

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 7, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 7, 2016. Chairman Benedetto called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors: Jeff Benedetto, Chairman
 John B. Lewis, Vice Chairman
 Kristin Tyler, Secretary
 Judi Reiss, Treasurer
 David Fritchey, Supervisor

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

COMMUNITY PRIDE DAY DISCUSSION

Mr. Benedetto stated while he was unable to attend Community Pride Day due to a prior commitment, he understands that it was a great success. He thanked Ms. Liney and the Township staff for their work on this project. Ms. Reiss agreed and particularly noted the fireworks. She stated many local groups also participated. She stated Garden of Reflection t-shirts are still available by calling Ms. Liney at the Township. Mr. Fritchey agreed it was a great event, and they were able to raise a lot of money for Township assets and activities for which they are very grateful. He agreed that Ms. Liney did a great job. Mr. Lewis also thanked Ms. Liney and all those who contributed money. Ms. Tyler thanked the Principals from the Edgewood and Makefield Elementary Schools for participating. She also thanked Ms. Lisa Gage and her staff who were filming and conducting interviews during the day. She noted the Township was presented today with the film which will be shown on Community Clips and YouTube.

PROCLAMATION RECOGNIZING YMS PREMIER XPLOSION ON CAPTURING U.S. YOUTH SOCCER U-17 NATIONAL CHAMPIONSHIP

Mr. Benedetto read a recap of their season and what they have accomplished over the years as well as read the Proclamation which was presented to team members and their coaches present this evening.

Mr. Fritchey left the meeting at this time.

PUBLIC COMMENT

Ms. Sue Herman, President of Residents for Regional Traffic Solutions, Inc., stated they are concerned that the Trenton Regional Airport refuses to conduct the required Environmental Impact Statement as it expands without which Lower Makefield will have no legal recourse to protect its citizens in the future. She stated this is a health, safety, and welfare issues. She added that homes and Schools that are not in the flight path today may be so in the future as the Airport grows unchecked. Ms. Herman stated the support provided by Lower Makefield over the past fifteen years has been appreciated, and the Supervisors have always shown great vision with regard to this issue. Ms. Herman stated that they are requesting that in the upcoming Budget Workshops a schedule be developed by which the Board can send money to Mr. Potter who has been representing residents, and that this be put in next year's Budget and continue to provide the support necessary to protect the residents.

Mr. Lewis stated they all agree the FAA should abide by the law and complete the Impact Study, and they want to make sure that the harm of the fly-overs are equally distributed throughout the area. He stated Ms. Reiss has also reached out to Mercer County about this. He stated they appreciate that BRRAM wants to work constructively in this area, and they are open to that discussion at the Budget talks.

Ms. Tyler stated the Board of Supervisors did not hire Mr. Potter, but they have underwritten his legal bills to a large extent through taxpayer dollars. She stated there is an important decision coming up in the Courts; and depending on what the Court does, will assist the Board in making a decision as to how to proceed. She stated they are comprising a citizens committee as was discussed at the last meeting; and Mr. Fedorchak is accepting resumes, and interviews will be held. Ms. Tyler stated they are looking at all options, but paying Mr. Potter's legal fees is not necessarily a priority of the Township.

Ms. Herman stated BRRAM has been working on this for over fifteen years. She stated at the last meeting comments were made that insinuated residents were trying to shut down the Airport which is not the true.

Ms. Tyler stated once the decision comes down from Court, the Board will discuss what direction they will go.

Ms. Herman stated the Board was elected to protect the residents' health, safety, and welfare; and this is what they are looking for the Board to do. She stated this is the biggest environmental issue facing the Township today.

Ms. Lisa Gage, 1117 Glen Oak Drive, was present with Ms. Sue Jasiewicz, 292 Sherwood Drive. Ms. Gage stated the Yardley Peace Festival will be held September 18 from 12 p.m. to 6 p.m. in Buttonwood Park. Activities to take place that day were discussed.

Ms. Shannon Hibbs, Pennsbury LYFT Coalition, thanked the Board of Supervisors and Chief Coluzzi for their support.

