

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
SPECIAL MEETING  
MINUTES – JUNE 9, 2022

A Special Meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 9, 2022. Mr. McCartney called the meeting to order at 7:00 p.m. and called the Roll.

Those present:

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

Others:                               Barbara Kirk, Township Solicitor

Absent:                               Kurt Ferguson, Township Manager

APPROVAL TO AUTHORIZE OBERMAYER REBMANN MAXWELL HIPPELL LLP TO  
CREATE IRREVOCABLE TRUST DOCUMENTS

Mr. McCartney stated at the last meeting the Board discussed the direction we wanted to go with the Sewer proceeds, and the Board needs to consider partnering with Obermayer as to how to frame the Trust.

Ms. Blundi moved and Dr. Weiss seconded to authorize Obermayer Rebmann Maxwell Hippell LLP to create Irrevocable Trust documents.

Mr. Lewis asked the proposed rate for the services of the attorney from Obermayer Rebmann Maxwell Hippell LLP. Mr. McCartney stated Mr. Ferguson had this data but had to leave, but it was in the memo that Mr. Ferguson sent the Board. Mr. McCartney stated it is a blended hourly rate of \$395, with an anticipated total Budget to complete the Trust of between \$25,000 to \$30,000. Mr. Lewis asked the current hourly rate for the Township solicitor. Mr. McCartney stated he believes it is \$150 an hour, and Ms. Kirk stated she believes it is \$150 an hour for general representation work. Mr. Lewis asked if we were not happy with the work that Hill Wallack did outlining the Trust previously. Mr. McCartney stated he was not unhappy with it, but he understands Hill Wallack was giving an overall view; and he believes that Obermayer is more well equipped and has

much more experience with this and have some other professionals that they can rely on. He added that when we are talking about this type of Trust, he feels it is best to have Obermayer do this. Mr. Lewis asked if the attorney in question has drafted similar Trusts in other Municipalities in Pennsylvania, and Mr. McCartney stated he believes they have adding Mr. Lewis could ask the attorney that question. Mr. Lewis stated if a Township passes an Ordinance and it is in their Code Book, it is not “copywrited” so another lawyer could use that language. He stated other Municipalities have used the language in a lot of our Ordinances over the years. Mr. McCartney stated he believes the biggest hurdle with this is that we are “going in unchartered waters” in terms of how Irrevocable Trusts are set up from a Municipal standpoint and how they are operated. He stated he believes this will be a complex assignment, and not a situation where we “can copy and paste” what other Towns have done.

Mr. Lewis stated he is not sure that is the case. He stated people have come to him saying they have had great experiences developing Trusts with Hill Wallack. Mr. Lewis asked if Mr. Truelove was unavailable this evening, and Ms. Kirk stated he had a conflict this evening. Ms. Kirk stated they have other attorneys in their firm who are well versed in drafting Irrevocable Trusts for individuals as well as corporations.

Mr. Lewis asked if Obermayer is the solicitor for any Township in Bucks County, but Mr. McCartney and Ms. Kirk did not know of any. Mr. Lewis stated we have an existing Township solicitor whose rate is less than half of the proposed rate of the firm that has been suggested. Mr. McCartney asked Ms. Kirk how many Irrevocable Municipal Trusts she has written; and Mr. Kirk stated she has not written any, but there are some other attorneys in her firm. Ms. Blundi asked if they have written Irrevocable Trusts for Townships; however, Ms. Kirk stated she could not answer that. Mr. McCartney stated he recalls that the feedback that they received from Mr. Truelove was that they had written none of those.

Mr. Grenier stated it seems that there is some level of uncertainty as to what our Township solicitor can do. He stated it may be a situation where we may need to go outside and pay more for another firm, but he would like to give our current Township solicitor the opportunity to provide a proposal to do the same work so that the Board can make a comparison. He stated he does not feel what they received from Obermayer was really a proposal and was just a basic outline with some hours, and he would like to see something more from them. Mr. Grenier stated while the Board agreed that they wanted to set up a Trust, we are still talking about “whittling away at the total dollar volume,” and he wants to make sure that we are not using so much that the

idea of the Trust is not as meaningful. He stated he would like to see if it is possible to save 50% or more by using our current Township solicitor to do the same work if we can get the same product. He stated he does not know why we went with Obermayer. He stated he was not “entirely impressed” with their work on the Sewer sale, and he is hesitant to work with them going forward adding that they are more than double what our current solicitor charges who may have the same or better capabilities.

Mr. Lewis stated he does not understand why we would spend more than two and a half times the hourly rate of our current Township solicitor unless a majority of the Board felt that “they no longer trusted the solicitor or were not happy with the firm.” Mr. Lewis stated if that is the case, that should have been shared with the full Board. Mr. Lewis stated in most cases, the Township solicitor is the one who would draft our Ordinances. He stated he feels this is an ideal circumstance where the Township solicitor would do that; and given that their rate is less than half, he does not understand why taxpayers should pay more than double the price. He stated he does not feel a compelling case has been made as to why we should use this firm and what specific skills they have.

Mr. Lewis stated the attorney from Obermayer is a “tenacious, detailed-oriented advocate for his client.” He stated he “did a tremendous job of narrowly threading a needle where he correctly assessed that the Township could have accepted a much-better Bid for the Sewer sale; however, he put the seeds of doubt in the Supervisors that wanted to do that.” Mr. Lewis stated while that attorney is a great advocate, he would ask “who is his client because it was not the residents of Lower Makefield, and it was perhaps Aqua.” Mr. Lewis stated he knows he is not supposed to mention the Sewer sale or the fact that “ratepayers are going to get gouged/crushed when the PUC rates come out.” Mr. Lewis stated the people who are “architecting that are not necessarily the ones who are going to be there to protect us going forward.” Mr. Lewis stated he is more comfortable with our Township solicitor drafting the proposed Ordinance at less than half the price than he would be with Obermayer.

Dr. Weiss stated he has the utmost respect and confidence in our Solicitors for the Municipal work that they have done for us over the past few years, and he has no doubt that they will continue for many more; however, developing a Municipal Trust document to protect a large sum of money for the taxpayers of the Township is relatively “new science.” He stated even though there are some Ordinances and some Trusts formed by Ordinances, it may not be the way our Township may end up going. He stated Obermayer has a number of

specialists and in-depth experience in protecting money for Municipalities through financial Trusts. He stated they are doing one now in Delaware County, and he feels it would be worth the extra money to have these specialists give us the proper instrument to protect our citizens through a number of years.

Dr. Weiss stated the decision to sell to Aqua was based on a number of things and not just how much money we were going to get from the sale. He stated at this point we are discussing how best to protect the money and keep the tax burden as low as possible for many years to come. He stated the Board needs to consider which law firm has the best tools to make that happen, and he would support the Motion to engage Obermayer to do that job.

Mr. Lewis stated Dr. Weiss had indicated that the lawyer in question for Obermayer is working on a Trust in Delaware County, and Dr. Weiss stated that is what he heard. Mr. Lewis asked if that is DELCORA; and Dr. Weiss stated he does not know, but he knows they are working on a protected Trust for the residents of Delaware County.

Ms. Blundi stated people often come to her and ask if she can help them with different types of law, and she advises that she is highly specialized which is what many attorneys are. She stated our Township solicitors have done a great job for our Township; and while they do a lot of different things, in this particular situation she feels Obermayer has a lot of experience in this space, and she is more comfortable with their level of expertise. Ms. Blundi stated if Mr. Lewis is correct that there is an Ordinance that can be copied, she feels that they will start by copying it. She stated she is in support of the Motion she made.

Mr. Lewis stated he is “relatively thrifty,” and we have a Township solicitor that Ms. Blundi has stated does excellent work. Mr. Lewis stated he believes that Ms. Kirk is confident in Hill Wallack’s work in this area and confident that they could do an excellent job in this case. He stated if this was that specialized and that much of a concern, he would talk to more than one person and negotiate the rate. He stated he is opposed to the Motion.

Mr. Grenier stated we have had this trend over the last several months of giving out Contracts and having presentations from companies to do tens of thousands of dollars’ worth of work some which were based off of presentations or relationships but there were no RFPs so there is nothing

to compare to. He stated it “shows up and we have to vote on it.” He stated that is not how he likes to do business, and he feels we owe it to the residents to if not RFP it, then to use our existing solicitor where we have existing Contracts with Terms and Conditions. He stated they are a known entity at a much better rate. He stated he feels we owe it to our residents to get a quote from our Township solicitor to understand what they can do and to see if they can do it for a lower cost than what we got from Obermayer. He stated what we received from Obermayer was brief and generic and there was no back-up to prove their experience. He stated he knows that people may have heard that Obermayer may have done one of these someplace outside of Bucks County and they do have a long history of selling Sewer systems, so they are aware when “large number proceeds come to Municipalities.” He stated this evening he would ask to Table this and give Hill Wallack an opportunity to provide a similar proposal; and once we get that the Board can make a comparison and make the best decision for the Township from a fiduciary responsibility perspective.

Mr. Grenier moved to Table, and Mr. Lewis seconded.

