

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 20, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 20, 2019. Mr. Grenier called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors:

Daniel Grenier, Chair
Frederic K. Weiss, Vice Chair
Kristin Tyler, Secretary (left meeting in progress)
Suzanne Blundi, Treasurer
John B. Lewis, Supervisor

Others:

Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

Mr. Grenier stated the 2019 Leaf Collection Program is underway. He stated information on the dates for pick-up by Zone can be found on the Township Website. He added the dates are flexible depending on weather.

Mr. Grenier stated the Holiday Family Fun Night will be held on December 6 from 6 p.m. to 9 p.m. at the Community Center. He stated there will be Holiday activities, music, food, and Santa.

Ms. Tyler welcomed William Bunn who is present this evening earning a Boy Scout badge.

ANNOUNCEMENT OF THE PASSING OF FORMER SUPERVISOR FRANK FAZZALORE

Mr. Grenier stated this morning former Supervisor Frank Fazzalore passed away. Mr. Truelove stated Frank Fazzalore was a long-time Township resident, his father-in-law, and his friend. Mr. Truelove read the Obituary which appeared on the Website of the Fitzgerald-Sommer Funeral Home where information on the arrangements can also be found. A moment of silence was held in his memory.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road asked what the Supervisors are doing to mitigate sewer bills of \$200 a month. He stated not everyone can afford to pay that.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated she had voiced her opposition against the Zoning change that will give rise to the Mixed-Use Overlay at Prickett Preserve. She stated at those meetings 90% of the residents were opposed and took time at night to come out and voice their opposition. She stated the reasons they expressed for their opposition included setting precedent for neighboring properties to have the same Zoning Variances. She stated changing Zoning can lead to big problems. Ms. Tenney stated there also traffic concerns by the majority, Retail market saturation, and a total change in Town character which cannot be reversed. Ms. Tenney stated that there is an equal chance that “this will be great, but it could be the worst thing they do.” Ms. Tenney stated one of the residents asked the Planning Commission what they were going to base their decision on if it was not that 90% of the residents had come out to oppose this, and the Planning Commission “just looked” and gave no basis. Ms. Tenney asked if there is any kind of Report, and she asked where they got the Mixed-Use Zoning change. She asked if they did research and researched other Towns that may have changed the Zoning. She stated she would like to see a Report if they prepared one so that she could understand this better. She stated she has started to research Mixed-Use Overlay, and her understanding is that it is for older New England Towns that have older businesses, and it is a way for those Towns to increase connectivity; and she does not see that in this “monster of a Real Estate gift to a developer and wealthy financiers.”

Ms. Tenney stated she would like to tell her neighbors whether they should purchase sewer insurance. Mr. Ferguson stated while he is not sure what Ms. Tenney is referring to with regard to sewer insurance, there are companies that provide lateral insurance which is for the pipe that goes from the house to the main sewer line. He stated property owners can buy that so that if there is ever a problem with their lateral which would be the property owners’ responsibility, it could offset costs the property owner may have if their lateral becomes damaged or worn.

APPROVAL OF MINUTES OF NOVEMBER 6, 2019

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of November 6, 2019 as written.

APPROVAL OF WARRANT LISTS FROM OCTOBER 21, NOVEMBER 4, AND NOVEMBER 18

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the Warrant Lists from October 21, November 4, and November 18 in the amount of \$2,409,004.49 as attached to the Minutes.

APPROVAL OF OCTOBER INTERFUND TRANSFERS

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the October Interfund Transfers in the amount of \$1,778,518.06 as attached to the Minutes.

Mr. Ferguson stated that is a large transfer amount for this month, and approximately \$1,175,000 of that is transfers for obligated Pension payments which happen once a year. He stated we get State Aid to assist with that; and once that State Aid is received the Township is obligated to make the annual payment within thirty days of receipt. He stated this is consistent with the amounts that were budgeted in the 2019 Budget for the Minimum Municipal Obligation as dictated by the Auditor General of the Commonwealth of Pennsylvania.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his engineering report in their packet. He stated with regard to the Woodside Road bike path, the Commonwealth Financial Authority had their meeting for DCED and advised that the Township was not awarded the Grant for the Woodside Road bike path. He stated that request was in the amount of \$437,500.

Mr. Pockl stated PennDOT has issued their Five Year Paving Plan, and Big Oak Road is on the 2020 Paving Plan. He stated this will be all four miles of Big Oak Road for the full length of Big Oak Road in the Township. He stated he will reach out to District 6 to see if he can get a tighter timeframe on the schedule. Ms. Blundi asked Mr. Pockl if he would be able to request that they install reflectors in the road; and Mr. Pockl stated he believes that is something that they routinely install, but he will ask that this be done.

Approval of Escrow Release #3 for Regency at Yardley, South Parcel, Phases IV and V (Carriage Homes)

Mr. Pockl stated the developer has requested an Escrow Release. He stated he has inspected the work and confirmed that the work has been completed, and he is recommending an Escrow Release in the amount of \$141,495.75.

Ms. Tyler moved, and Ms. Blundi seconded to approve the Release of \$141,495.75 with respect to the Regency at Yardley Release #3 as outlined by the Township engineer.

Mr. Pockl stated there is still \$423,313.25 in Escrow for Phases IV and V.

Motion carried unanimously.

Approval of Escrow Release #2 for Regency at Yardley, South Parcel, Residential Development (Phase III)

Mr. Pockl stated he has inspected the work and all the work has been completed, and he is recommending the Release in the amount of \$194,298.15.

Ms. Tyler moved and Ms. Blundi seconded to authorize the Release of Escrow #2 for Regency at Yardley, South Parcel in the amount of \$194,298.15 as outlined by the Township engineer.

Mr. Pockl stated there is over \$220,000 still remaining in Escrow. He stated they have completed public improvements to the point where he is comfortable recommending this Escrow Release.

Motion carried unanimously.

Ms. Tyler stated since it is possible she may have to leave the meeting early for personal reasons, she asked that Mr. Grenier move up on the Agenda whatever he feels is the most important. Mr. Grenier stated he feels what would be the most important would be the Motion to authorize to advertise the adoption of the Preliminary 2020 Budget.

DISCUSSION AND MOTION TO AUTHORIZE TO ADVERTISE THE ADOPTION OF THE PRELIMINARY 2020 BUDGET

Mr. Ferguson stated last week there was a presentation on the Preliminary Budget. He stated Mr. Majewski, Ms. Tierney, Mr. Hucklebridge, Mr. Ebert, Chief Coluzzi, and Mr. Attara from Spirit Golf are all present this evening and are available to answer questions.

Mr. Ferguson stated the Budget document itself is a year-long process. He stated he has added a variety of new documents into the Budget; and he noted particularly the Supplements at the back of the Budget including a Multi-Year Paving Plan, a Multi-Year Trail Maintenance Plan, and a Seven-Year Sewer Capital Plan which has been of particular concern.