Mr. Joe Menard, 917 Putnam Drive, stated with respect to the Bond Issue he understands \$5 million will be included for open space, and he feels it is ill timed to spend this money given the \$70 million "elephant in the room." Mr. Menard stated he does not know what \$5 million worth of open space does for the Township taxpayers in terms of the benefit. He stated there have been studies quoted regarding this which he has read, and he takes exception to the conclusions which were drawn. He stated he feels the Board of Supervisors should listen to all opinions on this.

Mr. Sean O'Hara, 360 Robin Hood Drive, President of YMS, thanked the Board for approving and funding the development of Snipes. On behalf of YMS he presented a donation of \$2,222.22 to the Township.

Mr. Benedetto stated PAA ran a Home Run Derby and raised over \$1,000. Ms. Reiss stated these funds were dedicated to the Garden of Reflection and is appreciated as there is daily maintenance needed to be done there.

Ms. Lisa Baxter, 208 Arborlea, stated she does not have an update on Elcon as the DEP has still not received the Phase 2 Application. She stated there is a new issue regarding Clean Earth which is a company that runs the contaminated soil incinerator in Morrisville. She stated she has found through her discussions with the DEP that they have applied for two Permits. She stated one of them is for an expansion but it is not the official comment period yet for that. She stated there is also a second Permit which is the Waste Permit which is up for renewal, and the public can comment on this at the current time. She stated comments should be sent to: Dr. Mazid, Chief of Engineering Services, Waste Management Program, Southeastern Regional Offices, 2 East Main Street, Norristown, PA 19401. She stated she is very concerned about the expansion since the DEP does not consider it hazardous, but the soil they take is contaminated with crude oil, jet fuel, etc. which is burned at the incinerator. She stated this adds to the air pollution which is already bad in this area. Ms. Baxter stated she will be going to the DEP on

Tuesday and will copy the entire Application. She stated the comment period for the expansion should start after the meeting with the DEP and the local Municipalities which might only include Falls Township. She stated that meeting takes place on October 17.

Mr. Fritchey rejoined the meeting at this time.

Ms. Tyler stated she asked the EAC to look into this. Mr. Alan Dresser stated they will wait until the Expansion Permit is in, and they will review it. He stated he has looked at similar facilities in New Jersey so he is familiar with the process.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated with regard to the \$5 million Bond for Open Space he agrees with Mr. Menard that the Board should consider divergent opinions; but they should also remember that this is the only thing that was voted on by the citizens for the Board to spend money on which he feels is an overriding factor.

Mr. Jeff Hirko, 1450 Dolington Road, asked about the appointment of a Finance Director. Mr. Truelove stated they discussed this matter in Executive Session and the Board has decided to make an offer to an individual; and they are going through that process. Mr. Benedetto stated Executive Session does permit discussion of personnel matters.

Mr. Hirko stated at the Patterson Farm there is a "no touch zone;" and he asked why the Township is spending taxpayer money to remove trees behind the Satterthwaite House and cutting the grass on the five acres of ground at taxpayer expense. Mr. Fedorchak stated while he is not familiar with trees being taken down, they do cut the grass since it is Township property that needs to be maintained. Mr. Hirko stated the trees were taken down on August 18, and Mr. Fedorchak stated he will discuss this with the Public Works Director who is responsible for the property. Ms. Reiss stated given the mosquito problem, it is in the Township's best interest to keep the grass cut.

APPROVAL OF MINUTES

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of August 17, 2016 as written.

UPDATE ON 2016 ROAD PROGRAM

Mr. Eisold stated they are nearing completion of the 2016 Road Paving Project, and they are working on completing sections of the bike path as well which should be completed within the next week to ten days. He stated while they do not have the final numbers, it appears that they will be just under the Budget for the work.

Mr. Benedetto asked for further clarification on the bike paths. Mr. Eisold stated along Woodside from Lindenhurst to Dolington there was an existing bike path which was repaved, and they constructed a new section of bike path along Woodside from Clearview to the front of the Golf Course. He stated they have also been working recently on the connection on Lindenhurst Road between Trowbridge and Woodside Roads. He stated some fencing will also be going in as well as trees. He stated there is also a section within Memorial Park that will be done in the near future.