Motion to Table did not carry as Mr. Grenier and Mr. Lewis were in favor and Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Mr. Charles Quattrone, 2025 Quarry Road, stated he understands that when you deal with Trust documents and Foundations it is a highly-technical area; but from the discussion tonight he feels the Board should RFP this rather than rely on one or two. He stated he does not feel they know what they are looking for yet, and he feels the Board and the solicitor should develop a document that could serve as an RFP to send out to multiple firms that have experience in this area and find out what the prices are. He stated he would have appreciated making his comments before a Motion was voted on. Mr. McCartney stated the Board has not voted on the Motion yet.

Mr. Richard May, 1270 Creamery Road, stated they were led to believe at the last meeting that this was going to be a meeting to discuss the Snipes property and the Play For All Plan; and he has seen nothing on the Agenda that suggests that is going to be discussed. Mr. McCartney stated while those items are not going to be discussed tonight, there are some Park & Rec Capital Reserve money that they are looking to allocate. He apologized if Mr. May was misled. Mr. May stated it was specifically stated that he should attend tonight’s meeting, and he believes Mr. Lewis suggested it.

Mr. Lewis stated at the time he had no idea what the Agenda was, and he did not get it until Friday or Monday; and there were no supporting documents. Mr. May stated a lot of the people who are present this evening are here for that reason, and it does not appear that it is “worth their while to stick around.”

Motion carried with Ms. Blundi, Mr. McCartney, and Dr. Weiss in favor and Mr. Grenier and Mr. Lewis opposed.

APPROVE THE RENOVATION OF THE SCHULYER DRIVE TENNIS COURTS AT AN ESTIMATED COST OF \$400,000

Mr. McCartney stated this project has been considered for some time, and it is getting to the point where the courts are going to become unusable.

Ms. Monica Tierney was present and stated the Board has known for some time that the Schuylers courts have been deteriorating quickly. She stated an assessment was done a few years ago on repairs that could be done, and the costs at that time ranged from \$100,000 to \$500,000 depending on the project scope. Ms. Tierney stated they are now at a point where she is looking to close them because some of the cracks are dangerously large and there is grass growing through them. She stated she feels it is one of our worst amenities at this point. She stated the \$400,000 would repair them “as is” which means that they would stay the same structure as they are now. She stated there are other things that could be done to the courts that would cost more. She stated what she is requesting is to repair them as is now including some water drainage remediation.

Mr. McCartney asked if this is a band-aid, and asked what is the effective life cycle of the improvements proposed. Ms. Tierney stated there will always be cracking on tennis courts; but as long as we keep up on it, it should last a while longer. She stated the problem is that it has been so long before being addressed because it was so costly.

Ms. Tierney stated this is the only court in the Township which is east/west which means that at some point during the day, players will get sun in their eye. She stated tennis courts are intended to be installed north/south. She stated that issue will not be fixed, and they are also not adding handicap parking. She stated they are just looking to make them playable and safe.

Mr. McCartney asked Ms. Tierney if she knows when the last improvement was made to these courts, but Ms. Tierney stated she did not know.

Mr. Grenier stated the rest of the Agenda contains Park & Rec projects. He asked why this item is on tonight's Agenda, and he asked if they are looking to use the Sewer proceeds, do it as part of the normal Budget, or to use Federal funds that we have been given. He stated it is not clear what money they are looking to spend on a lot of projects that look like maintenance that are normal Budgetary projects. Mr. McCartney stated he believes that the Schuyler renovation was going to be funded from Sewer proceeds, and Agenda Item #6 which is to earmark \$705,000 is to help Park & Rec and Ms. Tierney to come up with some matching Grant money that is available from other sources, and it is a commitment from the Township to say we are putting that money toward those other projects.

Mr. Grenier stated a big part of selling the Sewer system was to pay off the Golf Course Debt and then between the Golf Course and the elevated Pool Fees that would essentially cover most of Park & Rec; but now we are looking to use other monies outside of that to fund Park & Rec projects. He stated most of these look like maintenance projects. He stated once we do this, we would be reducing our available Sewer proceeds. He stated long-term maintenance will come out of all of these items that will require more money in the future that will have to be dealt with through the Budget and "normal means." He stated over \$1 million being considered tonight is all Park & Rec and there is no discussion about any infrastructure or any other important projects in of the Township. He stated he is not opposed to any of the projects, but it is how we fund them is what he is concerned about. He stated he would want to have this considered with the infrastructure discussion and other discussions as to how to spend the Sewer proceeds so that there are not numerous meetings spending \$1 million to \$2 million of Sewer funds each time. He stated at the end we will have reduced our principal because we have done all of these special projects, and that is not what he agreed to when they agreed to put together a Trust. He stated he wants to protect the principal and not spend it immediately. He stated the point of selling the Sewer system was to get rid of our Debt and free up some money so these projects could be Budgeted for on an annual basis; and when we have more money we could do more of these things if we protect the principal of the Sewer funds and are able to invest them. He stated a few \$100,000 a year would enable us to get one of these projects done as part of the normal Budget process and not "eat away at the principal."

Mr. Grenier stated it is unfortunate that Mr. Ferguson is not present this evening as he wanted to ask him about the Federal monies since some of those funds could be allotted to some of these projects in addition to infrastructure. He stated he would like to take a holistic approach so that we can better understand where we are going to spend money. He stated tonight he would not be in favor of any of this just using Sewer funds because he “needs the big picture.” He stated he agrees a lot of these projects need to be done, but he feels we need to understand how they will be funded but still protecting our principal. He stated there are also other infrastructure projects that need to be done in the Township. He stated he would like to prioritize everything we want to do and have a plan to pay for the items over the next few years using the sources we have at our disposal.

Mr. McCartney stated with regard to the comment made about the income from the Golf Course going back to help Park & Rec infrastructure, he feels that is a great point; however, he feels that would mean another twelve months before we could look at using any of that money to fund these projects. He stated as Ms. Tierney noted, if this work is not done, these courts will be closed. He stated he agrees that we need a plan as to how to do these things, but he feels there are some dire infrastructure projects that have not been attended to for many years, and the opportunity is now here for us to make these improvements as needed. He stated he feels that if we have the means to do them without significantly impacting the principal from the Sewer sale, it is a step in the right direction.

Mr. Grenier stated before he would agree to spending \$400,000 on tennis courts after we just opened up a number of tennis courts, he would like to know if there is a bridge or a culvert that is going to cost twice that much; and if it failed, roads would have to be closed and people would not have access and it would create a danger to the residents. He stated that is not being discussed at the same time that we are discussing fixing some tennis courts.

Mr. McCartney stated on the next Board of Supervisors Agenda, some of that will be addressed.

Ms. Blundi stated she appreciates that Ms. Tierney is trying to be cost conscious, but she asked how much it would cost to repaint the courts so that they would not be unusable for certain times because of the way the sun is oriented. She stated she had hoped that we were going to be able to take care of that when we fixed these courts. Ms. Tierney stated if they



were to be re-oriented and we did the handicap work, it would probably be \$600,000 to \$700,000. Ms. Blundi stated she thought that we could fix them as proposed but paint them differently, and she would like to see if that could be done and make them more usable. Ms. Tierney stated to turn them, we would have to re-install all of the standards holding up the nets and re-grade the pad. She stated repairing the cracks involves taking 3" off the top down to stone, repaving it and repainting it as it is in the current shape; and that is what would cost \$400,000.

Mr. McCartney asked Ms. Tierney what kind of feedback she is getting from users of the courts with the current orientation, and Ms. Tierney stated it is not a huge complaint. She stated these are the courts that are used by the YM Tennis League, and they are there mostly in the evenings. She stated she believes that in the summer, they do get hot from the sun during the day. Mr. McCartney asked if reorienting them would limit the lay-out of the courts since currently it is four across. Ms. Tierney stated she feels it would have to be turned two and two instead of four across. Mr. McCartney asked if they would still be regulation-sized courts, and Ms. Tierney agreed.

Mr. Lewis asked if this project would be eligible to be paid for by Bond proceeds since there is still excess money left from the last Bond issue that is in an account. He stated that could have been done earlier in the process. Mr. Lewis asked if this could also fall under Stimulus Funds. He stated he would like to know about those issues before voting on this. He added that he did not receive anything backing this up in terms of what is being proposed. He asked if the Township engineer reviewed this and provided an assessment. Ms. Tierney stated the Township engineer did provide an assessment in 2018; and when they saw the quotes, they were too high to proceed with at that time. She stated he did re-quote it at the \$400,000 base line, and they had a discussion yesterday as to what it would take to just do the courts as they are and how much more it would take to adjust them. Mr. Lewis stated he feels it would be preferable to get that information before the items is placed on the Agenda. He stated it is difficult to vote on "one line" and not do any research. He stated he knows that there are issues with these courts, and there were issues with the courts in the past as there was a section that had sunk in. He stated he does not feel that he could vote on this at this time because he does not have enough information. He stated if we are to make a \$400,000 decision, we need to have "more than one line." He stated his comment is directed to the Chair.

Mr. McCartney stated Ms. Tierney brought this before him after vetting it with the Township Manager and the Township engineer; and since it was vetted by three professionals at the Township level, he feels it could be brought before the Board for a vote. He stated he does not believe “an Executive Board has to do a deep dive into what exactly the project is going to be before making a decision on it.” He stated he makes his decisions based on what three professionals at the Township level have told him.