Mr. Ferguson stated the Budget as presented is “lean.” He stated the Capital Budget has replacement of two Police cars. He stated as he has noted previously with twenty-three Police cars, replacing just two cars a year is probably not ideal; but at this point they are recommending to at least rotate two Police vehicles. He stated these will be replacing Police vehicles that have well over 100,000 miles. He stated they have also included a vehicle for the Code Officer who is currently using a Police “hand-me-down car;” and they are proposing the purchase of a modest car for the Code Officer to use. Mr. Ferguson stated there is also an item included for the Police Department which is a fixed automated License Plate reader that would be put at an intersection somewhere in the Township. He stated the purpose for this is not to pick up speeders or those who are running red lights, rather it would be to work in conjunction with the two mobile readers that are in Police cars for those with outstanding Warrants. He stated those would connect with Police Officers who are patrolling the Township if there would be a hit for someone who was wanted that went through the intersection.

Mr. Ferguson stated the General Fund Budget does have a recommended 1 mill increase. He stated absent that 1 mill, the General Fund at the end of 2020 would be anticipated to be barely \$135,000. He stated the 1 mill as outlined would increase the General Fund Budget to \$663,145 at the end of 2020. He stated that is roughly 5% which is lower than would be ideal; however, they would at least be at 5%.

Mr. Ferguson stated looking at where we expect to end 2019 with where we expect to end 2020, it is a reduction of approximately \$800,000. He stated that is a structural deficit that has been in place for quite some time that the Township has offset. He stated for 2020 it would be anticipated that roughly 35% of that gap would come from needed assistance to the Golf Course to offset the Bond payment that has been discussed for some time, and next year will be in excess of \$1 million.

Mr. Ferguson stated he has provided a Schedule which shows all of the Bond payments for 2020 that are spread amongst the General Fund, the Sewer Fund, and the Golf Fund; and next year they will total approximately \$3.9 million.

Mr. Ferguson stated all of the other Funds except for Sewer where there is millage there is no contemplation to increase anything.

Mr. Ferguson stated the Park & Rec Budget as outlined does contemplate an increase of one staff member. He stated that does not come from the General Fund, and it is a separate millage that is in Park & Rec. Mr. Ferguson stated the Park & Rec Department manages over five hundred acres of parks and 25 miles of trails. He stated they also have the Dog Park and the Community Center, and there is staff that has to oversee and serve as Pool operators during the summer. He stated getting through all of that work has become more challenging, and it is recommended that they add one full staff member. He stated that would take the Recreation laborer staff to five people.

Mr. Ferguson stated last year there was a major improvement at the Pool to upgrade the gutters and other facilities that resulted in the reduction of two and a half million gallons of water that was being lost. He stated it was a very successful project. He stated they are not recommending any change in the Membership Rates. He stated they did raise Rates last year by 8%, which was the first increase in ten years. Mr. Ferguson stated they want to continue on with Capital Projects at the Pool, and next year they would contemplate upgrading the primary bathrooms, and they would be adding ventilation. He stated it is estimated that the cost would be approximately \$75,000. He stated this is not being funded by taxpayers, rather it is funded by User Fees.

Mr. Ferguson stated the good news is that the Funds have positive balances and are sustaining themselves.

Mr. Grenier stated at the last meeting they discussed a few items that Mr. Ferguson was going to edit, and he asked if he will go through those. Mr. Ferguson stated he did update some of the Contracted Services numbers and the Golf number with regard to Revenue year-to-date.

Mr. Ferguson stated one area they spent a significant amount of time discussing last Wednesday was the Sewer Fund. He stated Mr. Ebert is present this evening, and over the last six months they have worked to come up with a Sewer Plan. Mr. Ferguson stated the Sewer Fund is an Enterprise Fund, and he noted Page 29 which is the Net Position. He stated that is not a Fund Balance number or a Cash Balance Number, rather it is a number that puts a dollar amount on how much we have invested in the system minus whatever is owed on the system. He stated

every year that number goes up in theory, and the Auditors take off whatever the Bond payment is since that is considered an investment in the system and any Capital project we do which is an investment in the system. He stated that increases the Net Position number, but it is not a Cash Standing. Mr. Ferguson stated this has led to some confusion as it seemed to some people that we were raising Sewer rates, but we had a big number. Mr. Ferguson noted Page 31 and it shows that the Actual Cash Position of the Sewer Fund is \$-1.3 million.

Mr. Ferguson stated he has been asked why he did not take care of this negative balance when he was taking care of all of the other negative balances. Mr. Ferguson stated to take care of this it would have involved another increase of over 20% in rates. He stated the amount that is negative is not so large that he feels it must be addressed at this point. He stated they have the next quarterly collection; however, if that number would continue to get larger and larger, it could prove problematic.

He stated he wanted to make sure that everyone realized that we do not have a pool of Cash Reserve in the Sewer Fund in the event that there is an unexpected problem or a cost overrun that takes place.

Mr. Ferguson stated they have had certain obligations from DEP including the Lateral Ordinance that will be considered at the next meeting, and the approval of the 537 Plan dictates what Lower Makefield has to do in our Township. Mr. Ferguson stated DEP intervened in all of the Bucks County Communities because there were many examples where Towns had not made significant improvements to their system, and it was causing I & I which is water coming into the pipe that is not sewage water but still has to be treated as sewage water which raises the cost for the Township. He stated from an environmental perspective in heavy wet weather events, it can cause spillovers at the treatment plants which can cause sewage to go into the Rivers into the drinking water. Mr. Ferguson stated the Township had to develop a Plan as part of the 537 Plan to address the pump stations and to deal with the I & I (inflow and infiltration).

Mr. Ferguson stated the 2020 Budget for Sewers does contemplate a 37% increase in rates. He stated he understands that there is concern about this. He stated while they are evaluating the sewers, they still need to proceed as if there is nothing that is going to happen with regard to a sale since there are obligations that have to be met and presented to DEP regardless.

Mr. Ferguson stated the first two pump stations seen in the Budget are carryovers. He stated there is a Grant for part of the Stackhouse pump station. He stated the new items are the projects related to the Neshaminy I & I which is the water that is infiltrating into the pipe that DEP is concerned about. Mr. Ferguson stated there is the Neshaminy Service Area and there is the Morrisville Municipal Authority Service Area, and all of those items translate to \$450,000. He stated he met with the Sewer engineer trying to come up with manageable numbers regarding having consistent costs every year but also having projects that will satisfy DEP requirements.

Mr. Ferguson stated with regard to the Neshaminy Interceptor, they are proposing to spend \$200,000 a year. He stated there are 1,250 manholes in that Service Area; and they are proposing to do seven or eight a year, which is not an aggressive plan, but it is getting the work underway. He stated a lot of Municipalities started doing this over ten years ago, but Lower Makefield was slow to do so; and now we are being mandated to do this. He stated with regard to spot lining and repair, they are proposing to do 1,750 linear feet of pipe which is about 1/3 of a mile compared to over 210,000 linear feet of pipe in this area; and they are proposing to do .83% of the system. Mr. Ferguson stated every inch of the pipe does not need to be improved, and according to the Sewer engineer they need to improve about 25% of the pipe. He stated this would take approximately thirty years to get this all done at these funding levels.

