interface with them. Mr. Maloney stated the Golf Committee met with the new management company, and it was a highly productive discussion. Mr. Maloney stated the Zoning Hearing Board stated there was a special meeting on the Brookside cell tower and they will meet again on this matter.

APPOINT PROFESSIONAL SERVICE PROVIDERS

Mr. Stainthorpe stated there are a number of professionals that serve the Township who are typically not appointed at a public meeting, and in order to have greater transparency he felt they should vote on these in public. He stated Mr. Fedorchak had prepared a list for their review which was provided to the Board.

Mr. Stainthorpe moved and Mr. Caiola seconded to appoint the following:

Pension Investment Advisors	Glenmede Investment Management LP
Pension Actuaries	Beyer-Barber Company
Bank	Sovereign Bank
General Property, Liability, Workman's Comp	Delaware Valley Insurance Trust
Auditors	Stanley Booz
Public Official Bonding	Vaughan Insurance Managers
Hospitalization	Modell Consulting Group
	Aetna-US Healthcare
	Brokerage Concepts Inc.
Bond Finance Consultants	Public Financial Management Corporation

There was discussion about the need to appoint a conflict engineer at this time, and Mr. Smith suggested that they wait until a conflict arises and leave it open at this time.

Mr. McCloskey asked if the Board approves these appointments, does this preclude the Township from doing any type of RFP for one of those services; and Mr. Stainthorpe stated he does not feel it would. He added he would like appointment of these professionals to be part of the reorganization meeting every year since he feels it results in greater transparency. Mr. Smith agreed and asked that this be put on the Agenda for the 2011 reorganization meeting.

Motion carried unanimously.

APPROVAL OF COMMITTING \$4,825.65 PER YEAR FOR THREE YEARS TO CONTINUE THE 2010-2012 REGIONAL SOUTHEASTERN PENNSYLVANIA HOUSEHOLD HAZARDOUS WASTE COLLECITON PROGRAM

Mr. Maloney stated he would agree to move this subject to its inclusion in future Budgets, since they cannot commit to financial obligations for future years. Mr. Stainthorpe seconded.

Mr. Stainthorpe stated this program is well used by the Township residents.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2202 AUTHORIZING DESTRUCTION OF CERTAIN SPECIFIC RECORDS

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve Resolution No. 2202.

APPOINTMENTS

Mr. Caiola stated there are a number of vacancies on Township Commissions and they are in the process of looking at some people who have interviewed in the past to see if they are interested in serving. He stated the following Boards have vacancies:

- Cable TV Advisory Board – 3 openings
- Citizens Budget – 2 openings
- Disabled Persons – 1
- EAC – 1 full time and 1 alternate

January 21, 2010

Board of Supervisors – page 19 of 19

Farmland Preservation Corporation – 1
HARB – 1
Historic Commission – 4

Mr. Caiola stated they will have interviews in the near future.

Mr. Caiola moved and Mr. Stainthorpe seconded to appoint the following:

George Crawford – Disabled Persons
Stephen Heinz – HARB

There being no further business, Mr. Stainthorpe moved, Mr. Maloney seconded to adjourn the meeting at 9:35 p.m.

Respectfully Submitted,

Matt Maloney, Secretary