Mr. Lewis stated while he does not have a problem with this being placed on the Agenda, there was “no backing materials on it and they are expected to simply vote for it because they think it is a good idea and people on the staff have said it is a good idea.” Mr. McCartney stated this has been lingering since 2018, and we are looking at a situation where we are going to have to close the tennis courts because they are unusable and unsafe. He asked Mr. Lewis if he wants residents to play on unusable/unsafe tennis courts. Mr. McCartney stated he feels that we all realize that there is an issue at these courts that needs to be remedied as soon as possible. He stated we should be making sure that our residents have usable, safe assets.

Mr. Lewis stated he cannot make a \$400,000 decision without more than one line. He stated if it was known that this was an issue since 2018, he would like to see documentation that it is worse than it was felt that it was in 2018; and there should be reports from the Township engineer suggesting options with estimated costs. He stated if it were to raise to an emergency level status, he feels the Board should have been asked to check out the courts. He stated he does not feel the Supervisors should be expected to vote for something because the staff said it was okay to do it, and it is not the Board’s job to “rubber-stamp the staff.” Mr. Lewis stated the residents expect the Board to do due diligence. Mr. Lewis stated the Chair deserves to “treat the Supervisors and the public better by providing enough information to make a real decision.”

Dr. Weiss stated we can use Bond funds to fund these projects; however, the Motion on the Table is to use the Sewer funds. He stated we cannot use Relief money to fix the tennis courts. He stated there have been many times when the Board has had recommendations from staff to fix something or add something without documentation at hand and he noted particularly rebuilding the wall at the Pool and fixing the slide at the Pool because previously in an effort to save money auto body shops were used and “Silly Putty” was put on the walls of the pool to help stop leakage which did not stop and we wasted millions of gallons of water and hundreds of

thousands of dollars in “useless repair bills.” Dr. Weiss stated he agrees with Mr. McCartney that our staff is well versed in providing the Board with recommendations recognizing that the Board does not have to accept those recommendations. He stated he has a lot of faith in our Department Heads and in our professionals to come up with these kinds of recommendations. Dr. Weiss stated with regard to money from other sources to fund these projects, especially this one in particular, one of the reasons why we did sell the Sewer system was because the Golf Course will now present with anywhere between \$750,000 and \$1 million cash flow which will be used for the operation and maintenance of not only the Golf Course but also other Park & Rec facilities and be able to maintain all of our Park & Rec inventory. He stated because these areas were neglected for so long, we do need to spend up to \$1 million to do these “one and done projects.” He stated we will then not have to worry about maintenance because we have a significant amount of cash flow from our Enterprise Fund.

Mr. Grenier stated he reviewed what is proposed on the Agenda for the next meeting, and he does not see anything related to any type of plan for financing or addressing any other projects in the Township such as infrastructure or otherwise. Mr. McCartney noted Engineer’s Report – Item #9 a. and b. Mr. Grenier stated those are not being paid for by Sewer funds, and they were told that those would be paid for by Stimulus money. Mr. McCartney asked Mr. Grenier if his question is what the source of funds is to pay for the tennis courts. Mr. Grenier stated it is for the tennis courts and any other item on the Agenda this evening. He stated it seems that tonight they “want to spend a lot of money on Park & Rec items,” and while it is fine to have a discussion about certain Park & Rec projects and where they fall within our hierarchy of needs at the Township, he has a problem doing that separate from considering anything else that we might need or want in the Township. He stated if we are going to take money from the proceeds of the Sewer sale that we are supposed to be protecting, and put it toward anything in the Township, he wants to make sure that he has all of the information and an overall plan for spending in the Township that includes Park & Rec, infrastructure, tree replacement projects, purchase of open space, solar panels on the Township Building, etc. He stated when we have these Special Meetings, he feels that should all be on the Table at once so that we can do a true comparison rather than having individual meetings where we are not sure what the next meeting is going to have on the Table. He stated if he spends \$1 million on Park & Rec tonight, he may not be able to spend money on something else that may be more important. He stated

he cannot vote on this tonight without having all of that other information. He stated he assumes a majority will vote in favor of this, and we will get these Park & Rec projects, but we will then have another \$1 million less from our Sewer funds. He stated another big project will come up when there will be another Special Meeting, and there will be another \$3 million to \$4 million of Sewer proceeds gone. He stated they will then see what they have left in the Trust, and they will not have anything to plan for in the future.

Mr. Lewis stated the Board received the Agenda and nothing else until yesterday when the Board got a two-paragraph memo asking to pay over two times the going rate for a service. He asked why Mr. McCartney did not provide any supporting material. Mr. McCartney asked Mr. Lewis if he did not get the memo from Obermayer, and Mr. Lewis stated he got that yesterday. Mr. Lewis stated he did not get any details on Items 5 and 6. Mr. McCartney stated that is why Ms. Tierney is present to answer questions before the Board votes. Mr. Lewis stated he would not know what to ask without a proposal. He stated he was given one line. He stated there have been times when he has asked the staff for perspective before the meeting. Mr. McCartney asked Mr. Lewis if he reached out to Ms. Tierney when he received the Agenda and asked her for perspective on any of the one lines, and Mr. Lewis stated he was expecting more to come. Mr. Lewis asked if he is expected to call everybody to get follow-up materials. He stated in the past after he gets materials, if there is something he does not understand, he would call; however, he did not get any supporting materials.

Mr. McCartney stated anything that the Board is going to vote on tonight Ms. Tierney is present to answer questions about. He suggested that Mr. Lewis ask Ms. Tierney his questions so that he can make an informed decision based on her answers. Mr. McCartney stated he believes Mr. Lewis has had past discussions so that he knew the status of these projects. Mr. Lewis stated he received more detail in 2018 about the courts. He stated he is being told that something has changed since 2018, but he had not gotten any new information. Mr. McCartney stated it has not gotten any better. Mr. Lewis stated he does not know how much worse it is, and he would like to compare it to other Township projects.

Mr. McCartney stated Ms. Tierney has advised the Board that we are in danger of closing these courts immediately. Mr. Lewis asked if any alternatives were considered such as closing some of the courts or mitigating it partially for part of the year. Mr. McCartney asked how they would close down part of the courts. Mr. Lewis asked Ms. Tierney if it would be feasible

to close one of the tennis courts but leave others open, and he asked if there are some that are in worse condition than others. He also asked if there are pictures to show the Board how bad the tennis courts have become.

Ms. Tierney stated while she has pictures, she does not have them right now, but she could provide them. She added that she and Mr. Lewis have been out there before, and they have gotten much worse, and the cracks are wider. Ms. Tierney stated she would not close just one court because it leaves the cracks to be walked over by residents. She stated she also would not want to waste money patching the courts.

Mr. Lewis asked how much it would cost to patch the courts; and Ms. Tierney stated they could probably be patched for \$40,000 to \$50,000, but that would not be a fix. Mr. Lewis stated they could patch the courts and have them open for this summer, and then have a plan to repair them next summer. He stated while the price could be higher or lower next year, we may also have another source of funds to fix them.

Ms. Blundi asked Mr. Lewis if he really feels that the prices could come down. Mr. Lewis stated there have been situations where asphalt prices have gone down. He stated his point is that the Chair did not provide any information for the Board to consider.

Mr. McCartney asked for a Motion.

Mr. Grenier moved and Mr. Lewis seconded to Table this to a future meeting. Motion did not carry as Mr. Grenier and Mr. Lewis were in favor and Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Ms. Blundi moved and Dr. Weiss seconded to approve the renovation of the Schuyler Drive tennis courts at an estimated cost of \$400,000.

Mr. Grenier stated this goes back to other Agendas he tried putting together when he was Chair “and the way they have come across the last four years.” He stated we get the Agendas without all the information we need, adding he is “not pointing the finger at Mr. McCartney.” Mr. Grenier stated the Township Manager gets an idea of something he wants to get approved, and canvasses the three Supervisors that he thinks will vote for it, and does not tell the other two Supervisors anything; and he then sets them up to vote in a certain way. Mr. Grenier stated specific to some Park & Rec projects and some other issues, Mr. Ferguson has told him in the past “that he manages around Mr. Lewis so he does not have to deal with him.” Mr. Grenier stated

he is frustrated because this an on-going issue on multiple items and not just Park & Rec and Sewer proceeds but many issues over the last four years where we do not get information.

Ms. Blundi asked Mr. Grenier to focus on the time when he was Chair, adding she does not want him to talk about what was done when she was Chair. Mr. Grenier stated he can “talk about whatever he would like to talk about.” Ms. Blundi stated she does not “like when Mr. Grenier makes up stuff; and Mr. Grenier stated he is not making up anything.” Mr. Grenier stated Mr. Ferguson would want something passed, and the Board does not get the information, and then “he puts it on the Agenda and he knows that he is going to get his three votes.” He stated that has been happening for four years with almost every Agenda.

Mr. Grenier stated he read the Transcript of the Court Case, and Mr. Ferguson’s Testimony was that “somebody asked him if I had an issue with him, and he said ‘I think he got mad at me once because I did not provide all the information on one Agenda.’” Mr. Grenier stated he “has been frustrated with him for four years because he does this on a regular basis and refuses to provide information; and if he does not get a vote that he wants, he re-canvasses to get the vote that he wants.” Mr. Grenier stated this tonight is a perfect example of that where we constantly get these companies coming in that Mr. Ferguson has had a marketing presentation from to spend tens of thousands of dollars on something, and he puts it on the Agenda without an RFP because he has made a decision that that is the company he wants to go with. Mr. Grenier stated he has probably spoken to multiple Supervisors to get them on board, and “then we come in not having any of that information as to why this is on the Agenda.” Mr. Grenier stated it “ends up being three/two and it is completely out of the blue.” He stated it has happened “almost every week this year.” He stated that has been the history, and “he is tired of it.”