Mr. Ferguson stated with regard to the Morrisville Service Area which is even larger, there are 3,100 manholes in this Service Area. He stated they have proposed \$20,000 a year for manhole liners, and that is just doing ten manholes a year out of 3,100. He stated for spot lining and repairs, it shows \$250,000. He stated there are over 540,000 linear feet of pipe in this system; and if 25% of our system needs this type of repair, it will take sixty-two years under this funding plan to get that done.

Mr. Ferguson stated he knows that there have been a lot of comments that he was trying to “front load these Expenses into year 1 in anticipation of someone evaluating the system and buying it;” but what is being shown is not really that aggressive.

Mr. Ferguson stated once we start doing this work, we will be doing annual reporting to DEP who may come back and indicate that the Township is not doing enough, and that we will have to do much more. He stated the idea is to start the process to at least show that we are trying to fulfill the requirements of the Sewage Plan that the Township is obligated to pursue.

Mr. Ferguson stated the 2020 costs net the one Grant is \$2.113 million. He stated for 2021 it is \$2.211 million, 2022 is \$800,000, 2023 is \$1.527 million, 2024 is \$2 million, and 2025 is \$1.550 million. Mr. Ferguson stated these numbers have been adjusted for inflation.

Mr. Ferguson stated the 37% increase that is being suggested to the Board will allow for the most part those Expenses in subsequent years to be covered. He stated these are things that are known, but there could be unknowns such that if DEP comes back and advises that the Township needs to do more than is being currently outlined. He stated they also have employees, other repairs, and other expenses so that it is possible over those intervening years that there could need to be marginal increases.

He stated for 2026, we need to include costs for a new treatment plant that has been discussed with a variety of options being considered. He stated the cost can be seen of \$4.635 million which includes what would be our estimated payment toward the \$50 million investment that has been discussed.

Mr. Ferguson stated if there is a 37% increase that would bring the cost to \$222 a quarter which is for an average household calculation of 14,000 gallons of water per month. He showed a comparison of rates of surrounding communities, and the increase would make Lower Makefield the second highest below Yardley Borough.

Ms. Tyler asked if the 37% rate increase that is being proposed is the only increase foreseen for five years. Mr. Ferguson stated the 37% increase would carry over every year. He stated in 2021 costs are estimated to be \$2.211 million, and the 37% should cover the costs for things that they know about. He stated for year 3, 2022, the costs are estimated to be \$1.8 million, and the 37% should cover those costs. He stated it should be realized that there are other items that could come up when there are certain repairs that are needed. He stated while a new sewage treatment plant could come in year 6, he has shown it in year 7; and if there is a \$50 million investment, that would be the next time a larger amount would be needed because we would have a Bond payment of \$3,720,000 which at that point would translate to another increase of approximately 65%.

Mr. Grenier stated they are presenting a Seven Year Plan which would be consistent with the 537 Plan. Mr. Grenier stated the rate increase has been proposed to cover the items in the 537 Plan, and he asked Mr. Ebert if these projects represent the bare minimum to meet the 537 Plan. Mr. Ebert stated this is what is required to be done and to hopefully stay out of Regulatory Compliance. He stated what is proposed is closer to the bare minimum, and he had recommended a much more aggressive Plan for the I & I because there

is a rate of return on the investment by removing the I & I. He stated we also do not want to be in a position where we cannot properly service the Zoning areas because DEP will not release any capacity to us. Mr. Ebert stated we also have an obligation to bring the I & I down. He stated this has come down from the EPA. He stated what they did to establish the Budget was to use the meter data that they are doing right now in the Neshaminy Interceptor and interpolated it. Mr. Ebert stated he also used what he has used in other Townships and has wanted to make sure that he was providing a permanent repair rather than a temporary repair. He stated the pump stations have “not been touched” for approximately fifteen years, and there have been no meaningful upgrades. He stated our pump stations were well designed and have lasted beyond their lifetimes, but we now have to replace them. He stated the two that they have shown for 2020 are the two biggest priorities. He stated there are fourteen pumps that are hydrologically overloaded. Mr. Ebert stated most of the pump stations were built about the same timeframe, and they are all wearing out at the same timeframe.

Mr. Ebert stated he put forth a more aggressive plan to Mr. Ferguson, but he toned it down. Mr. Ebert stated he had prepared a Three-Year Budget in 2016, and many of these items were on that list; and the same things that are proposed to be done in Year 1 were on that 2016 list. Ms. Tyler stated these items were supposed to be done in 2016, and were not done. Mr. Ebert stated he included these in his Three Year Budget in 2016, and they were not implemented. Ms. Tyler asked the likelihood that all of these items will be accomplished in one year. Mr. Ebert stated they are almost being forced to do the pump stations. He stated for Stackhouse they have a Grant. He stated at this point they need to customize parts since the pump stations cannot physically be rebuilt. He described what is happening at the Brookstone pump station where parts have rusted out. He stated for both of the pump stations they have instituted contingency plans.

Mr. Ferguson stated Mr. Ebert’s original plan had three pump stations for 2020. He stated if he had included the third pump station, the Silver Lake pump station, in 2020, they would have had to raise the rates another 5% to cover that. He stated that was therefore pushed back to 2021. Mr. Ebert stated they have done some impeller upgrades, and they are doing whatever they can to increase the pumping capacity. Mr. Ebert stated while it is better to do full pump upgrades, they cannot afford to do them all at once. Mr. Grenier stated that approach sometimes is less expensive up front but more expensive at the end, and he asked Mr. Ebert if he has ever done an analysis on this. Mr. Ebert stated it is better to do it right; but since there is only so much money, this is the only option we have. He stated they have been able to buy some time with what they have been doing and it meets our obligations and keeps the Township from getting fines and regulatory issues.

Ms. Tyler asked Mr. Ebert how long he has been the Township's Sewer engineer, and Mr. Ebert stated since 2016. Ms. Tyler asked how many linear feet of pipe were lined last year, and Mr. Ebert stated it was zero. Ms. Tyler asked how many linear feet of pipe were lined the year before, and Mr. Ebert stated it was zero. Mr. Ebert stated one of the reasons they did not do this was strategic because you do not get credit for additional EDUs for capacity that is taken out prior to the Corrective Action Plan being approved. He stated they therefore suspended the work until they had DEP approval, and in that way DEP will use it to release future credits.

Mr. Ferguson stated as we get more water out of the system, DEP allows the Township to add new connections for new properties back into the system; and Mr. Ebert agreed. Mr. Ebert stated the goal is to increase the number of connections allowing for growth but have our actual flows decrease by removing more I & I than there is in new connections. He stated DEP will only release EDUs based upon the amount that is removed. Mr. Ebert stated they did not want to start removing I & I and spending customers' money until we got credit for it; and this is something that Terry Fedorchak understood at that time as he wanted to make sure that there was a return for the customers.