UPDATE ON MEMORAL PARK ARBORETUM PHASE II

Mr. Eisold stated Phase II was planted last week although some trees had to be held off for a few weeks due to their nature. He stated they will do Phase III the end of October.

UPDATE ON THE QUIET ZONES

Mr. Eisold stated they have awarded the Bid for the Quiet Zones, and they are waiting for the completion of the Responsible Contractor's Ordinance as there is a required time frame they need to meet.

Mr. Zachary Rubin, 1661 Covington Road, stated the bike path on Heacock Road between the two entrances of Makefield Glen has crack seals which are in disrepair; and he asked Mr. Eisold if the crews could do some hot sealing on that stretch while they are out doing work on the bike paths. Mr. Eisold stated he could look at it to see what would be involved. He stated they are starting to put together their 2017 Plan so if they cannot do it this fall, they could put it on the 2017 Program.

Ms. Tyler asked if there was any sealing on this year's Paving Program, and Mr. Eisold stated the crack sealing is done by Public Works; and he recently spoke to Mr. Carp who indicated he will get his crews out the beginning of October to do sealing throughout the Township.

Mr. George Baxter, 208 Arborlea Avenue, stated the workmanship done at Arborlea was very good.

Mr. Alan Dresser asked where the funds came from for the Memorial Park trees, and Mr. Benedetto stated it was funds from the Tree Bank. Mr. Dresser stated he knows that Mr. Troilo owes \$34,000 and Bright Farms owes \$40,000. Mr. Dresser stated the funds for trees being planted should not be coming out of the General Fund, and it should be coming out of the Tree Bank. Mr. Fedorchak stated the funds will ultimately come out of the Tree Bank.

Mr. Truelove stated the Executive Session commenced at 6:15 p.m. and items of personnel, real estate, and information items were discussed.

APPROVAL OF DEVELOPMENT AGREEMENT AND STORMWATER CONTROLS BEST MANAGEMENT PRACTICES OPERATIONS AND MAINTENANCE AGREEMENT FOR PENNSBURY SCHOOL DISTRICT MIDDLE SCHOOL COMPLEX

Mr. Benedetto stated there was a discussion about the removal of additional trees, and he asked if this is included in the Development Agreement. Mr. Truelove stated the Development Agreement is not that specific but the approval letter would deal with that; or if there are any changes in the field that would be necessary, that could be adjusted.

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the Pennsbury School District Middle School Complex Development Agreement as well as the Stormwater Management Plan and Maintenance Agreement.

DISCUSSION OF MAKEFIELD GLEN (DELORENZOS) DEVELOPMENT AGREEMENT

Mr. Edward Murphy, attorney, was present.

Mr. Truelove stated this project was previously approved by the Board of Supervisors and under discussion now are what terms and conditions should be included in the Development Agreement. Mr. Truelove stated he understands that Mr. Murphy is coming before the Board to request some modifications of some of the terms that are normally in the Development Agreement.

Mr. Murphy stated Mr. Truelove had given him an opportunity to comment on the Development Agreement, and they gave Mr. Truelove a revised document for his review. Mr. Murphy stated this afternoon Mr. Truelove forwarded to him a

supplemental version of the Development Agreement with certain changes which he has not yet had the opportunity to look at. Mr. Murphy stated Mr. Eisold's office also provided today a summary of the proposed escrow, but no one has had the chance to confirm the accuracy of that either. Mr. Murphy stated he also understands that Mr. Fedorchak received a request from the engineer to follow up on a DEP Planning Module letter which is also in process. Mr. Murphy stated his purpose of coming this evening is not to discuss any specific issue but hopefully have the Board authorize Mr. Fedorchak, Mr. Truelove, and Mr. Eisold to finalize whatever Agreement there is so that they would not have to come back in two weeks to do so; however, if there are open issues after review which they feel need to come to the Board, they would do that. He stated the hope was to short circuit time so that they could get the project started.

Mr. Benedetto asked if it was put in the Agenda for September 21 and the Board approved the Development Agreement at that time would that result in a significant delay. After discussion it was agreed to have this matter on the Agenda for September 21; and Mr. Truelove stated once Mr. Murphy has had an opportunity to review the documents, they will schedule a meeting with him.