Mr. Grenier stated the decision was made to sell the Sewer system to supposedly improve the financial stability of the Township, and as soon as we get the money we have meetings to spend it all on Park & Rec projects and we do not talk about anything else. He stated this is “frustrating and almost hypocritical.” He stated the reason we sold the Sewer system was to improve our finances and not to spend money on projects. He stated it is to do those things that are absolutely necessary and set us up for the future; and he is not seeing that right now. He stated over the last several weeks he has seen a lot of “I am leaving the Township, and they seem like going away presents to people.” He stated he cannot get behind any of them because “none of them make any sense because

they are all done in a little vacuum.” He stated he is not getting the information from the Township Manager to know “what his grand plan is for certain things.” He stated if he has a plan to spend money on infrastructure that he is telling certain Supervisors, he is not getting that information. Mr. Grenier stated he cannot vote yes on any of this until he has that “grand plan.”

Mr. McCartney stated the point of Item #4 on the Agenda was to engage a firm to set up the Trust, and he believes that the Board as a whole has that vision, and “will carry the most weight.” He stated he believes we can all agree that is going to be where the majority of this money is going to end up. Mr. Grenier stated he hopes so.

Mr. Lewis stated that is not being demonstrated because the Supervisors have not been provided how much we are going to protect and how much we are going to spend. Mr. McCartney stated the Board gets to make that decision. Mr. Lewis stated as the Chair, Mr. McCartney sets the Agenda. Mr. McCartney stated Mr. Lewis has indicated that he wants to put all the money into a Trust, and Mr. Lewis agreed. Mr. McCartney stated the Board already voted to earmark some money to Patterson Farm, and Mr. Lewis had voted in favor of that. Mr. McCartney advised Mr. Lewis that he cannot say that he wants to protect all of the money but then vote in favor of money for Patterson Farm. Mr. Lewis stated he would like to know what the rest of the money is to be spent on. Mr. McCartney stated he does not have a proposal. Mr. Lewis stated Mr. McCartney does not have a proposal, does not have an Agenda, and he does not have supporting materials. Mr. McCartney stated he is looking at projects that have been outstanding in the Township for many years.

Mr. Lewis stated Mr. McCartney has been the Chair for six months, and he could have advised the Board a number of months ago about the projects if he felt they were important and provided information about other funding sources including Grants. Mr. McCartney stated as he noted earlier in the meeting, he believes that Item #6 on the Agenda allows Ms. Tierney to look for Grant matches. Mr. Lewis stated it does not state that on the Agenda.

Mr. Grenier stated when we first started the discussions about having Special Meetings, the idea Mr. McCartney put forth was that those meetings would be to discuss how to spend the money moving forward. He stated he voted to spend the money on Patterson Farm because there was a Plan that is still ongoing, and he feels that it is very important. He stated what he

would like to see is rather than making Motions to spend money tonight, we should make a Motion to direct our Township staff to develop recommendations across the board for how to spend the money and fund things whether it is Sewer money, Stimulus money, or the normal Budget process. He stated this would be similar to how we do the Special Budget meetings, and the Department Heads come to the Board and explain the items; and it would be focused on particular funds, a long-term plan, and projects that they can agree to proceed with. Mr. Grenier stated Dr. Weiss had indicated that between the Sewer proceeds and the Stimulus money we have approximately \$24 million to \$26 million. He stated he feels the Board should look at the big picture, and he had hoped that was what these Special Meetings would be; and not just having one focus. He stated getting total feedback from the staff and professionals would allow the Board to be very deliberate on how to proceed. He stated our Budget meetings will be starting shortly, and the Board could consider what could be put in the 2023 or 2024 Budgets.

Mr. Lewis stated part of the challenge is that the Township Manager has not provided a plan.

Ms. Blundi stated since there is a Motion on the floor, comments should be focused on the subject of the Motion.

Mr. Lewis stated Mr. Grenier laid out his concerns about how the process is working, and specifically he identified circumstances where the Township Manager did not engage Supervisors and did not provide adequate reporting or analysis. He stated that Township Manager is leaving the Township effective July 4 and will no longer be the Township Manager; and as a consequence it will be very difficult for the Board to get some of the stuff they are looking for right now which is why he suggested an Interim Township Manager. He stated many of these decisions are far-reaching; and it would be ideal to have the new Township Manager provide their perspective on it. He stated this particular earmark is part of a larger plan so it is germane to the Motion on the Table. Mr. Lewis stated he is very frustrated that we do not have a Plan and did not get any supporting documents. Mr. McCartney stated he believes everyone understands Mr. Lewis' position.

Dr. Weiss stated this is a project that has been talked about for a long time, and we can use Sewer proceeds to pay for it. He stated the Board has known for years how this money was going to be allocated; and it was to pay off the Debt, improve infrastructure, and protect a large segment of that



amount. He stated the Debt has been taken care of, and we are now looking at infrastructure and protecting a sizable amount of the money. He stated he does not believe any Board member disagrees with any of those concepts. He stated he understands the frustration by some members of the Board; however, the consensus is that we will protect a large portion of the funds remaining and fix our infrastructure some of which has already been done. He stated we have a Road Program that is now 200% of what it once was, and we have an increased staff. He stated in the near future the Board will be considering the purchase of software which will make the lives of our residents easier; and that is all coming out of proceeds that are now made available because of the Sewer sale. He stated the Board has been working on these since the 2022 Budget. He stated he gets the information he asks for and he makes his decisions based on the information that he has. He stated if a Board member decides he does not have that information for some reason or does not understand things but has not discussed it with those who have more information to provide clarify, that is his right to vote accordingly, recognizing that the majority rules. Dr. Weiss stated since everyone has made comment, he suggested that there be Public Comment and then a vote.

Mr. James Cauley, 1355 James Court, stated he is concerned about how LMT is addressing the use of the proceeds from the sale of the Sewer system and other sources. He stated he understands that Play For All and other projects are being considered for funding without a comprehensive needs analysis. He stated the analysis should address all alternative uses for the use of the proceeds rather than just looking at Play For All and selected projects, and should be based on statistically and valid surveys. He stated a comprehensive survey should be sent to every LMT resident to canvass all potential alternative uses for the funds which would include but not be limited to completion of existing projects, pay down of all existing Debt, and reduction in tax rates to offset Sewer rate increases resulting from the sale of the Sewer system. He stated this could be funded through reduction in Debt Service charges. He stated they should also consider complete paving of all roads in the Township that are not in compliance with industry standards adding that many roads have not been paved in over thirty years. He stated they should also consider purchase of open space, and Park and Recreation programs such as Play For All would be included. He stated based on the canvass, every potential use of the proceeds should be subjected to a cost-benefit analysis; and potential uses should be ranked from highest benefit with the lowest cost to lowest benefit with the highest cost. He stated this is not “found money,” and it is the result of future Sewer rate increases that

will be paid by Lower Makefield Township residents for decades to come. He stated the Board has a fiduciary responsibility to the taxpayers of Lower Makefield and to spend all amounts in the most judicious, responsible manner.

Mr. Harry Gamble, 16 Maplevale Drive, stated he would like the Board to consider preserving a “unique woods” between Maplevale and McKinley Avenue. He stated currently they are working on the bridge over the Canal, and it is a “magical place.” He stated he has a petition signed by over forty people who are asking the Board of Supervisors to save the McKinley Avenue woods and the Delaware Canal entrance from further development. He stated they petition the Board to make this a State Park or maintain the woods with local and State funds. The area provides a balance to residents who have to deal with the Airport and bridge traffic. He stated this is a home for a variety of wildlife. He stated the woods provides a balance, and in Maplevale they have the I-95 traffic that can be heard at night and also the airplanes overhead. He stated the woods is also good for children. He stated there is also a severe flooding problem in the area which he understands the Township is working on. He asked that the Board consider this request.

Mr. Grenier stated included on the next Agenda is an item with regard to Maplevale where we are looking to make improvements to the stormwater management system to mitigate the flooding in Maplevale. He stated in 2016 the Township purchased approximately three acres of the Jennings Tract, and there is a sign indicating it is Lower Makefield Preserved Land. He stated this allows access to the bridge which the Friends of Delaware Canal paid \$30,000 to fix. Mr. Grenier stated the owners of the portion of the parcel that is connected to the Jennings Tract that is not preserved did apply for Zoning Variances within the last year, and the Board of Supervisors voted three to two to oppose that. He stated in terms of the Township purchasing the remainder of the land owned by Mr. Jennings, he does not know whether that land is available for purchase or whether Mr. Jennings wants to sell the property.

Mr. Gamble stated what the Township purchased was just a small path back to the Canal and has access to the River. Mr. Grenier stated it was over three acres. Mr. Gamble stated he hopes the Township will consider purchasing the remainder. He stated he also hopes that the flooding problem will be solved as he has lived there forty-nine years and has been flooded out three times. Mr. Grenier stated there should be progress on the stormwater project by the fall. He added they are also re-paving the whole area.