Ms. Tyler stated they cannot change the General Fund Budget mid-year and increase the millage; however, she asked if with respect to Sewer can we "pay as we go." Mr. Ferguson stated he believes that what Ms. Tyler is asking is if we could do a rate increase and, if needed, another increase could that be done in the middle of the year; and he believes that could be done. Mr. Ferguson stated every 10% increase in the rate translates to approximately \$600,000; however that \$600,000 is not realized all at once, and they would get \$150,000 a quarter for four quarters to make up that 10%. He stated if they did something less than the 37% recommended, and they made it 27% with the idea being that if they need the other 10% they would get it later in the year, the problem would be that in 2020 there is no cash to start, and the year-end Cash Balance for 2020 is estimated at \$141,000. He stated if in August or September they added the 10%, they would not get to the \$600,000; and they would have to raise it four times that amount to get that cash all at once if needed. He stated the challenge is that they do not have a reserve of cash. He noted in the 2018 Financial Report, the Sewer cash was listed as zero. He stated the concern is that if they hold off on part of the rate increase and they need the money because of a problem, they would not get the funds until January of the next year if they did not decide to increase it until August or September. Mr. Ferguson stated with the 37% increase there would be a Cash Balance of less than 1% of the Cash Balance at the end of the year. He stated there would be rates of \$10 million and a Cash Balance of \$141,000.

Ms. Tyler asked the amount of money in the Bond Fund, and Mr. Ferguson stated there is approximately \$5 million which is earmarked. Ms. Tyler stated \$3.5 million is for the Yardley project, and Mr. Ferguson agreed. Ms. Tyler asked the status of the Yardley project, and Mr. Ebert stated it could be in the next two years, but they are paying expenses on it now. Ms. Tyler asked if they could pull from the Bond Fund; and if we then need to do incremental increases, they would have the time to do so because they would have the Bond Fund to draw upon. Ms. Tyler stated she is concerned about collecting more money than they need to when they have the flexibility to do it another way when we are “sitting on \$5 million.” She asked Mr. Ebert the status of the Yardley project, and Mr. Ebert stated about a month and a half ago they were still going through the design. Ms. Tyler asked how long it would take for the design; and Mr. Ebert stated it could take six months, and if there are environmental clearances it could take three to four months more than that.

Mr. Ferguson stated they would then be looking at taking money from a project that we have in its entirety, and pulling some amount of that money out of it with the idea that they would then need to raise rates again next year to reimburse the Bond Fund. He stated that was the way that the Bond Fund was used over a period of years, and the Township then found out that they were short when other things came up. He stated he does understand that what is proposed is a big rate increase, and he and Mr. Ebert worked for months trying not to front load expenses; and to have the rate increase and then have it flat line and not have to go back with big subsequent increases until a decision is made about the sewage treatment plant which will be a “big hit.”

Ms. Tyler asked what is the other \$1.5 million in the Bond Fund marked for, and Mr. Ferguson stated it is for Sandy Run Road. Ms. Tyler stated she feels they could make better use of the Bond Fund money.

Dr. Weiss stated the Township Manager has stated that using the Bond Fund for these types of expenditures may be problematic since they would have to pay it back. He stated one of the reasons why we are in the present financial circumstance we are in is because over the years they used the \$15 million Bond Fund for purposes other than what it was originally intended for. Ms. Tyler stated it was used for Open Space and Sewers, which is why it was borrowed. Ms. Tyler stated there is a pool of money that was borrowed, and there is a Bond Fund specifically for Sewers. Dr. Weiss stated he would be against using the Bond Fund to pay these bills. Ms. Tyler stated the projects outlined for 2020 are “here,” whereas the Yardley Borough project is not here. She asked how they can properly prioritize the work going forward.

Mr. Grenier stated he understands that Ms. Tyler is proposing one method to address the “immediate short-term,” and Dr. Weiss is looking more long term. Mr. Grenier stated he believes that there is an inherent risk at some level in using the Bond Fund for a short-term fix. He stated they should look at the risk of pulling money now from a Fund that at some point in the future they will need to pull from. Mr. Ferguson stated they would be pulling Capital Bond money to go toward I & I and other projects which are essentially Operations and Maintenance. Ms. Tyler stated she would consider those to be Capital improvements. Mr. Ferguson stated the Bond Fund may need to have cash in it for some other reasons.

Dr. Weiss stated they are looking at a possible Capital expenditure to the Morrisville Municipal Authority in the next year or two of \$3 million which has already been put on the table. Mr. Grenier stated in November of last year, the Township was provided a “surprise bill” from MMA in the amount of \$700,000 which is still under discussion. Mr. Grenier stated Lower Makefield is supposed to receive a Budget from MMA by November 1, and they have still not seen it this year; and that is not the first time that has happened. Mr. Grenier stated as part of the meeting last November, MMA showed a sheet of paper that showed some of their Capital expenditures for a number of years, and for next year they showed a range of \$7 million to \$8 million of which Lower Makefield would “be on the hook” for our percentage.

Mr. Ferguson stated we insisted that Morrisville produce bills to justify their Expenses, but we have not seen any of those for this year yet. Ms. Tyler asked what recourse we have with Morrisville since MMA has been doing this for years which makes our Budget process more difficult. Mr. Ferguson stated this is one of the reasons that they were looking at alternatives to MMA which was everything from creating our own treatment plant, to going to Lower Bucks Municipal Authority, to taking all of our flow to Bucks County Water and Sewer, and a number of other options recognizing that the relationship with Morrisville is problematic. Ms. Tyler asked the status of the other alternatives. Mr. Ferguson stated all of the options they have looked at were equal in possibility and cost which was approximately \$50 million for all of the various options. He stated when they looked at the numbers, they discussed that before they decided on a \$50 million option, they should examine the possibility of a sale of the sewer system to see if it was feasible and determine what that does to the Township finances. He stated they are now in the process of that analysis; and if it does not end up feasible to sell, they will then come back and reconsider what can be done with the treatment options.

Mr. Ebert stated presentations were made to the Sewer Sub Committee on the options, and he has completed his summary. He stated he is now waiting for the PFM information on a potential sale which will then be included in his report, and the Board will then have

all options in front of them. He stated he took all the options up to the point of negotiating with prospective purchasers, but did not enter into negotiations. Mr. Ebert stated there was not a clear favorite. Ms. Tyler asked where is the report, and Mr. Ebert stated he has it but has not released it since he was waiting for the information from PFM; and that would complete the report and he would then give the Board everything. He stated he could present what he has to the Board without the PFM information if they would like. Mr. Ferguson stated the idea was to present the Board with all of the options at one time. Ms. Tyler stated she would like to see what Mr. Ebert has so far as she feels that would be helpful to the Board in making their ultimate decision on the proposed rate increase.