Mr. Alan Dresser stated he does not feel they should sign any Development Agreement until they pay the money owed to the Tree Bank which he believes is \$20,000 as the Ordinance states that the money is due when the Development Agreement is executed. He stated at the same time the Township should also get the rest of the money owed by this developer. Mr. Dresser stated at the approval meeting in May, the developer acknowledged that the disturbance area was more than one acre; and therefore the Stormwater Ordinance for the two year storm no volume increase kicks in. Mr. Dresser asked if they have submitted what is required, and Mr. Eisold stated they did get Revised Plans which he can check on. He stated there were some adjustments to the calculations. Mr. Dresser asked if they also submitted something to the County since the County has to approve it as well, and Mr. Eisold stated he believes they did although he can check on that. Mr. Dresser asked if Mr. Ware has what they submitted, and Mr. Eisold stated Mr. Ware does have the latest Plan.

Mr. Benedetto asked Mr. Dresser if he contacted the Soil Conservation District with regard this project to talk to them, and Mr. Dresser stated he talked to them in March or April regarding whether the one acre was the key trigger for the two year storm volume, and he was advised that it was. Mr. Benedetto asked Mr. Dresser if he has contacted them since the approval was granted by the Board of Supervisors for the project; and Mr. Dresser stated while he did not, if they do not submit what they are supposed to and they start digging, he will contact them.

Ms. Tyler stated as a representative of the EAC, Mr. Dresser is to carry out the Board's policies, and to advise the Board on these issues. She asked Mr. Dresser that he not to step outside these bounds; and if there is to be any contact to outside agencies, the Township has enforcement agencies and a staff. Mr. Dresser stated as long as the Township does it, he will not do it. Ms. Tyler stated what she is saying is that Mr. Dresser should not overstep his authority since when he makes contacts as Chairman of the EAC people are assuming that he has a certain authority which he may or may not have. She stated if there is a problem, Mr. Dresser should follow proper channels and contact the Township Manager; and the Township will make the appropriate telephone calls. Mr. Dresser stated this is okay as long as the Township does that. Mr. Dresser added that if something illegal is happening he is not going to sit back. Ms. Tyler stated he should contact the Township Manager and follow proper procedure and protocol and not step outside the authority of the EAC and around the Board of Supervisors.

Mr. Benedetto stated in the past there was an issue regarding Bright Farms; and he advised Mr. Dresser that if he has a concern, he should contact the Board of Supervisors as the Board is just as interested in seeing the process properly followed. He stated Mr. Dresser cannot work outside of what the Board is working on as they are all working together. Mr. Dresser stated he has tried to do this, but sometimes things do not happen in the way they are supposed to. Mr. Benedetto stated if Mr. Dresser sees an issue, he should contact the Board and not call outside agencies. Mr. Dresser stated he has not done that; however, Mr. Benedetto reminded Mr. Dresser that he had stated earlier that he had contacted Soil Conservation in March or April. Mr. Dresser stated that was when the Permit was under review. Mr. Dresser stated he also sometimes calls the open space people and stormwater people as well since he needs to stay attuned to what is going on.

Ms. Tyler stated in the context of a Plan review it is appropriate; however, once the Board of Supervisors makes a decision on something and Mr. Dresser decides to go a different route, it then becomes inappropriate and outside the scope of his role.

Mr. Benedetto stated they appreciate what Mr. Dresser does, but they want to all be working in the same direction. Mr. Dresser stated they cannot ignore things.

Mr. Benedetto stated at the next meeting, they will consider the Development Agreement.

SUPERVISORS REPORTS

Mr. Benedetto stated the Electrical Reliability Committee will be meeting in October and the Agenda is on the Township Website. He added there have been a number of outages which they want to look into. Mr. Lewis stated if there is anyone in Yardley

Hunt who is experiencing significant outages and would like to volunteer to ask PECO for a review of prior outages, this gives the Township an idea of what the off time has been; and this has to come from an individual resident on the circuit that requests this. Ms. Tyler stated she does have someone doing this who is sending her texts when the power goes off and on, and she will get this report.

Ms. Reiss stated the Special Events Committee will be helping with the Veterans Day Parade/Program, and they need some additional people. She stated those interested should send her an e-mail.