Mr. McCartney reminded those speaking that at this point the Board is considering a Motion on the Schuyler tennis courts; and any other Public Comment regarding Sewer fund proceeds should be reserved for the end of the meeting.

Ms. Beth Cauley, 1355 James Court, stated while this might not directly relate to the tennis courts, as a taxpayer she is concerned with the way the Board is conducting business. She stated she “sees sniping and negative attitudes, three/two voting blocks, smirking, and laughing; and this is serious business as we are talking about taxpayer dollars.” Ms. Cauley stated when Mr. Grenier and Mr. Lewis are presenting intelligent ideas, the other three Supervisors “are smirking and laughing and blowing it off.” She stated she finds it “appalling as a taxpayer and incomprehensible” that when two people bring up an intelligent comment to get a second proposal from the existing law firm that is \$150 versus \$390, they “just blow it off.” She stated she is a taxpayer, and she would not pay two and a half times more for something unless she did research and got multiple bids. She stated as a taxpayer she does not like to see her money wasted by “game playing.” She stated it “always seems like it is a done deal,” and they have already made their decision and she does not feel that is fair to taxpayers. She stated she pays “good money” to live in this Township, and she expects to be represented fairly and not through “game playing.”

Ms. Cauley stated this is a “frivolous use” of taxpayer money paying two and a half times more for a law firm and not even being open-minded enough to get a Bid from the existing Township solicitor. She stated she is “appalled at the way the Board operates, and it is like watching children.”

Mr. Charles Quattrone, 2025 Quarry Road, stated at the last meeting it was mentioned that the Board had not determined how much they were going to put into the Trust. He asked if they do not know how much they are going to put in the Trust, how can they spend money beforehand. He asked where the \$400,000 number came from, and he asked if was sent out to Bid so we know that we are getting a good price. He stated these are all related because it is related to the Sewer money. Mr. Quattrone stated he believes it was stated that the original idea was to take this money from the income from the Golf Course, but that they could not wait that long and they therefore wanted to take it from the Sewer money. He asked if it is taken from the Sewer money and the money comes in from the Golf Course, will it be put back into the Sewer money.

Mr. McCartney stated one of the proposals he would be looking for with regard to the Trust would be something that we could add money to in the future, and that is something that should be explored with the law firm once they get into those discussions.

Ms. Tierney stated the \$400,000 has not been Bid, and it is an earmark so that the project can be Bid out. She stated the \$400,000 number came from the Township engineer who recently Bid a few similar projects, and this was his estimate to fix the courts as they are.

Mr. Quattrone stated he would suggest before any more funds are spent that the Board determine how much will go into the Trust and how much will not go into the Trust so that they have an idea of the total dollars that they are working with. Mr. Quattrone stated if the Board were to put the \$22 million into the Trust, they could easily pay from the income and a little bit of the principal without taking the money “in front” as opposed to taking it from what the money earns.

Mr. McCartney stated an Irrevocable Trust prevents them from taking money from principal, and the money would just be derived from the interest.

Mr. Quattrone stated his understanding from the last meeting was that the Township cannot really have an Irrevocable Trust, and that they will have access to the money. He stated he would also suggest that the Board look at other instruments such as a Foundation where they can spend 3% to 5% a year. Mr. McCartney stated the Board does not know the details of what the Trust would allow them to do as we are “going into some uncharted waters from a Municipal standpoint.” He stated that is why we are engaging these high-trained professionals to guide us through that process.

Mr. Quattrone stated he would therefore suggest that the Board delay some of these decisions until they get more information.

Ms. Christine Sanchez, 1358 Brentwood Road, stated she feels if they are going to fix the tennis courts, they should also fix the parking lot and not just put a band-aid on it. She stated since they do not know the exact cost, she does not know how the Board can vote on just earmarking \$400,000. She stated she would never do a project without getting different Bids and the appropriate amount before taking a vote. Mr. McCartney stated they are earmarking the money for the project and not approving any funds to be spent on the project. Ms. Tierney stated they have to Bid it out and find out how the Bids come in, and the Board would then either accept or reject the Bids.

Mr. McCartney asked Ms. Tierney if she knows what the parking lot paving job would be; and Ms. Tierney stated that would have been part of the bigger project that would include the handicap portion, and she believes that would have been \$700,000.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

APPROVAL TO EARMARK \$705,000 TO THE PARK & RECREATION CAPITAL RESERVE ACCOUNT

MEMORIAL PARK

SHADE STRUCTURES FOR SECRET GARDEN \$40,000  
REPLACE RUBBERIZED SURFACE SECRET GARDEN \$80,000 (7-YEAR LIFESPAN)  
PER ADA TRANSITION PLAN

CAIOLA

LIGHTS 50/70 (THIS WOULD BE THE ADDITON OF LIGHTS TO ONE FIELD, THIS IS THE MORE HEAVILY-USED FIELD THAT ACCOMMODATES THE 10-12 AGE GROUP) \$225,000.

POCKET PARK PLAYGROUND REPLACEMENTS (LIFECYCE REPLACEMENT)

VETERANS \$100,000  
HEACOCK \$100,000

POOL

BATHROOM IMPROVEMENTS \$100,000

Mr. McCartney stated there are a number of items to be considered under this item, and he asked Ms. Tierney to provide detailed information on each of the items listed. He stated he has been on the Board for the last two and a half years, and he has a good understanding of these items; but he wants to make sure other Board members have an understanding of what these items are so that they can have any of their questions clarified.

Ms. Tierney stated the request is to earmark \$705,000 to be moved into the Capital Reserve Account. She stated she wanted to list a number of projects that need to be done, but it is not everything that needs to be done. She stated this is a snapshot of projects that need to be done which are the most “forward facing right now.”

Ms. Tierney stated last year she presented to the Board the shade structures and the rubberized surface at the Secret Garden at Memorial Park as part of the ADA Transition Plan. She stated they have been talking about the problems at the Secret Garden for some time; however, they are now at the seven-year lifespan for the rubberized surface so that is a project she would like to consider in the future.

Ms. Tierney stated lights at Caiola have been discussed for many years as far as being able to increase the longevity of practice time and game time at the Park. She stated the request is just to light one field which has the heaviest use age group which is ten to twelve years old. She stated the estimated cost for this is \$225,000, and she got that price from Middletown Township and Bensalem Township which did projects similar to this in the last two years.

Ms. Tierney stated some of these projects are lifecycle replacements, and this has not been done in the Township in the past. She stated most of the Township playgrounds are beyond their lifecycle which is about fifteen to twenty years for a playground. She stated at Veterans Square the paint is chipping on the equipment, and it has been painted a number of times. She stated the slide is outdated and needs to be repaired. She stated there would be an overhaul of the Veterans Square playground to make it a tot lot/community-type playground. She stated at Heacock it would be the same thing as there is aging equipment. Ms. Tierney stated she has discussed these with the Park Board at previous presentations.

Ms. Tierney stated also as part of the ADA presentation they discussed Veterans Square, and \$60,000 is an increased estimate as last year it was estimated to cost \$40,000, but projects are now coming in higher. She stated she is prioritizing Veterans Square as many of our Veterans go there on Veterans Day and some require walkers and wheelchairs.

Ms. Tierney stated we have also been discussing for some time bathroom renovations at the Pool. She stated some years ago that was estimated to cost \$75,000, and she put in \$100,000 to provide some room given the inflation that has been experienced.

Ms. Tierney stated she understands it is felt that there was not enough information provided in the Board's packet, and she is glad to provide more information this evening. She stated she could also provide further information in the future.

Mr. Lewis stated he feels it may be best to Table this discussion so that the Board has a chance to review the materials and have it brought up on a future Agenda. Ms. Tierney stated she would be in favor of whatever makes the entire Board most comfortable. She stated the reason she did not put together a presentation for tonight was because she felt that these were items that had been discussed for some time; however, given some of the comments she would be willing to re-present in the future.

Mr. Lewis stated upon the advice of staff, he Moved to Table Agenda Item #6 Consideration to Earmark \$705,000 to the Park & Recreation Capital Reserve Account. Mr. Grenier stated while he is not sure that this was necessarily the advice of staff, he appreciates the sentiment and the openness to do that, and he agreed to second the Motion.

Motion did not carry as Mr. Grenier and Mr. Lewis were in favor and Ms. Blundi, Mr. McCartney, and Dr. Weiss were opposed.

Mr. McCartney advised Mr. Lewis that it was completely inappropriate to use Ms. Tierney in that fashion, and “he should be embarrassed.”

Mr. Grenier stated the Memorial Park projects seem to be operations and maintenance projects that should be planned for in our annual Budgets in the same way that we maintained our Sewer system with a Seven-Year Budget Plan to address operations and maintenance projects. He stated he feels we should come up with a long-term plan/Budget for operations and maintenance of Park resources. He stated in this way the Board would be planning for the future and know what is needed to be spent every year so that there are not a lot of large fixes that need to be done all at once because they were not planned for or ignored. Mr. Grenier stated he appreciates the work that is proposed, but he is not sure paying for these with Sewer funds is the best use of our Sewer proceeds..