Mr. Grenier asked what is the timeframe to have all options, and Mr. Ebert stated it was his understanding that it was December. Mr. Ferguson stated the Board recently hired an attorney to assist with the sales option process. He stated that attorney will create an Asset Purchase Agreement, and they are also looking at Concessional Lease Options as well as other items that would go into that and that would have to be done as part of the legal process prior to any proposal going out to whoever is interested. Mr. Ferguson stated once that is done, the Township would send out a Request for Indicative Bid. He stated this is not binding, and it just laying out the parameters of the different options to see where the companies are. He stated they have also talked about a Concession Lease and how that would work, and where the different companies would be with the rates, how long they could freeze rates, and where the price would be. He stated they would then get indications as to who is interested and what proposals make sense for a Bid to go out probably in February or March. He stated from that time they would have forty-five to sixty days so they would probably have this back to the Board by summer.

Mr. Ferguson stated there are certain restrictions regarding the General Fund and taxes and what can be done once a Preliminary Budget is passed. He stated the Sewer Budget does not fall under that parameter as far as limitations to changes one way or the other from Preliminary to Final. Ms. Tyler stated they are only limited from going up and not from going down. Mr. Ferguson stated depending on what the millage is, there could be an adjustment to millage; and he believes that the overall rate per category is 10% or 25% on a line. He stated depending on what the millage is, potentially they could “tweak that a bit” as long as it falls within those parameters. He stated this is also the case with an Expenditure; and if there was a big Expenditure in for \$100,000, they could zero that out, but they could not take it from zero to \$100,000 from Preliminary to Final.

Ms. Tyler asked Mr. Lewis about Bond money sitting in the Bond Funds adding that negative arbitrage has been discussed previously when money sits in a Fund. Mr. Lewis stated the concern is that you are paying interest out on the Bonds, and the interest being earned is less than what you are paying out. He stated that is called negative arbitrage, and it is a real cost. Mr. Lewis asked Mr. Ferguson if there is a calculation of that in the Budget so that they could see the difference between what we are paying out in interest versus what we are earning. Mr. Ferguson stated the Bond rate is approximately in the 3s, and the interest rate we are drawing is 2 ¼. Mr. Lewis stated that would be 75 basis points on \$5 million so that is a significant amount of money. He stated that is why we hope to execute on some of the projects that we have for next year.

Mr. Lewis stated for the Stackhouse pump station and some other projects that involve Grants, the Township has to outlay the money first before the Grant comes in so in that case the Township needs the extra cash to pay for those projects. He stated the Township was very successful last year in getting Grants, and we need to continue to do that in the coming year. Mr. Ferguson stated with regard to the Seven-Year Sewer Plan as outlined, they will most likely not get Grants for I & I; and while they might get Grants for other pump stations, he would not include in the numbers the anticipation that we would get a Grant. He stated if they do get a Grant, it could offset the costs; and that could offset the need to increase Sewer rates in the intervening years, and they would still aggressively pursue Grants.

Dr. Weiss moved and Ms. Blundi seconded to authorize the advertisement of the adoption of the Preliminary 2020 Budget.

Mr. Grenier stated they will continue to have Board comment on the Budget, and he will then open it up to Public Comment.

Dr. Weiss stated this is probably the leanest Budget the Township has had in years.

A short recess was taken at this time.

When the meeting was reconvened, Mr. Grenier stated they received an e-mail this week that the Township did not get the Grant for the Woodside bike path. He stated last year there was a .24 mill increase to cover the match anticipated for that Grant. He asked Mr. Ferguson now that we are not getting that Grant, what would happen with that millage that was contemplated for the Woodside bike path. Mr. Ferguson stated that would be a decision for the Board adding that .24 mills was contemplated

for that or other possible projects. He stated one of the things that was covered in the Board meeting last week was that in the Budget on Page 27 there is a new Recreation Capital Reserve Fund, which was the result of a lot of discussions over the last year and a half regarding projects that if we have a match or as we budget for projects, if they do not happen in that year, that they transfer the money over so that it is earmarked and they can see it and not lose track of it. He stated if a Grant would come in, they would know that they Budgeted for this in a certain year, and they would have to specifically carry that over as it does not automatically carry over. He stated that Fund is meant to have the money set aside. He stated there is money there from 2016 that was carried over along with our match for Memorial Park. He stated as the Budget sits now there is .24 mills which is approximately \$160,000 for 2020 that comes under the Park & Rec millage that then is immediately transferred over to the Reserve Account to earmark it. He stated it would be up to the Board what would they do with that, and it is a typical millage assigned to Park & Rec.

Mr. Grenier stated we have a 1.0 mill increase proposed for 2020 all to be in the General Fund so they will be going from 20.25 to 21.25, and Mr. Ferguson agreed. Mr. Ferguson stated there are seven different Funds in the Budget which have a millage. Mr. Grenier asked how the Board feels specifically about the .24 which was done last year that they were unable to use for the project. He stated the Board may want to consider if they want to give that back to the taxpayers if there is not a "live project." He stated they could keep the design project ready to go in case they do have money, and then they could address that in future years when it may be available.

Ms. Tyler asked if it could be transferred into the Sewer Fund; however, it was noted that could not be done. Ms. Tyler stated they collected the money this year; however, they are not spending it; and she asked if that could be transferred into the Sewer Fund. Mr. Ferguson stated it was a Tax that was collected which they would be transferring into a User Fee Fund, and that would be atypical. He stated there are a variety of Funds that have multi-uses, but there are things that are dedicated millages and dedicated fees. Mr. Truelove stated the issue is the source of the Revenue; and one is through taxes (millage), and the other is through rates/ User Fees. He stated this may be a GASB issue.

Mr. Grenier asked if they could transfer the Revenue generated from that specific millage to the General Fund to help offset the 1.0 increase. Mr. Ferguson stated he does not feel they could since it was Recreation millage that was dedicated for recreation. He stated if there was a legitimate expense that the General Fund incurred that could be deemed a Park & Rec expense that there would be justification to bring over, and he feels they could do that; however,

they set the Fund up in a way that they tend to be mutually exclusive where the expenses are located in the respective funds to do that. He stated he does not feel they can just “randomly move it over.”

Dr. Weiss asked if in the 2020 Budget since they are not going to do the project at this time, have they transferred the millage to the Park & Rec Reserve. Mr. Ferguson stated there is \$126,000 which was collected under a Park & Rec millage, and he feels that could be used for any Park & Rec expense; however, he believes the mill at the time the Board dedicated it was for a specific Capital project so he feels at a minimum it should probably be another Capital project if not the Woodside bike path which was the original intent. Mr. Ferguson stated the intent is going forward they could continue to explore the Woodside bike path, and they could keep that money there for a potential match in the future or apply that money to another Park & Rec project that they are contemplating. He stated another project that is in the Reserve Fund is the Memorial Park project; and he stated since there were some cost overruns, he feels they could apply it to that or the Board could apply it to another new project in the future that they may want to do. He stated it could also stay with the bike path if the Board wanted to do that.