Ms. Tyler stated the Historic Commission will be having a Twilight Tour of the Slate Hill Cemetery on October 29, and they still need some re-enactors particularly men. She asked those interested to contact the Township.

APPROVAL OF RESOLUTION #2309 – AUTHORIZING EXECUTION OF APPLICATION FOR TRAFFIC SIGNAL AT TAYLORSVILLE AND NB I-95

RESOLUTION #2310 – AUTHORIZING EXECUTION OF APPLICATION FOR TRAFFIC SIGNAL AT TAYLORSVILLE AND SB I-95

RESOLUTION #2311 – AUTHORIZING EXECUTION OF APPLICATION FOR TRAFFIC SIGNAL AT TAYLORSVILLE AND WOODSIDE

RESOLUTION #2312 – AUTHORIZING EXECUTION OF APPLICATION FOR TRAFFIC SIGNAL RESTRICTION AT YARDLEY-NEWTOWN & MIRROR LAKE ROAD

Mr. Eisold stated some of these are related to the Delaware River Joint Toll Bridge Commission project, the first two being Taylorsville Road and northbound and southbound off the exit ramps where there will be new lights installed off of I-95 in both directions; and this is the Application that authorizes that work as well as the Township saying that they will be responsible for maintenance of the signals once they are installed. He stated the third one is the Taylorsville and Woodside signal which is already in place; but with the changes to Woodside Road, there will be some adjustments, and this is the paperwork that goes along with making those adjustments. Mr. Eisold stated the last one is Newtown-Yardley Road at Mirror Lake Road which is a "catch-up" with the paperwork as there have been some improvements there over the last few years, and this will document the paperwork to reflect those improvements.

Mr. Benedetto stated there was discussion on social media about the possibility of a traffic signal at Creamery and Quarry where there is a four-point intersection. Chief Coluzzi stated they would have to do a traffic study, and they would have to meet the warrants. He stated they would have to show accidents at the intersection, volume of traffic, and the times of day that there is traffic.

Mr. Fritchey stated with respect to that intersection there was a discussion about it in the late 1990s, and he asked if they could do a re-alignment of the road so that there would actually be a T-intersection; and Chief Coluzzi stated that would be the ideal situation, and he and Mr. Eisold could go out look at that area again.

Ms. Tyler stated they briefly touched upon this in the Snipes re-development plan, and Mr. Eisold's office was looking at that. She stated she would also like to get input from Pennsbury as well. Mr. Eisold stated he did have a discussion with Mr. Worsta of TPD who had done a Traffic Study there when School was still in session. Mr. Eisold stated Mr. Worsta is putting the numbers together, and he plans to meet with him next week to go over these issues. Mr. Eisold stated they are also looking at a secondary access to Snipes and bike paths along the road. Mr. Fritchey stated he feels that since they are moving ahead with the development plans for Snipes this would be a logical rider so that they can develop the Park but also fix this traffic problem. Chief Coluzzi stated he and Mr. Eisold will report back to the Board after the meeting.

Ms. Tyler moved and Ms. Reiss seconded to approve Resolution #2309 Authorizing Execution of Application for Traffic Signal at Taylorsville and Northbound I-95, Resolution #2310 Authorizing Execution of Application for Traffic Signal at Taylorsville and Southbound I-95, Resolution #2311 Authorizing Execution of Application for Traffic Signal at Taylorsville and Woodside, and Resolution #2312 Authorizing Execution of Application for Traffic Signal at Yardley-Newtown and Mirror Lake Roads.

Mr. Menard asked if the Joint Toll Bridge Commission started the Applications, and Mr. Benedetto stated they did with regard to the traffic signals at Taylorsville and Northbound I-95 and Taylorsville and Southbound I-95. Mr. Menard asked if the State is involved in the approval process, and it was noted that it is a State road. Mr. Menard asked why the Township needs to approve this if it is a State road. Chief Coluzzi stated it is the Township that will be there to enforce the signals, and the State likes to see that the Municipal body that the signal is in agrees with it; and the way you show your agreement is through a Resolution. Chief Coluzzi stated it also relates to the maintenance.

Mr. Menard stated when the Township feels there is a need for a traffic signal, they should not have to go to the State to get approval for something if they feel there is a need for a traffic signal in the community. Ms. Reiss stated part of it is because it is a State road. Mr. Eisold stated there are certain warrants that must be met at the intersections based on PennDOT design criteria. Mr. Eisold stated the initial construction costs for the first two are all on the Joint Toll Bridge Commission.

Motion carried unanimously.

APPROVE AWARD OF 2016-2017 SALT BID TO MORTON SALT, INC. THROUGH THE BUCKS COUNTY CONSORTIUM

Mr. Fedorchak stated this represents a decrease per ton over last year of \$4.49 as it had been \$63.97. He stated the staff recommends that the Board award the Bid to Morton Salt at \$59.48 per ton.

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to accept the Bid of Morton Salt through the Bucks County Consortium to purchase salt for the 2016/2017 season at the price of \$59.48 per ton.

DISCUSSION AND TABLING OF RESOLUTION #2016-2313 - A RESOLUTION OF THE LOWER MAKEFIELD TOWNSHIP BOARD OF SUPERVISORS URGING STATE AND FEDERAL LAWMAKERS TO ENACT STRONGER PROTECTIONS AGAINST GUN VIOLENCE

Mr. Lewis moved Resolution #2016-2313 which he read into the Record (attached to the Minutes) Mr. Lewis provided a copy of the proposed Resolution to the Board this evening.

Mr. Lewis stated this Resolution was recently passed unanimously by Solebury Township with similar language, and it is under consideration by other Municipalities in Lower Bucks County as well as the rest of Bucks County.

Mr. Benedetto stated he feels this should be put on a future Agenda for future discussion as others may wish to weigh in on this. He stated a similar issue came up in 2012, and it was found that the Township was preempted by State law from passing certain restrictions. He stated if there is interest by the Board, this matter could be put on the Agenda for the next meeting for a full discussion as there is limited attendance this evening; and he feels Second Amendment issues usually have passionate proponents on both sides of the issue, and he feels the residents would appreciate the opportunity to have notice of this issue.

Ms. Reiss stated this is only Resolving the State to do this adding she is speaking as a gun owner and she does not believe that everyone should have their guns removed. She stated she has seen what happens with guns in homes especially with children, and often the homeowner or one of their family members ends up being shot with guns kept for self defense. She stated she feels they need to discuss this but added it is not putting any laws on the books or telling anyone that if they come to Lower Makefield there are certain laws, and it is just asking our Government to look at it and discuss it on the level where laws can be passed; and to say that we in Lower Makefield really want to stop the violence, and it has to start somewhere.

Ms. Tyler stated this was not an Agendized item, and doing anything this evening would be inappropriate. She stated the Township has zero authority over the subject matter. She stated this is a contentious issue and would distract the Board from their job and creates an unnecessary conflict. She stated she does not believe in passing Resolutions that mean nothing, and she feels everyone has the ability to contact the State Representatives who are far more aware than the Board of the scope and depth of the problem. Ms. Tyler stated while she has no objection to Adendizing anything they wish to discuss, she feels this is an unnecessary distraction from the work and business of the Township Government.

Mr. Benedetto stated he agrees with Ms. Tyler, and added there are certain things in the Resolution that he would not be inclined to support including #7 about Municipalities limiting gun possession and use on Municipality-owned properties which is contrary to the Pennsylvania Supreme Court Decision and State law and the Constitution of Pennsylvania as well. Mr. Benedetto stated he feels very strongly that this should be on an Agenda for a full discussion. He stated he feels they have done a lot of positive things in the Township, and this is something that brings politics in.

Mr. Zachary Rubin stated he would be in support of the Resolution, and he feels the Board has passed many Motions and Resolutions which were not on the Agenda so he feels it is in order. He stated he disagrees with Ms. Tyler that this is not a local Municipal issue. He stated in 1978 a previous Board of Supervisors passed an Ordinance banning weapons on public parks and public properties, and it was deemed okay then. He stated for thirty-four years that Ordinance was in effect in the Township, and it was a local issue about public safety as this Resolution speaks to. He stated in 1999 the State Supreme Court in the Ortiz Decision stated this was a State function about guns and gun regulation and that Municipalities could not regulate and only the State could do that. Mr. Rubin stated in January, 2012 he asked the Board of Supervisors who were sending Delegates to the Pennsylvania State Supervisors Association to pass a Resolution to ask the State Legislature to amend that part of the Ordinance giving Municipalities the right to do that; and at the time, that suggestion was passed. Mr. Rubin stated one month later a number of citizens from inside and outside of the Township came in who objected to the Motion, and the Motion was rescinded unanimously by the Board in February.

Mr. Rubin stated recently the State Supreme Court has nullified an Ordinance in the State Legislature giving certain organizations (the NRA) the right to sue Municipalities for having gun safety laws. Mr. Rubin stated it is a different political era now and a different atmosphere to discuss this. He stated all the Resolution is doing is asking the State Legislature to come up with sensible gun laws. He stated he has no problem with this being put on an Agenda and have more people come out to discuss this. He stated he feels the Township does have the right to regulate to bring safety and public health to the Township. Mr. Rubin stated the last time this

was discussed the Chief was asked to do research if there were gun problems in the Five Mile Woods, etc.; and he had indicated that there had been. Mr. Rubin stated it is a public safety issue, and he would support the Resolution.

Mr. Benedetto stated while the NRA does not have standing to sue, this does not change the Law that the preemption doctrine states that Municipalities cannot pass more restrictive gun laws. Mr. Rubin stated the State Legislature has passed that certain guns can be banned from schools and places like that. Mr. Rubin stated all this Resolution proposed is doing is to ask the State Legislature to revisit the Ordinance. Mr. Benedetto stated he feels what the Resolution proposes is much more than that. He stated he was “blindsided” by this Resolution, and he feels it was unfair of Supervisor Lewis to introduce this without giving the Board a chance to see the Resolution. He stated he also feels it is interjecting something into a Supervisors meeting which for the past year has been very apolitical. He stated he does not feel this issue has a place on the Municipal level. He stated the State can pass a Law restricting guns in public parks without the Township sending them a Resolution. Mr. Benedetto stated he feels that when this issue was discussed four years ago it was a “black eye” for the Township. He stated they are trying to govern and accomplish things, and this will accomplish nothing. He stated he has an issue with a number of items in the Resolution, and he particularly noted Item #7 – Allowing Municipalities to limit gun possession and use on Municipality-owned properties which could cause a problem if someone were allowed to carry a gun Newtown but not in Lower Makefield.

Mr. Lewis stated in #7 it is about having control over Municipality-owned properties such as Parks, inside of Township buildings, and outside of Police barracks. Mr. Benedetto stated the State preempts the Townships on this, and Mr. Lewis stated this is why he is asking that they pass this Resolution. Mr. Benedetto asked for a definition of “assault –style rifles.”

Ms. Tyler stated she does not feel that this a proper subject matter for the Township Board of Supervisors. Mr. Lewis stated he disagrees.

Ms. Tyler moved to adjourn the meeting.

Mr. Lewis stated there is a Motion on the floor. Ms. Reiss stated she Seconded it.

Mr. Fritchey reviewed a gun case he was involved with when he was a District Attorney in Delaware County. He stated he recognizes that this is an area of intense controversy and a great deal of litigation, and the law keeps changing. He stated he is not personally comfortable that he knows what the current law of Pennsylvania is.

He stated he would like to know what the impact and effect of this Resolution might be. He stated he also feels there are many provisions in the Resolution that many people may or may not support. He stated it is also clear that no one has been given the opportunity to consider this particular Resolution before tonight. He stated he would like to be more firmly grounded in what the legal benchmarks are and see this referred to the Township solicitor so that he can provide them with a legal memorandum in a month or so to let the Board know what the law is; and at some appropriate time, there should be the opportunity for public comment.

Mr. Fritchey moved and Ms. Tyler seconded to table Resolution #2016-2313 pending review by the Township solicitor. Motion carried with Mr. Benedetto, Mr. Fritchey, and Ms. Tyler in favor and Mr. Lewis and Ms. Reiss opposed.

Ms. Tyler moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 9:05 p.m.

Respectfully Submitted,



Kristin Tyler, Secretary