Mr. Grenier stated when there was prior discussion about the Caiola lights, the estimate from PAA was about \$100,000 to \$125,000. He stated while he recognizes costs have gone up, what is proposed is a significant increase. He stated this is \$225,000 to benefit one group. He stated he has discussed the lights and asked if the lights are necessary to keep the League going, and he has been told by those running the League that they did not feel that they needed the lights because in the summertime when they are using the

lights, they are not turned on until it is “bedtime” for the players, and they do not want them staying out there until after 9 p.m. or 10 p.m. so he would like to understand that better.

Mr. Grenier stated while it may not be the case for PAA, some of these Leagues have a lot of money, and he feels it is important to look at cost-sharing for these capital projects that will only benefit the Leagues. He stated he understands PFM is doing a study for Pennsbury and Morrisville where they are looking at the potential merger of the two School Districts, and it was noted that while Pennsbury had over 13,000 students in the District, they are down to barely 10,000 and expect to lose more over the coming years. Mr. Grenier stated specific to what we are considering this evening, he is not seeing a growth in the Leagues that requires a lot of extra fields or potentially lights. He stated he would like to understand whether the lights are truly necessary.

Mr. Grenier stated when we discussed the Play For All Plan, there was discussion about a Needs Assessment being done, but he feels that what was actually done was a “Wants Assessment.” He stated there were some people who really wanted lights because they felt lights would allow for more use; however, he is not sure that there is an actual need for those lights for that specific purpose at a cost of almost a quarter million dollars to the Township using Sewer proceeds. He stated he feels they should look at cost-sharing with the Leagues or there may be other ways to fund this with Grants, etc. He stated he does not want to use Sewer proceeds for this particular item. He stated while he does not feel that there would be a negative impact on neighbors with these lights, he would want to understand that as well. He noted the viewshed analysis that was done at Snipes with balloons, etc., and he would like to understand the potential impact the lights would have at Caiola as well. He stated he believes this would be far enough away to not negatively impact the neighbors with these lights, but he would want to make sure of that.

Mr. Grenier stated with regard to the pocket parks playground replacements at Veterans Square and Heacock, he feels that is similar to Memorial Park; and those are O & M updates that we need to do, but they need to be in the normal Budget process. He stated he does not think the Sewer proceeds are the right way to do that.

Mr. Grenier stated he may be in favor of proceeding with the Veterans Square ADA upgrades. He stated while we may not be completely out of compliance with ADA standards, a lot of the Veterans are older and even some of the younger Veterans have injuries and it is an issue for some Veterans to access the Park.



Mr. Grenier stated with regard to the Pool, the Fees have just been increased and the Yardley Borough residents now have to pay full price. He stated the Pool is to be self-sustaining and we should not need taxpayer money. He stated he understands that the bathrooms need to be improved, but we were told that those costs were to be covered by Pool Fees. He stated he therefore feels they need to figure out a way to do that. He stated Ms. Tierney has been creative in the way she has looked to fund projects in the past such as the improvements to the Snack Bar, the slides, etc.; and he feels Pool proceeds should be used to fund those improvements and not taxpayer dollars.

Mr. Grenier stated in summary Memorial Park and the pocket park items should be in the normal Budget process, the Pool should be funded by the Pool, and for Caiola we should look for Grants and cost-sharing with the Leagues that use the specific fields. He stated the one he would be willing to discuss for an immediate fix would be the ADA upgrades at Veterans Square.

Ms. Tierney stated we need many more repairs and upgrades for Park & Recreation, and she has not listed them all. She stated they are looking at upward of \$2 million to \$3 million in upgrades of different facilities and infrastructure. She stated she went through and prioritized the more immediate needs in this list. She stated a full list would have looked very different. She stated as an example, the Macclesfield Park playground needs to be completely repaved which would be a huge cost. She stated there are also many bike paths that need to be repaired.

Ms. Tierney stated that Mr. Grenier had indicated that some of these should be part of the O & M repairs, but that list would be very extensive just in order to catch up. She stated what she has proposed would “put a dent in some of those O & M repairs” so that we can start moving forward. Mr. Grenier stated he wants to see the complete list so that the Board can look at what the priorities are and have a long-term plan. He stated some of the items might be year one needs or immediate if there is a dangerous situation. He stated others could be considered as standard planning with a one, three, five, ten year approach. He stated this would help the Board when reviewing the Budget as there is a millage for Park & Rec, funds coming in from the Pool, Fees coming in from the Leagues, and funds coming in from the Golf Course which could be used for Park & Recreation.

Ms. Tierney she has no problem providing the complete list to the Board. She stated we are “digging ourself out of a hole so we can get to a fine-tuned maintenance plan keeping ahead of things as we are coming from behind.”

Ms. Tierney stated with regard to the Leagues, particularly PAA, they do not have a huge cost-benefit and they do not have a huge Budget. She stated we do some cost-sharing, and we have started doing turf and drainage prep every year rotating through fields; and PAA is paying for half of the project every year. She stated they are also helping us with netting. She stated there are a number of things we work on together as far as regular maintenance. Ms. Tierney stated they pay their League Fees in addition to that.

Mr. Grenier stated he knows that some Leagues have more money than others and they “try to dictate who gets which field;” but they forget that these are Township fields and not League fields. He stated at the last meeting a YMS representative was present and was asked about how much they paid “their people;” and while it was indicated they did not know that, it can be found on their 990 forms and he and Mr. McCartney found that in 2019, the amount paid was \$230,000. Dr. Weiss stated it is \$289,000. Mr. Grenier stated they filed their 2019 numbers in 2021, and they had over \$1 million in assets, and that was before they bought the indoor facility. Mr. Grenier stated there is an opportunity to work more closely with the Leagues to make things better for everyone and more efficient. He stated the Board needs to have a better understanding of what the Leagues are spending money on, what the Township is spending money on, what benefit we get, and how all of this works so that when we get a request to spend \$225,000 on lights or money on fields, we may find there is a better way to do it than having the Township spend all this money. He stated previously there were discussions about other ideas for Macclesfield. Mr. Grenier stated while he sees these Park & Rec projects that we need, there are probably other creative ways to pay for them since we also have other projects that we need to pay for in the Township.

Ms. Blundi stated she thought at the start of the meeting it was indicated that these would be earmarks, which means that the next step would be to Bid the work. She stated when we have Bid projects in the past sometimes the Bids come in under and sometimes they come in over. She stated this portion of the Agenda is showing what these projects are, and because the money has been put in an earmark, it would allow Ms. Tierney to apply for Grants, loans, and matching funds for these particular projects. Mr. McCartney stated that was his intent, and when he discussed this with Ms. Tierney and Mr. Ferguson he understood this was the procedural way of doing this. He stated this will give us the ability to put out requests to see what this will cost and whether or not the Board wants to move forward on these projects.

Ms. Blundi stated with regard to the work at Memorial Park, this Park has not been maintained. She stated the playground was specifically designed for children with special needs, and the surface is no longer safe and is falling apart. She stated the Township has not done maintenance for a long time, and she appreciates the work Ms. Tierney has done showing the top priorities from her position as the head of Park & Rec for a number of years. She stated she would like to move forward on these items and continue to look to repair the overall infrastructure.

Dr. Weiss stated for years our Township has not maintained its infrastructure, Park & Rec included; and we are correcting that. He stated this is one of the reasons why we sold the Sewer system so that we could correct that. He stated he does not want to lose sight of our strategic ability to make our Township a better place. He stated some of the projects that were earmarked have already been approved by the Board such as the lights at Caiola which were part of the 2018 Budget. Dr. Weiss stated with regard to Mr. Grenier's hesitance to use Sewer proceeds to do the renovations at the Pool, the Pool could pay us back over a number of years just like we are having the Golf Course repay us for all of the hundreds of thousands of dollars that the Township fronted them over the years to pay the Debt.

Dr. Weiss stated what has been presented are the priorities of the Park & Rec Department, and we are earmarking these funds, which gives us the ability to seek Grants and find the exact numbers to do what we have to do. He added if we have to change our priorities, the Board can do that; but he feels we need to start somewhere and he is willing to do this. He stated we have Play For All to set the general blueprint for the next ten years, and it is time to begin that journey. He stated he is comfortable with how they are moving along.

Mr. Grenier moved to earmark \$60,000 for ADA upgrades at Veterans Square per the ADA Transition Plan. Ms. Blundi seconded.

Mr. Lewis asked if that would be paid for with Bond proceeds, Stimulus money, or Sewer. Mr. McCartney asked if the Board needs to determine that as part of the Motion. Ms. Kirk stated she does not believe it has to be part of the Motion how this will be funded, and they are just saying that they are setting aside a certain amount of money to be used when the time comes to make the decision as to whether they are proceeding and how much they are spending; and at that time it would be designated from where the funds would come.

Dr. Weiss

stated earmarks are just earmarks, and there is no specification as to where the money comes from. He added it could come from Bond funds or Sewer funds.

Mr. McCartney asked Mr. Grenier if he is looking to consider each of these items individually. Mr. Grenier stated this is the only Motion he was going to make to vote on.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated as part of Public Comment she wanted to report that there is a big sinkhole on the bike path along Big Oak Road. Mr. McCartney stated at this point they are taking Public Comment on the Motion made by Mr. Grenier, and she could bring this back during regular Public Comment.

Motion carried unanimously.

Ms. Blundi moved and Dr. Weiss seconded to approve the remainder of the Agenda Items under Agenda Item #6.

Mr. McCartney stated that would be \$645,000 for the remaining items on the earmark proposal.