Dr. Weiss stated his preference at this point is to transfer the millage for the match that has been collected to date into Capital Reserve for Park & Rec, and then drop the millage. Mr. Ferguson stated there is \$376,000 in the new Park Capital Reserve Fund being transferred in 2019. He stated that is \$250,000 for the portion of the taxpayer’s match for the Memorial Park project and the \$126,000. Dr. Weiss stated they no longer need the .24 millage going forward until they know something more about what is going on with the Grant. He stated from previous discussions he knows that they were depending on a Grant to build the bike path; and since the Grant has been denied this year, and they do have the millage for a possible match Grant next year, he feels it makes the .24 Park & Rec millage unnecessary unless the Board wants to allocate the future millage to some other Park & Rec project going forward.

Dr. Weiss moved and Ms. Tyler seconded to decrease the millage of Park & Rec by .243 mills.

Mr. Lewis asked if this was the Township Manager’s recommendation, and Mr. Ferguson stated that was not part of his 2020 Budget. Mr. Lewis stated the Township received \$300,000 from the Delaware River Joint Toll Bridge Commission as part of the sale of the Park & Ride; and in that Agreement the Township agreed that they would allocate \$300,000 toward building the

bike path. He stated when they zeroed out all of the Funds, they had to re-create that, and the Township still has that responsibility or there could potentially be some issues with the Delaware River Joint Toll Bridge Commission. Mr. Ferguson stated with regard to the liability, without having the document in front of him, he could not quantify what that would translate to. He stated he believes that what Mr. Lewis is stating is correct in that there was an obligation for the Township to do something with the dollar amount that Mr. Lewis has referred to although he does not believe it had a specific deadline on it.

Mr. Lewis stated at this point the Joint Toll Bridge Commission has honored their part of the Agreement, and in fact they have built everything up to Taylorsville Road.

Ms. Tyler stated she feels that Mr. Truelove should look at the Agreement and let the Board know what their obligations are before they make a decision on this money. Mr. Lewis agreed, and he stated they may want to reconsider the Amendment to the Motion at this time; and Ms. Tyler agreed. Dr. Weiss stated if there is an obligation to raise the \$300,000 and there is a deadline, he would consider that. He added that for a long-term project like this, and the amount of money they are talking about, the use of the Bond Fund would be more appropriate in this matter.

Mr. Ferguson stated if this is something Mr. Truelove needs to look into, they always have the ability to lower the tax as part of the Final Budget, and they do not need to take the tax out as part of the Preliminary Budget. He stated it is more problematic going the other way and adding a tax as part of the Final Budget.

Mr. Grenier asked when the initial obligation was made that the Township had to do the project; however, Mr. Ferguson stated he was unable to answer that question at this time, although he feels it was some time ago. Mr. Truelove stated he believes that it was in 2016. Mr. Grenier asked if there has ever been a line item related to that prior to last year in any Budget; and Mr. Ferguson stated it was part of the 2018 Budget, and it was an item along with several other items that they had to put in. Mr. Grenier stated he believes that Snipes was one of them. Mr. Ferguson stated it was also lights at Caiola Field.

Dr. Weiss stated since there is a question, and since they have the ability to lower it later, he will withdraw the Amendment and stay with the original Motion.

Ms. Tyler asked that Mr. Truelove look into this issue, and she also asked that the Board get updated year-to-date figures on the Transfer Tax and other larger numbers. Mr. Ferguson stated with regard to Revenues, the Transfer Tax being the biggest one, that number includes the October transfer so the number shown is as of October 31 for the Transfer Tax. He stated Finance updated the larger items to try to get them as accurate as possible. He stated the Transfer Tax through ten months is \$1,311,292 which is an average of about \$130,000 per month. He added that people do tend to buy less during November and December, and he has a year-end projection of \$1.470 million.

Mr. Lewis asked if they could create a separate fund to handle the Golf Debt that is not met by the Golf Operating Budget. He stated there could be a separate millage just dedicated to that. Mr. Lewis stated that would not have to be done this year, and it could be done at another time. Mr. Ferguson stated if they were going to do that, that debt would have to go to the Debt Service Fund; and they would be re-assigning debt being covered by User Fees to the taxpayers. He stated the question is what is the millage that would be needed to cover that Debt Service payment. He stated knowing what the Golf payment is, he feels that would translate to approximately 2 mills to start, and then 3.5 mills by the time it graduates to a higher payment. Mr. Lewis stated this is not an immediate item to be addressed, but it is something to consider in 2021. Mr. Ferguson stated that would be a decision for the Board to make. Mr. Grenier stated the taxpayers would be covering the Golf Course versus the golfers. Mr. Lewis stated they are doing that now. Mr. Ferguson stated for this year they have an amount of \$333,000 that they feel will be needed to assist the Golf Course by the end of the year, and \$276,000 for 2020. Mr. Ferguson stated that would be coming from the General Fund which is from the taxpayers.

Mr. Grenier stated if they were to have that structure that would pull \$276,000 from the General Budget and put it into a different fund. Mr. Ferguson stated his understanding is that Mr. Lewis was asking if they could take the Golf Debt in its entirety and transfer that over. He stated the other question is if the Golf Debt were restructured to a reasonable amount, could they take the difference and assign that to the Debt Service; and he believes that they could do that as well. He stated in the example of taking all of the Debt, if they did that for this year, the General Fund would benefit \$276,000; however, they would need to do a millage increase for that given year of at least 2 mills to cover it. He stated they also need to recognize that the Golf payment is going to go from \$1 million, to \$1.6 million, to \$1.8 million in the next two to three years so it would grow to a higher amount.

Ms. Blundi asked if that 2 mills would be a “new type of mill” since she understands they are close to the limit. Mr. Ferguson stated the limit relates to the General Fund mill. He stated there are seven different mills including the General Fund mill, Fire hydrant, and Debt Service. He stated what is being discussed would be a reconfiguration of the debt. Ms. Blundi stated the net effect is that the taxpayers would see an additional 2 mills, and Mr. Ferguson stated they would be transferring the payment from User Fees at the Golf Course to the taxpayers in the mills under that scenario.

Mr. Grenier stated there is a 1 mill increase recommended for the General Fund which will bring it up to 13.88 mills, and there is a cap of 14 mills before we have to ask special permission. Mr. Grenier asked what the additional mill will cover next year versus last year. Mr. Ferguson stated while it could cover anything in the Budget, more practically it is meant to at least raise our 2020 projected Fund Balance to about 5%. Mr. Ferguson stated we will not want it to stay at 5% for multiple years, but this will at least get us to 5%. He stated if Real Estate Transfers come in higher, the actual year-end number may end up more robust.

Mr. Grenier stated with regard to the bike path we are obligated to spend \$300,000 on a project that is estimated to cost twice that. Mr. Pockl stated the Township requested a Grant from DCED in the amount of \$437,500 which was to cover the construction of the bike path. He stated prior to that we had requested a Grant to cover the design, Permitting, and Bidding for the bike path; and the Township did receive that Grant in the amount of \$52,500. He stated that required a 15% match. Mr. Ferguson stated the total project cost is \$527,500. Mr. Pockl stated he believes that it was initially \$90,000 for design and \$437,500 for construction. Mr. Grenier stated based on our recent Bid results, he feels there could be an increase in the overall cost; and Mr. Pockl agreed. Mr. Pockl stated a major portion of the cost for that project is asphalt because it is a bike path, and the price of asphalt fluctuates quarterly so that would be a major driving factor on the cost. Mr. Ferguson stated they have already spent some money as they secured commitments from two property owners in the area for Easements to cross the path over their properties. Mr. Ferguson stated they did approach the Bridge Commission regarding changing the path and taking it all the way to the light where the Township put the crosswalk in so there has been progress.

Mr. Grenier stated if the Township is not successful with a Grant, it would take four or five years’ worth of millage to self-fund. Mr. Ferguson stated if they are discussing the project as currently configured it is estimated to cost \$527,000. He stated currently we have approximately \$176,000 from the Grant that Mr. Pockl referenced and the

\$126,000 from the mills for 2019. He stated in 2020 if they were to assume that is there, they would be at approximately \$304,000. He stated absent a Grant he feels it would take until 2022 to fund the project as it sits. He stated he is not familiar with what discussions may have taken place previously on other options. He stated there may be other creative ways if the Board wanted to build the bike path sooner rather than later and keep the millage the same.

Mr. Grenier opened the Budget discussion up for Public Comment.

Mr. Harold Kupersmit expressed concern with the U.S. economy.

Ms. Sara Spengler-Campanella, 29 Green Ridge Road, stated they were talking about potentially pulling from the Sewer Bond Fund in order to offset the 37% projected increase. She asked if pulling from the Bond Fund will impact our Moody's rating considering that Moody's indicated during the downgrade in February that they had a concern about the long-term Sewer Capital costs. Mr. Ferguson stated he had the Moody's review on Tuesday, and their questions were very specific. He stated they looked at our financials and our Budgets. Mr. Ferguson stated he does not feel this would lead to a downgrade in and of itself; but he feels the question he would be asked is what is the timeframe and the plan to get that money back into the Bond Fund. Mr. Ferguson stated Moody's questions are always anticipatory, and they are more concerned that we understand what we are doing, where we are, and what is the plan. He stated what is being discussed by the Board is committing a future Budget to a mandated increase, and that would be a discussion the Board of Supervisors would have to have.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated he does not feel they should give the millage back. He stated the Budget is thin, and there are things that we are not getting that we might like to have if we had the money to do them. He stated he feels the Board should determine the Fund that the mill should go to. He stated he feels they could get a third Police car or do something else, and he does not feel we are in a situation where we can lower the Tax bill.

Mr. Grenier stated once the Preliminary Budget is advertised, they will bring it back for Final consideration at the meeting on December 18. Mr. Ferguson stated they are required to advertise it for twenty days. He stated it therefore could not be approved at the first December meeting because that would not meet the twenty-day period; and unless the Board were to schedule another meeting, the Final Budget would be scheduled for December 18. He stated the Board can make line item changes within certain parameters; however,

if the Board wanted to go outside those parameters, they would have to start the process all over again and pass a new Preliminary Budget and then have the twenty-day period so they would have to do that quickly.

Motion carried unanimously.

Ms. Tyler left the meeting at this time.

APPROVE KOHL'S EXTENDED HOURS REQUEST

Mr. Ferguson stated there is a request from Kohl's to extend their hours for the Holiday season. He stated he wanted to bring this request before the Board of Supervisors recognizing that Kohl's has probably done this for all the time that they have been there. He read the request into the Record including the extended hours that they are requesting. He stated he believes that this is what was done in the past, but he felt it was appropriate for this to come to the Board for a decision.

Mr. Truelove stated the property was approved before he was the Township solicitor, but he does recall seeing paperwork that certain parameters of hours were agreed to by a Court Order; and it was a Stipulation that the Parties agreed to so this would be a deviation from that, but if the Parties agree to it, he does not believe they would have to go to Court for this. Mr. Grenier asked who are the Parties, and Mr. Truelove stated it would be the property developer and the Township.

Mr. Grenier stated they are looking to be open on Thanksgiving, twenty-four hours on Black Friday, and extended hours for other days.

Chief Coluzzi stated there is an increase in Police calls and incidents during the Holiday season anyway; however, and he has no objection to the request. He added the Board should be aware that other stores in the shopping center will probably follow suit. Mr. Truelove stated he is not aware that there have been complaints about this in the past.

Mr. Lewis stated he would prefer that people have time with their families on Thanksgiving; but he recognizes that there is a difficult Retail environment, and there are challenges at that space.

Ms. Blundi moved to allow Kohl's to have extended Holiday hours pursuant to their request dated November 11, 2019.

Mr. Lewis asked that the Motion be amended and express the Board's concern about being open on Thanksgiving in general and that it is something that might be considered in future years, but that they approve it today.

Ms. Blundi stated this is a short Retail year, and she would not want to impede a business's opportunity. Mr. Lewis stated he is not asking them to change their hours this year, but is asking them to consider in future years not to be open on Thanksgiving.

Dr. Weiss seconded the Motion as originally made. Ms. Blundi stated the Amendment was not accepted.

Motion carried unanimously.

APPROVE AUTHORIZATION TO HIRE INDEPENDENT FINANCIAL AUDITOR
APPROVE AUTHORIZATION TO HIRE MUNICIPAL TRAFFIC ENGINEER

Mr. Grenier stated at the beginning of 2018 the Board appointed several professionals several of which were appointed as interim professionals. He stated in November of 2018, the Board passed a Motion to RFP all of the professional services at the discretion of the Township Manager relative to setting a timeframe for issuing all of the individual RFPs. Mr. Grenier stated to date, they have issued four RFPs. He stated they have gone through an initial process on two of the RFPs that are being considered this evening.

Mr. Grenier stated with regard to the Independent Financial Auditor they received two responses. He stated for the Municipal Traffic Engineer they received four responses, and they interviewed the top two rated firms this evening during Executive Session.

Mr. Grenier stated they have not yet scheduled interviews for the Municipal engineer or the solicitor which are the other two that they have received proposals on.

Mr. Grenier stated this evening they will consider authorization to hire the Independent Financial Auditor and the Municipal Traffic Engineer.

Mr. Ferguson stated for the RFPs he followed the process of posting them on the Website, advertising them publicly, and then reviewing them to see if they were consistent with the parameters of the RFP. He stated the second phase was to have the professionals on staff come up with a system for evaluation. Mr. Ferguson stated for the Auditor they are recommending the auditing firm of Maillie, adding the Board is familiar with that firm. He stated they submitted a proposal and met the requirements. He stated he and the Finance Department felt highly of them.