Mr. Lewis asked when the Memorial Park additions would have been done absent this earmark. He asked if they were scheduled for next year and Ms. Tierney stated they should be done as soon as possible, and she would have liked to have done them next year. Mr. Lewis stated they were not submitted for this year's Budget, and Ms. Tierney stated they were not. Mr. Lewis asked if Caiola was submitted for this year, and Ms. Tierney stated it was not. Mr. Lewis stated with regard to the Pool improvements he understood she had those scheduled for next year, and Ms. Tierney stated that would only be if we had enough Revenue. Mr. Lewis stated the pocket park playground replacements were not in consideration for this year's Budget, and Ms. Tierney stated there were for discussion the next three years for a Park & Rec presentation.

Mr. Lewis stated we know that many of these items have been outstanding for a while, but they were not necessarily scheduled immediately, although some were included in prior Budget discussions. He stated what is being suggested today in some measure accelerates some projects that were planned for the future. Ms. Tierney stated she agrees that they would be

in the future. She added that last year, they had tried to include replacement of the rubberized surface, but the quotes came in much higher than anticipated. She stated they pushed this off hoping to get it done at the seven-year mark which would be next year.

Mr. Lewis stated we did not have Budget Workshops last year, and “it was take it all or not;” and we did not have the Workshops like we used to have where there was discussion about this. Mr. Lewis stated when Ms. Tierney presented the information on future projects, he understands they did not all make it into future Budget items. Ms. Tierney stated they did not all make it into the Board of Supervisors’ presentation last year.

Mr. Grenier asked Ms. Tierney if the Board were not going to earmark the money for all of these projects tonight, which projects would be put in the 2023 Budgets when we start working on it in a few months. Ms. Tierney stated the problem is what she would like to put in the Budget and what she can really spend within the Park & Recreation Budget. She stated if she had an unlimited Budget, she would include all of them except possibly Caiola as that is not a repair or an ADA requirement. Mr. Grenier asked Ms. Tierney if she had the same Budget she had in 2022, how many projects would make it into the 2023 Budget; and Ms. Tierney stated possibly Memorial Park.

Mr. McCartney stated this could be a combination approach of earmarking this money for Bids and Grant money, applying some of the Budget money towards it, and applying some of the other Sewer money towards it. Mr. Grenier stated he would like to see an overall plan to see what available funds we have across the board. He stated he would like to look at it holistically with anything else we want to do like a normal Budget process.

Mr. Grenier asked Ms. Tierney how we are doing with Pool proceeds this year to date. Ms. Tierney stated we will likely break even, and she does not feel that there will be any excess Revenue. Mr. Grenier asked if we are above or below Revenue from last year, and Ms. Tierney stated last year was an abnormal year. Mr. Tierney stated we are actually below last year as last year people rushed to get in because they felt we might close off the number of memberships. She stated this year was a colder year and registrations were slower. She stated this year is closer to 2019 and 2017 numbers at “the 80% spot.” She stated last year we were at about 90% at this time. Mr. Grenier asked what 80% versus 90% means,

and Ms. Tierney stated “90% Budget for membership.” Mr. Grenier asked if we expect more members later, and Ms. Tierney stated they feel it will take a little longer to get more members.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

#### FURTHER DISCUSSION ON THE IRREVOCABLE TRUST

Mr. McCartney stated he is getting the feeling that some of the Supervisors are interested in coming to a consensus as far as how much money we are looking to put toward the Irrevocable Trust. He asked if any of the Board members have an idea of what a minimum would be so that the Board can get an understanding as to where we will be Budget wise for some of the other infrastructure projects. Mr. McCartney stated he understands that Mr. Lewis had mentioned putting it all in the Trust; however, it does not appear that the Board is moving in that direction.

Mr. Grenier stated he believes that creates additional questions. He stated we have the Sewer funds, Bond funds that could fund certain projects, and we have the Stimulus money. He stated he would like to have a plan developed for the Stimulus money so that we can take advantage of those funds in a timely manner to the greatest extent possible on shovel-ready projects or projects where there is an extreme need that need to get done as soon as possible. He stated if the Stimulus money can cover the immediate need projects, less the money that has been earmarked and a couple other “key, level one items” whatever the difference is after that he feels that is the amount that should be put into the Trust. He stated he feels there are a high percentage of projects that we do not have to do now, and then the greatest possible amount of money could be put into the Trust. He stated he does not know what that number is because he has not seen “the grander plan.” He feels it could be an 85% number.

Dr. Weiss stated we have about \$25 million to spend in any way the Board sees fit. He stated we know from the Ad Hoc Property Committee that renovations to the Farm structures and the Slack House could be between \$3 million and \$5 million. He stated he anticipates Play For All could cost between \$5 million to \$10 million. He stated that could result in about \$15 million on the remaining infrastructure for the Township which leaves

\$10 million that we could protect although it could be more. He stated unless he hears something different, he would seed the Trust with \$10 million and over time we may be able to put in even more.

Mr. Lewis stated he does not know that we can effectively extend the volume of money that is being suggested in such a short period of time. He stated one option that could have been selected that would have perhaps mitigated some of the frustration that some people have was to take all of the funds from the Sewer sale and put it in the Trust; and if we want to use some of that money, the Township could borrow against it, and pay the Fund back at a higher rate of interest than what it would earn right now. He stated over time that could protect the principal and allow for us to spend what we need when we need it and restore it back to the Fund. He stated if that had been done, the suggestion would be that of the \$26 million probably \$21 million or \$22 million is Sewer related. He stated if we were to borrow against that, we could pay it back over a five-year period paying interest into the fund so that we would never diminish the principal. He stated we really “cannot earn a decent rate of return with the limited investments that can be made.” Mr. Lewis stated we could also consider if the Trust could own land and that would address other concerns about purchasing open space. He stated we could also buy land that “could be developed and hold it.” Mr. Lewis stated it seems that the Board was not willing to consider those choices. He stated if we were to do that approach, there is no way we would be borrowing \$10 million in a couple of years because it would take time to execute these projects.

Mr. Lewis stated this is the taxpayers’ money, and if we spend it now or spend it later, the taxpayers are still paying for it; and they will be paying for every project that we do. He stated they also pay when we do not do projects. Mr. Lewis stated it would have been easier if it had been decided to preserve the money and borrow against it provided the principal was paid back in five years and pay a decent rate of return. He stated if we are going to spend half of it, there is not much left to protect; whereas if the money were borrowed and paid back, the money would eventually get back into the fund and there will be a larger fund over time. Mr. Lewis stated Mr. Grenier stated he was at 85% of the \$25 million, but he would go higher than that. He stated he feels we should have considered this before “we opened up the floodgates and told everyone we are going to have all of these projects.”

Mr. McCartney stated he understands that Mr. Lewis’ vision is that we would create a bank where we would borrow money from ourselves; and Mr. Lewis agreed adding that we would pay ourselves back at a higher rate of return.

Mr. McCartney asked how we would pay our Debt back at a higher rate of return based on our current tax structure, and he asked Mr. Lewis if he is suggesting increasing taxes or an EIT. Mr. Lewis stated no one has been more opposed to an EIT in Lower Makefield than he has, and he “has done the work to make sure that we never, ever have an Earned Income Tax in Lower Makefield.” He stated he has been “brutally aggressive on that which is probably why the Township Manager does not like him too much or like his questions.” Mr. Lewis stated there is no reason why we cannot borrow against ourselves and pay ourselves back. Mr. McCartney asked how we would generate the Revenue to pay ourselves back.

Ms. Blundi stated she does not believe that the Plan that Mr. Lewis is putting forth is something that we could actually do. Dr. Weiss stated there would have to be some kind of income to pay this back. He stated if Municipalities want to go into Debt, which we used to do, they would issue Bonds; and the taxpayers would pay Debt back over time. He stated the concept of using a fund of money and borrowing against itself is like a secured loan that an individual would use or getting a Home Equity Loan. He stated it is based on not what you have as an asset but what your income would be. He stated any loan is based on current Revenue. He stated for the Township to pay any loan back it would basically be going into Debt again, and we would have to raise the Debt millage or increase Park & Rec Millage. He stated those are the only two ways that we could legally raise the Revenues to pay a Debt back.

Dr. Weiss stated we spent three years to sell the Sewers to get out of Debt, and he would question why we would want to go back into Debt. He stated the concept is to pay for the projects that are sorely needed in the Township, and that is what is on the Table. He stated to take what we have already done and then go back into Debt is “totally absurd” as it would mean raising taxes and going into Debt again. He stated it would not accomplish anything other than what we are doing now. Dr. Weiss stated if Mr. Lewis does not feel \$10 million is the right amount to put into the Trust, we could narrow what we stated we were going to spend and maybe Patterson Farm does not need to be restored or we reconsider Play For All. He stated Mr. Lewis is asking us to borrow against ourselves without finding the income streams to pay ourselves back. He stated if we want to restore the Farm buildings and the Slack House and fix the field situation we will have to either use the Sewer proceeds, raise taxes, or not do it and “let things disintegrate again.”



Mr. Lewis stated we are not going back into Debt – we are borrowing against ourselves. Dr. Weiss stated that is going back into Debt. Mr. Lewis asked the Chair if he feels Dr. Weiss' interruption is respectful. Mr. Lewis stated that this is not the first time he has been interrupted. Mr. McCartney asked Mr. Lewis to finish his point and asked if he is saying that it is okay for us to borrow money against ourselves and we will not have to raise taxes to pay it back. Mr. Lewis stated we are not going into additional Debt – we are borrowing against ourselves. Mr. McCartney asked how we would repay ourselves. Mr. Lewis objected to being interrupted. He stated this is a common practice. He stated we can borrow against it and pay ourselves back. Mr. McCartney asked how. Mr. Lewis stated we can pay ourselves back the same way "like a 401K – direct payroll deduction." He stated the way it would work here is we would dedicate a millage to pay ourselves back. He stated while you may state that is a tax increase, it is not because "you are paying yourself back." He stated "what they are doing when they spend the money is they are spending your money, and the question is when are you going to pay that." He stated you are going to pay that eventually when the Principal declines, and now we need additional funding sources, "and a future Township Manager will say that we have to have an Earned Income Tax because the principal value of the amount of money that we thought was going to be so valuable is not valuable anymore especially in a high-inflation rate environment."

Mr. Lewis stated "you will all get crushed on Sewer rates which far dwarfs the amount paid in Municipal taxes." He stated if we pay \$50 more a year we can get "these things in a reasonable timeframe." Mr. Lewis stated he does not have a problem with raising taxes to pay for things that are necessary. He stated the rest of the Board does not have a problem with borrowing money, and they just did that to increase the amount of roads that we paved this year. Mr. Lewis stated even though he did not like the process, he voted for it because he knew we were going through an inflationary period, and he wanted to get more roads done at a lower cost.

Mr. Lewis stated the Township Manager is not here to present his case for how the funds should be spent. Mr. Lewis stated as it relates to asking the Township Manager questions, there were times when he had asked him questions and he "said you need three votes to get an answer to that one." Mr. Lewis stated he had a whole series of reasonable questions about the Sewer sale, and the Township Manager would not answer them. Mr. Lewis asked how he was supposed to make a \$50 million decision when he could not get answers to questions. He stated today he was asked to make a

\$400,000 decision with one line and he “is supposed to remember all of this stuff from 2018.” He stated we also have other priorities; and if tomorrow stormwater inlets are a problem, that is a lot of money; and he questions if he “wants to spend this when that could be more important down the road.” Mr. Lewis stated he was told that he should talk to the Township Manger, and he tries; “but the door is closed or he is in Upper Dublin.” Mr. Lewis stated this is frustrating, but he is trying to do the right thing and trying to be as polite as he can be. He stated he knows he is going to lose the vote, and he knew that he was going to lose the vote on Obermayer even if we are paying two and half the times of the rate.

Dr. Weiss stated if Mr. Lewis was so concerned about money, maybe he should not have cooperated with litigants who cost the Township over \$100,000 or more in a lawsuit a couple of years ago. Mr. Lewis stated Dr. Weiss is taking away his time. Dr. Weiss stated Mr. Lewis keeps giving misinformation which is bad for the Township and the Board. He stated he keeps talking about the “terrible fees that are going to increase with the Sewers and that is ludicrous in the Township’s position because we already had to spend money due to the DEP-mandated 537 Plan, and we had to raise rates three to four years ago by 50% over a two year period.” He stated the indicative rates which were given by every company that bid for us, gave us a rate between 20% to 30% less than had we not sold the Sewers. Dr. Weiss stated when Mr. Lewis tells the residents that “we are going to get socked in rates, he is giving misinformation and should be ashamed of himself.” Dr. Weiss stated we have gotten ourself out of Debt, we lowered taxes, we paved more roads, we now have the ability to generate a profit from the Golf Course, and we have the ability to do all of the things that we have already accomplished; and because Mr. Lewis did not become the “Executive Director of some expanded Authority one day and control patronage jobs, he wants to take it out on this Board.”

Dr. Weiss stated for ten years, two of which were when Mr. Lewis was on the Board before the other Board members were on the Board, Mr. Lewis let an auto body shop cause a dangerous situation at the Pool. He stated Mr. Lewis also allowed \$11,000 “patch jobs at the Pool that were total worthless” for the two years that he was on the Board before the rest of the current Board were Supervisors. He stated when Mr. Lewis talks about being a steward of our Township, his “record does not show too much.” Dr. Weiss stated for the remainder of his term, he is going to make sure that people understand when Mr. Lewis says “nonsense, he is

going to say that is not true.” He stated “on the rare chance that Mr. Lewis might say something that is appropriate and truthful, he will agree with him.” Dr. Weiss stated there is nothing that Mr. Lewis has said that has anything in truth, and for Mr. Lewis to raise that misinformation to the public who has no basis to understand what is the truth, he should be ashamed of himself.” Dr. Weiss stated for at least the last two years, Mr. Lewis “has shown no regard for any other member but himself on this Board.”

Mr. McCartney stated at this point he is closing the discussion recognizing that Mr. Grenier has indicated he would be at 85%, and Dr. Weiss is at about \$10 million. He asked Ms. Blundi if she has a number in mind. Ms. Blundi stated she feels at least \$10 million should be safeguarded.

Mr. McCartney stated he has been hearing some outbursts from members of the audience; and while he is not physically in the meeting room, he would ask that they respect the Board and not have outbursts although they could make Public Comment.

#### PUBLIC COMMENT

Ms. Elizabeth Luciano stated she lives on Ash Lane, and she asked that the Board consider spending a little bit of money. She stated she cares about environmental protection, and she would suggest that the Snipes Tract be evaluated by an outside environmental group. She stated organizations such as the Audubon Society, the Natural Lands Trust, and the Heritage Conservancy will evaluate and inventory lands with an eye toward the species present. She stated if there are wetlands, aquatic and amphibious creatures will be counted. She stated an inventory of the Snipes Tract is an environmental necessity. She stated the cost of such a service would be relatively minimal “in the grand scheme of things.” She stated she agrees with her neighbor, Mr. Cauley, and asked the Board to conduct a trustworthy needs analysis that can provide meaningful information. She stated some preliminary research has suggested that a verifiable, rigorous needs assessment would cost about \$15,000 to \$20,000; and while that is not an insignificant amount of money, it is small when we are considering Municipal development. She stated she feels it is smart to spend a little money to be certain that the Board has the right information before spending the \$5 million to \$10 million on expansions and facilities that the Township may not genuinely need.

Mr. Charles Quattrone, 2025 Quarry Road, stated with regard to the Trust they will be paying \$395 for legal fees; and he feels they should be asked what can and cannot be done including whether or not we could borrow against those funds. He stated they should also look into whether there are other instruments or if a Foundation would be better. He stated they should also see if there is some way, despite some restrictions as to how a Municipality can invest funds, to get into a balanced portfolio so that the funds can grow. He stated he knows that is not possible with Operating Funds, but these are not necessarily Operating Funds, as they are the proceeds from an Asset sale. Mr. Quattrone stated when this is set up, they need some investment guidelines; and there should be a group who is responsible for the investment of those funds.

Mr. Quattrone stated the Board has already earmarked 6.2% of the \$22.5 million; and before they earmark any more money, the Board should determine what is going to go into the Trust. He stated one of the ways to determine what goes into the Trust is to decide what they can do with the Trust. He stated if they are able to have some mechanism for the Trust to grow, they may be able to earmark less. He stated there are a lot of questions that need to be answered before the Board earmarks any more money from the Sewer proceeds.

Mr. McCartney stated he believes that the consensus of the Board is to make sure that when we engage the individuals all of those questions regarding the rules and other questions will be answered at that time.

Ms. Christine Sanchez, 1358 Brentwood Road, stated she would like to see Snipes be a nature preserve, to keep the trees and wildlife habitat, and to protect our planet for future generations.

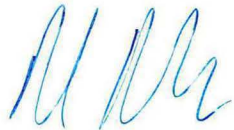
Ms. Beth Cauley, 1355 James Court, stated she believes that the Township has great recreation facilities presently, and they are “completely adequate for any child.” She stated it is “good for kids to play in the dirt.” She stated she feels sometimes less is better than more, and there is no need to spend between \$5 million and \$10 million on Play For All which is an unnecessary expenditure. She stated she would rather see that \$10 million earmarked in an Open Space Reserve Account. She stated in the survey that was in Play For All, the number one request was for open space – not the development of space. She stated if open space such as a farm becomes available, there would be money in reserve to purchase it. Ms. Cauley stated she did not see a demographic study in the Play For All Plan; and as has been mentioned, the number of students at Pennsbury has declined by almost 3,000.

Ms. Cauley stated she believes the number of children participating in baseball if also declining and it is flat in some sports. She stated the trend seems to be that less and less children are participating in some of the sports referenced in the study, and she feels we should make good use of the present resources we have and not add to it and instead put more money in the fund that the attorneys are going to put in the Trust Fund.

Ms. Lisa Tenney, 156 Pinnacle Circle, stated there is a big sink hole on the walking/bike path which she believes is Township-owned land along Big Oak Road between the intersection of Stony Hill and Esther Lane. She stated it has been there for about nine months with cones. Ms. Tenney stated she “agrees with the Snipes Farm, and they should leave it alone, leave it to the environment, and leave it for everybody.” Mr. McCartney stated he will send a message to Mr. Ferguson about the sink hole.

There being no further business Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,



Daniel Grenier, Secretary