Mr. Grenier stated the second firm did not meet the RFP, and Mr. Ferguson stated they were substitutive parts of the RFP that the Board had wanted to see that were not included in the other firm's proposal. Mr. Grenier asked Mr. Ferguson if he is recommending that they hire Maillie, and Mr. Ferguson stated that is his recommendation and the staff's recommendation. Mr. Grenier stated from a Contract perspective there has been discussion about a one-year Contract versus a three-year Contract. Mr. Ferguson stated his recommendation was that it be for three years which is a typical timeframe for an Agreement with an Auditing Firm. Mr. Ferguson stated three-years is typical especially with the new reporting requirements. He stated the staff also gets comfortable with how the firm wants to see things presented. He stated the way this was Bid was for three years as that is a typical, reasonable timeframe for Municipal Auditors.

Dr. Weiss moved, and Ms. Blundi seconded to authorize the hiring of the Maillie firm as the Financial Auditor for a period of three years.

Mr. Ferguson stated this would be for the Audit years of 2019, 2020, and 2021.

Motion carried with Mr. Lewis opposed.

Mr. Grenier stated with regard to the Municipal Traffic Engineer, they received four responses to the RFP; but one of the four was deemed to be not fully responsive to the parameters of the RFP. Mr. Ferguson agreed. Mr. Grenier stated while there were three that technically met the RFP requirements, from a scoring perspective the top two were quite high and had very similar scores, and the firm in third place was significantly lower. He stated this was scored by a team comprised of the Township staff who work with the Traffic Engineer. Mr. Grenier stated the firms with the two highest scorers were brought in this evening for interviews.

Dr. Weiss. moved, and Ms. Blundi seconded to hire as Municipal Traffic Engineer SAFE Engineering.

Mr. Grenier stated there is a Motion to hire SAFE Engineering, and they can accept or reject that. Mr. Grenier stated the Board can talk about that firm; and if everyone feels strongly that they are a better option, they would not have to go to the next firm.

Mr. Lewis Moved to call the question.

Mr. Grenier stated SAFE Highway Engineering is their official name, and they provided a Third-Party review recently for the Township; and he feels they did a good job as a traffic engineer which is their primary service. He stated they do not offer Civil Engineering Services, and they are not Structural Engineers or Environmental Engineers. He stated they are a small traffic-engineering specific firm, and he feels their services to date have been positive. Mr. Grenier stated their rates were significantly lower than the other firm, and he feels they could do the job. Mr. Grenier stated the other firm, Pennoni, is not a bad firm, and they offer a number of different services locally. He stated Pennoni's rates were higher. He stated Pennoni has a good reputation. He stated going for "one over the other is not saying anything about their skill set."

Mr. Lewis stated the reason he called the question was because if there was "comfort" among the Board members on SAFE, there was no need to discuss other Applicants. He stated both individuals they talked to had very strong presentations, and he would have felt comfortable with either of the firms. He stated he felt very highly of Pennoni and their proposal and their work, and this is in no way a reflection on them; and it was a small preference based on their collective review.

Mr. Grenier stated he agrees that both firms interviewed very well. He stated they offered slightly different methodologies and ways to provide services, and there was a difference in the rates.

Dr. Weiss stated the only reason he offered the Motion in this way was because this offered the opportunity for the Board to discuss this as a group.

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session starting at 6:00 P.M. and items of litigation, personnel, and informational items were discussed.

Mr. Ferguson announced that the Board had met in Executive Session last week prior to the Budget meeting with regard to personnel.

ZONING HEARING BOARD MATTERS

With regard to the Maria Jimenez Galvis Variance requests for the property located at 236 Oxford Valley Road in order to allow previously-built addition and accessories resulting in greater than permitted impervious and less than required side yard setback, Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried that the Solicitor participate.

APPROVE EXTENSION REQUEST OF ERIN DEVELOPMENT

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to approve the Extension request of Erin Development to 12/31/10.

DISCUSSION OF RELEASE OF ESCROW CONTINGENCY FOR 109 OVINGTON ROAD

Mr. Majewski stated this was a Minor Subdivision that required a cash Escrow to guarantee the completion of the public improvements. He stated all the work has been completed, and the prior Escrow Release verified by the Township engineer released all of the money except for the Contingencies to make sure that they had all the bills for the professionals. He stated they are now recommending the release of the remaining Contingency after those bills are paid.

Ms. Blundi asked if they have the dollar amount, and Mr. Majewski stated they are still fine-tuning that number and it is approximately \$800 to \$1,000.

Mr. Truelove stated the Motion would be to authorize the Release of the Escrow Contingency for 109 Ovington Road subject to the approval of the staff in terms of the amounts and the categories that are subject to the Escrow.

Mr. Grenier asked if there is a reason they have to do this now, and he asked if they could wait until the next meeting when they have an exact number Ms. Blundi stated she would like to know how much they are giving back to them. Mr. Grenier stated he would prefer that they wait.

Mr. Truelove stated that since there is no Motion, the Board would not have to Table it, and they can defer it to the next meeting when that information is available.

SUPERVISORS REPORTS

Dr. Weiss stated the Zoning Hearing met and approved the Special Exception for the Capstone warehouse. Dr. Weiss stated the Historical Commission is collaborating with the Historic Society on an inventory of historic homes in the Township. He stated Economic Development will meet next week and discuss the Business Survey.

Ms. Blundi stated last Saturday the EAC, members of Park & Rec, and members of the community including representatives of Troop 230, PAA, YMS, Riverstone Church, Youth Groups, and families came out and planted over 125 trees and shrubs; and it went very smoothly and was a “great day.” Ms. Blundi stated they will be working in the spring at Patterson Farm.

Mr. Lewis stated the Makefield Highlands Golf Club will have a Comedy Night on Friday, December 6 at 7:30 p.m. which includes dinner. He stated the event is already over two-thirds sold out.

OTHER BUSINESS

Approval to Opt Out of Opioid Litigation Negotiation Class

Mr. Truelove stated because of the opioid epidemic, litigation has been spawned primarily to help public entities recover monies that they may have expended or budgeted as part of the effort to fight opioids and deal with the problem. He stated specifically in Lower Makefield, we were the first to use Narcan when needed. Mr. Truelove stated this has been consolidated in a Class Action located in the northern District of Ohio; and if you do not opt out of the litigation, you are automatically included. He stated we do not know where Lower Makefield would be in the “pecking order” in terms of receiving funds from this Settlement if it does go through. He stated there is a potential to opt out which expires this Friday. He stated there are alternative options in terms of representation which he would recommend should be looked into which are more locally focused.

Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to opt out of the Opioid Litigation Negotiation Class and direct the solicitor to make all appropriate notifications to accomplish same.

Mr. Truelove stated he will come back shortly to the Board to recommend a firm to represent the Township as well as other Municipalities if it determined to move forward independently of this Negotiation Class.

There being no further business, Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 10:15 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary