

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – FEBRUARY 3, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 3, 2010. Mr. Smith called the meeting to order at 7:30 p.m. Mr. Maloney called the roll.

Those present:

Board of Supervisors:

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

Others:

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

PUBLIC COMMENT

Anita Grossman, 1368 Heller Drive, stated she sent the Board an e-mail about the alternative plans for the Snipes Tract. She stated she understands the plan now is a multi-purpose, lighted field; and she feels a lighted field in a Residential community is outrageous. She stated this neighborhood was badly violated less than two years ago by another situation; and after a lengthy, thorough examination, the Board of Supervisors concluded that the neighborhood was being very badly violated, and now they are looking at noise and lighting that will surpass what was there before. Mr. Truelove stated what Ms. Grossman is referring to is a Concept Plan, and before this could be approved it would have to go through Land Development and would include notification of neighboring property owners. Ms. Grossman stated from a traffic standpoint, there would be a negative impact on the north end of the Township because the road cannot handle significant traffic because it is very narrow. She stated lights from ball fields would be far reaching. She stated if these are multi-purpose fields, they would be used seven days a week during spring, summer, and fall; and this is a quiet part of town. She stated when the parcel was purchased in 2000, she understands that they had ruled out lighted fields. Mr. Smith stated while he does not feel it was ever ruled out, there were no lights shown on the Concept Plan. Mr. Caiola stated they did have discussions with the user groups to determine the best use so everyone could use the fields, and this is when lights were discussed. He added that this is only conceptual, and there would be a number of public meetings before any final decisions were made and residents would be welcome to comment at that time. He stated they would not want lighting to be onerous

if it were to be installed. Mr. Stainthorpe stated no decisions have been made, and this was only a proposal that came up through discussions with the Leagues. He stated this would have to go back to Park & Recreation, and there would be opportunity for public input at that point. He stated if Park & Rec were to recommend this to the Board of Supervisors, it would still have to go through the Land Development process including the Planning Commission and the Board of Supervisors, and there would be additional opportunity for public input. Ms. Grossman stated she feels there are other locations which they could find which would not involve a property that is in the middle of a neighborhood and where the roads would be more suitable. Mr. Smith stated the Board responded positively to this neighborhood in the past when they had an issue, and they will do so in the future.

Ms. Gail McFadden, 280 Marble Court, stated she is on the Board of Directors of the Lower Makefield Seniors. She stated she was before the Board previously, and the Board asked that she meet with Ethan Shiller of the Citizens Budget Commission; but he has advised that he is no longer the correct person to speak to. Mr. Smith asked that she speak with Joe Menard and Mike Landy of the Citizens Budget Commission to discuss the project. Mr. Menard stated they are on their Agenda to have a discussion at the next meeting of the Citizens Budget Commission. Ms. McFadden stated while some Seniors are present this evening, it is difficult for Seniors to drive at night; but they are watching this on TV. She stated March 1 will be the 15th Anniversary of the Lower Makefield Seniors, and they have over 400 members. Ms. McFadden stated they need a Senior Center in Lower Makefield. She stated Morrisville has less than 11,000 residents and are a lower-income community, but they have a Senior Center and many of the residents of Lower Makefield are members of that Senior Center because they offer activities that the Lower Makefield Seniors are not able to offer. Ms. McFadden stated as of the 2000 Census, 21% of the residents of Lower Makefield were Seniors. She stated they want a place that is suitable for their activities, and they are willing to have other groups use the facility for meetings as well. Ms. McFadden provided additional statistics on the aging population and the importance of Seniors remaining active

Ms. Laura Brandt, Environmental Advisory Council, stated the Township has received twenty-four free trees due to the Federal stimulus money. She stated they will be planted on Saturday, April 10; and they would welcome help planting the trees. Information on this will be on the Township TV Channel and Township Website. Ms. Brandt stated tomorrow she will be placing a collection receptacle at the Township Building for collection of cell phones for which they will receive \$.25 per phone. This money will go to the Veterans Monument Committee. She thanked Ms. Susan Mazitelli for making them aware of this program.

Mr. Irv Hirsch, 1782 N. Dove Road, stated he read in the Yardley News that although the bond was defeated for ball fields, it seems that there is money available to build some of the fields. Mr. Caiola stated there is nothing in the current Budget that will address building ball fields. He stated they are discussing ways to get savings through refinancing to possibly start this project. Mr. Hirsch stated he is hoping they will also find money for a Senior Center. Mr. Smith stated he feels the Board is very sympathetic to this and reminded Mr. Hirsch that last year, they came very close to working out a deal with the Masonic Temple, although the Masons backed out of this at the last minute. Mr. Smith stated the Board does recognize the need for a community outlet for the seniors, youth, and others in the community to congregate.

Mr. Steve Aldrich stated while he does not live in Lower Makefield, if the Township has a location for baseball fields, he could get the labor donated.

Mr. Simon Campbell was present, and Mr. Smith stated he understands Mr. Campbell is the liaison from the School Board to the Board of Supervisors. Mr. Campbell stated this has never been done before, and there is a new spirit of camaraderie from the School Board to the Supervisors. Mr. Campbell stated the School taxes represent 80% of the taxes paid by those in Lower Makefield, and he would welcome Lower Makefield residents attending the School Board meetings. Mr. Smith stated he would welcome the School Board to hold their meetings at the Lower Makefield Township Building so that they could be televised. Mr. Campbell stated his concern would be that there would be insufficient space to hold their meeting at the Township meeting room. Mr. Campbell stated the Pennsbury School Board did not apply for the Federal stimulus money since it came with “too many strings.” He stated they have capped the School tax increase this year at a maximum of 2.9%. Mr. McLaughlin stated there is an interest of having the School Board meeting in Lower Makefield at least on an alternating schedule. Mr. Campbell stated he brought this up last year, but he does not feel there is sufficient space. Mr. Smith asked that they give this further consideration.

APPROVAL OF MINUTES

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to approve the Minutes of January 21, 2010 as written.

SIERRA CLUB RECOGNITION OF LOWER MAKEFIELD TOWNSHIP'S ENVIRONMENTAL INITIATIVE BY ESTABLISHING THE GREEN BUILDING ORDINANCE

Mr. Jim Bray, Mr. Rick Ewing, and Ms. Lisa Grayson of the Environmental Advisory Council were present with Mr. Dennis Winters of the Sierra Club. Mr. Bray stated the Green Building Code which was put into effect last year was a very innovative Ordinance, and Lower Makefield is the only local Municipality in Pennsylvania to have a Code of this type. Mr. Bray stated the EAC and the Township have had a good relationship with the Sierra Club using their expertise over the last three to four years in several projects the EAC has worked on. He stated Mr. Winters was one of the main sources of information on these projects. Mr. Bray stated this year the Sierra Club is taking a proactive stance especially with regard to Green Building Codes which is part of their Cool Cities program. He stated Mr. Winters is the Pennsylvania Chair of the Sierra Club which is the oldest environmental club in the United States started in the late 1800s. Mr. Winters stated Lower Makefield led all the Townships in the southeastern part of the State in enacting the Cool Cities program that the Sierra Club has been sponsoring for the last seven years. He stated following the Green Building Ordinance saves taxpayers money as well as meeting the goals of reducing greenhouse gas emissions through energy efficiency. He stated Lower Makefield is a leader in the State on Green Building Codes. Copies of a letter written by Mr. Winters were provided to the Township this evening summarizing his remarks. Mr. Maloney thanked the volunteers who work for the Township. Mr. Winters stated it was the leadership of Mr. Bray six years ago which started the relationship with the Sierra Club, and he stated the leadership of the EAC has served the Township well. Mr. Smith thanked Mr. Winters and the EAC for the work they have done on behalf of the Township.

DISCUSSION AND APPROVAL OF RESOLUTION NO. 2200 ADOPTING THE 2010 AMENDED BUDGET

Mr. McLaughlin moved and Mr. Stainthorpe seconded to approve Resolution No. 2200 adopting the 2010 Amended Budget.

Mr. Maloney stated he feels with this Amended Budget, they are trying to avoid having a tax increase in 2010; but he feels they are failing at this since there is a \$50 per person head tax of all employees in the Township. He stated he is concerned with this circular and recursive approach to Budgeting that begins with the staff bringing the Board a Budget that they feel is reasonable, and is then reduced by the Board on the expense side endlessly with nothing being done to the revenue side. He stated they have now gone back and reduced it again acting as if the Budget they were cutting was one that still had "fat" left on it.

Mr. Maloney stated he believes they are past that point, and they are now picking away at contingencies. He stated a Budget on its whole should be considered as a total picture where there is enough in both the revenue and expense side for things to go wrong, but still manage the Township. He stated the Budget before the Board currently represents trimming where they had contingencies left under the prior Budget. He stated the services provided by the Township are critical services as situations arise. He stated when emergencies arise, a significant amount of money is spent on overtime for those services. He stated since these emergencies cannot be planned for, this is why they have contingencies. He stated when you plan for contingencies from a financial perspective, it requires a “padding” in the numbers so that when things go wrong, there is comfort in knowing the Township will be able to pay for them. He stated now when needs arise, they can either not provide the services because they are approaching Budget, or provide the services and go over Budget. He stated the past practice in the Township has always been to provide the service when it was needed.

Mr. Maloney stated if the Board wanted to reduce spending, the proper way to do this is to meet with all Departments and discuss with them expenses they are considering, and “nip them in the bud” before they are spent. He stated he has heard no intention to do this in managing the expenses of the Township. Mr. Maloney stated at the last meeting he heard that if they need to provide the service, they will provide it; and he feels there is therefore no intention to actually cut the expenditures, and this is not honest financial management.

Mr. Maloney stated on the revenue side, from a contingency perspective, they have “stripped it apart.” He stated in 2009 the actual real estate transfer tax received by the Township was \$180,000 less than what is currently being Budgeted for 2010. He stated this means that if the real estate market stays where it is or even improves marginally, they will still come in well under Budget on the revenue side. He stated he is now more concerned about this since they have cut the contingencies on the expense side by another quarter million dollars. He stated on the expense side, the actual for engineering in 2009 was \$175,000, and they have now Budgeted \$115,000 for 2010. Mr. McLaughlin stated a large part of the engineering expense was due to the Hospital. Mr. Maloney stated while this is correct, the Township has not spent less than \$125,000 for engineering services for the last few years. Mr. McLaughlin stated he feels maybe they should spend less for this. Mr. Maloney stated he has heard that they are promising to pay for the services needed; and since they have provided the services previously and it cost this much before, he questions how it will cost less next year.

Mr. Caiola stated he has reviewed the changes that were recommended, but he feels the Budget they put forth in December was a solid Budget with a small tax increase. He feels the goal should always be to provide the services at a reasonable cost to the taxpayers.

number; and in order to do this as opposed to sending out five to six crews a day, they will send out four to five a day. He stated although they have guaranteed two leaf pick ups, there have been cases where they have picked up a third time in certain areas, and they may have to make a decision not to go back and pick up leaves a third time. Mr. Maloney stated this means that the service may be less if they have spent all the money in the Budget even though there are still leaves left at the curb, and Mr. Fedorchak agreed. Mr. Maloney stated they are reducing the service if they adhere to the Amended Budget.

Mr. McLaughlin stated in the Budget as it stands they have not budgeted any benefit from refinancing the Municipal Bonds. He asked Mr. Fedorchak if they anticipate that they will be refinancing, and Mr. Fedorchak stated they have had discussions with the bond financial experts, and they anticipate there will be a Bond sale the first or second week in March. Mr. Walker, the expert who handles this for the Township, will attend the Supervisors 2/17/10 meeting to discuss the details. Mr. Fedorchak stated assuming the Bond market remains steady in mid-March, there should be a potential for significant savings to the Township. Mr. McLaughlin asked if that savings would help the Township maintain safe harbor, and Mr. Fedorchak stated this impacts the debt service as opposed to the General Fund. He stated Mr. Walker will discuss options on how to take the savings either over a ten to eleven year period or to take the savings up front over a two to three year period. Mr. Smith stated Elm Lowne is still on the market as well.

Mr. Zachary Rubin, 1661 Covington Road, stated over the last two years the Township's collection of the real estate tax is down \$700,000. He stated this on the revenue side and has nothing to do with the expense side. Mr. Rubin stated in the December 9, 2009 Budget, they budgeted 3% less spending for 2010 than there was in 2009. He stated the December 9 Budget had a .5 mill increase and it was noted that this would be \$20 per household on average. Mr. Rubin stated he feels it is actually lower than this since according to the 2007 Census, the average household income in Lower Makefield was \$124,000. He stated of the 12,022 households in the Township, 1,918 have over \$200,000 in household income. He stated local taxes are fully deductible in the Federal income tax. He stated if you are a \$200,000 household and are in the 25% tax bracket these people and most people will be getting a break for any kind of local taxation. He stated he feels the \$20 increase per year is really \$15 per household per year. He stated while any increase is a hardship on some people, any Senior in the Township whose family makes \$35,000 or less in income is eligible for a State rebate on their property taxes. He stated for the 1,918 households, he does not feel \$15 is a problem for those people.

Mr. Rubin stated two Supervisors met and arbitrarily cut \$160,000. He stated they did not meet with Department Heads and did not have public input, or the benefit of the meetings that went on for months in the Municipal meeting room when they discussed the 2010 Budget. Mr. Rubin stated he believes people who vote not to accept the 12/9/09 Budget which had a .5 or \$15 per year, per household increase are either fiscally

incompetent and cannot budget for the Township's services, fiscally negligent and are endangering the Bond ratings since they are going below safe harbor, or are fiscally disingenuous since if they really cared about the people in the Township who are hurting, they would pass an earned income tax which gives relief to poor people, unemployed people, and Seniors. He stated he is not advocating an earned income tax, but if the Board were really concerned about it, this is where they should be going. He stated he feels they are playing politics so that they can campaign and state they did not raise taxes.

Mr. Smith stated when he and Mr. McLaughlin met, Mr. Fedorchak was present as well. He stated Mr. Rubin should be aware that one of the Supervisors did not attend any of the Budget Workshops; but Mr. McLaughlin, while he was not in office at that time, did attend the Budget Workshops. Mr. Smith stated the figures Mr. Rubin quoted are based on the 2007 Census, and since that time a recession has taken place. He stated he has visited many of the Township households during the last campaign, and many of those people have had their incomes drastically reduced, lost their jobs, had their hours cut, and are hurting. He stated he does not feel they should forget those people. He stated the Police Officers and Township employees have had their wages frozen, and they are trying to be fiscally responsible. He stated he is not proposing \$6 million in construction for ball fields and eliminating the leaf collection service like some other Supervisors did. He stated they are trying to keep the taxes under control and keep spending down.

Mr. Maloney stated his parents have been unemployed for a year, and he is aware of the situation people are in. Mr. Smith stated while he sympathizes with his family's situation, his mother indicated at a previous meeting that if someone could not afford \$52, they should move out of town, and Mr. Maloney agreed she did state this. Mr. Maloney stated he feels Mr. Smith's words are third-hand experience, and he resents the indication that he has a lack of knowledge about the situation.

Mr. Stainthorpe stated he would ask that all Supervisors refrain from personal attacks and keep on the topic of the Budget.

Mr. Smith stated a Budget was passed approximately one and a half months ago at a very late hour and they were going to eliminate leaf collection service and shift those monies and raise taxes to build ball fields. He stated at this point, they have the opportunity to re-open the Budget.

Mr. Rick Ewing, 1192 Waterwheel Drive, stated he would like to discuss the amount of money that has been cut from many of the volunteer Boards. He stated he is Chairman of the EAC, and the original Budget was already modest; and they do not want to lose the momentum and opportunities they have in the coming year. He stated they have been a proven money maker for the Township, and the EAC helped the Township secure a \$250,000 Grant for LED lighting which will have significant savings in the future for the Township. He stated their efforts in recycling have brought in \$120,000 to \$150,000 to

Mr. Stainthorpe stated they are not doing away with secretaries, and there is a Budget of \$24,000 of which they taking \$3,000 out. He stated this is a reduction, and what he indicated in the paper was that he did not feel this was unreasonable.

Mr. Smith stated some of the e-mails that they received were from people who felt they were cutting the secretaries in the Township Office. He stated they are only trimming the Budget, and there are Committees that already archive their Minutes by having their members take notes and by recording the meetings; and all they are doing is trying to trim the Budget, and they are not limiting transparency.

Mr. Keith Pladsen, Brookfield Road, asked what the new Budget entails relative to public safety. Mr. Caiola stated it cuts out \$12,000 in Police overtime. He stated the Animal Control Officer was also due to get a raise. He stated if they did not have the Animal Control Officer, the Police would have to do these things and this would cost more. He stated he understands the funds for the new Officers are in the Budget. Chief Coluzzi stated he has just had an opportunity to review the new Budget. He stated with regard to the \$12,000 reduction in overtime, in 2008 the overtime budget was \$190,000, and in the 2009 Budget they did not increase any hours in overtime but it did go to \$200,000 due to a 4.25% pay increase which was a contractual issue. He had promised that the 2010 Budget would stay the same in hours and overtime so there is no cushion in overtime for 2010. He stated he feels this will significantly impact his ability to supply the necessary Police Officers in emergency situations.

Mr. Pladsen asked if they will find this money for the Chief. Mr. Smith stated there was Police overtime budgeted for both the Veterans Parade and Community Pride Day, and those events are not proposed for 2010. Mr. Pladsen asked that before they do anything, they protect the people in the Township.

Mr. Maloney stated the overall Police Budget has been constrained by approximately \$40,000, and this includes repairing the range, maintaining radios for emergency communications, etc. Chief Coluzzi stated he has just heard that they are reducing radio maintenance by \$800, and Chief Coluzzi stated communication with Doylestown must be maintained, and they cannot afford not to repair the radios as this is a lifeline for Police Officers and the residents. He stated they would have to make that expenditure even if this was cut out of the Budget. Chief Coluzzi stated with regard to the Animal Control Officer, he did hear that this was being cut. Chief Coluzzi stated in the 2001 Budget, the Contract for the Animal Control Officer was \$22,000. He stated he did a cost and workload analysis for the Animal Control Officer function, and he reduced that over the years he has been with the Township to \$14,400. He stated the Contract with the Animal Control Officer runs out in March, 2010. He stated this is a Contractual issue and they cannot reduce her Contract by \$2,200; and he feels that if they did, she would not sign another Contract with the Township and they would therefore not have an Animal Control Officer.

Chief Coluzzi stated in 2001 Dues and Subscriptions was \$4,092 and he was able to reduce this down over the years to \$1,750; but it has now been cut to \$1,250. He stated he feels he was demonstrating good management of the Budget. He stated anything he puts in any line item is money needed to carry out public safety.

Mr. Pladsen asked if anyone had discussions with the Chief, and Mr. Smith stated they did meet with the Chief during the Budget workshops. Mr. Caiola stated he does not believe they spoke to the Chief on these latest cuts. Mr. Pladsen asked that they provide the Chief with the extra money he needs as he feels the residents value the security they have in the Township.

Mr. Pladsen stated he understands the Board is still opposed to Aria proceeding with the construction of a hospital at the intersection of 332 and Stony Hill Road and a fair amount of money has been spent to date fighting that project. He asked if there is still money in the budget to continue to a reasonable level to try to stop this project, and Mr. Caiola stated there is.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated in the Street Projects Fund Expenditures in 2009 they budgeted \$100,000 for stormwater management and according to the Budget they are only projecting spending under \$28,000. Mr. McLaughlin stated no cuts were made in any Fund other than the General Fund. Ms. Torbert stated in 2010 they are Budgeting \$75,000 for stormwater management projects. She asked why if they budgeted \$100,000 last year and only spent \$28,000, they are budgeting \$75,000 this year. Mr. Stainthorpe stated there are specific projects they are proposing one of which is Mt. Eyre Road, and Mr. Fedorchak agreed that the projection for this project was between \$60,000 and \$90,000. Ms. Torbert asked if this is a project that could be delayed, and the Board members indicated it could not.

Ms. Torbert stated she has been dismayed with the personal nature of some of the attacks that have been taking place across the Board of Supervisors. She stated she feels that every Board member is doing what they feel is necessary, and the personal attacks are unnecessary and reflect poorly on the Board. Mr. Smith stated he has been distressed with comments made in e-mails and in the newspaper. He stated he agrees that all the Board members are trying to do their best.

Ms. Torbert stated a budget is a political document which generates heated emotions, but is simply a best estimate of what is going to happen. She stated this is not what is actually going to be spent but whether or not they are going to raise taxes. She stated a number of variables may change. She stated even if taxes are not raised, she feels they will still be okay. Ms. Torbert stated she feels the most important thing is that during the year, they should be looking for savings in a more structured way. She stated over the past several years, they have increasingly contracted out services, and she asked if they have looked into whether there are savings by doing this and what is being done with

Mr. Caiola asked if there are line items they would consider putting back in the Budget particularly with regard to public safety. Mr. Stainthorpe stated he would be willing to vote on the Budget as currently proposed, and Mr. McLaughlin agreed. Mr. Caiola stated he does give Mr. Smith and Mr. McLaughlin credit for trying to make cuts but feels it was a mistake to cut public safety without having discussions with the Chief.

Mr. Caiola moved to amend the Motion to amend the Budget and reinstate \$6,000 in Police overtime, \$2,200 for the Animal Control Officer, and \$800 for radio maintenance.

Mr. Truelove stated both the Supervisor who moved the original Motion as well as the Supervisor who seconded the original Motion would have to accept the amendments to include this. Mr. Stainthorpe and Mr. McLaughlin would not agree to accept the amendment.

Original Motion carried with Mr. McLaughlin, Mr. Smith, and Mr. Stainthorpe in favor and Mr. Caiola and Mr. Maloney opposed.

APPROVAL OF RESOLUTION NO. 2201 AMENDING TAX RATES AND SPECIAL LEVIES

Mr. Stainthorpe moved and Mr. McLaughlin seconded to approve Resolution No. 2201. Motion carried with Mr. Caiola and Mr. Maloney opposed.

APPROVAL OF EXTENSIONS FOR EDGEWOOD CROSSING, FLOWERS FIELD AT YARDLEY, DOGWOOD DRIVE, OCTAGON CENTER

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to approve the following Extensions:

Edgewood Crossing Revised Preliminary Subdivision Plan	– 5/20/10
Flowers Field at Yardley Preliminary Subdivision Plan	- 5/20/10
Dogwood Drive Revised Preliminary Subdivision Plan	- 7/07/10
Octagon Center Land Development Plan	- 5/06/10

DISCUSSION OF SATTERTHWAITE PROPERTY

Mr. Smith stated the Satterthwaite property is part of the Patterson Farm. An aerial map from 2005 of the entire Patterson Farm property and surrounding lots was shown including the location of the Satterthwaite property on the Patterson Farm property. Mr. Smith stated the front of this property faces Mirror Lake Road. Mr. Majewski stated

the area that encompasses the Satterthwaite farmstead that is not a farmable area includes the house, barns, and farm buildings and is approximately 2 to 2.5 acres. A more recent aerial photo of the Satterthwaite farmstead was shown. Mr. Majewski stated the first building is the actual farm house, past this there are a number of farm buildings, and the larger building on the right hand side of the photo is the barn. The structures between the house and the barn are a garage and a storage shed for farm equipment.

Mr. Smith asked which structures are considered historical. Ms. Helen Heinz, Historical Commission, was present and stated the small structure directly behind the Satterthwaite house was an apple barn, and the Township demolished this approximately one and a half years ago without telling anyone. She stated the next building which is white is a carriage house. The other buildings next to this are a small outbuilding and a corn crib. Ms. Heinz stated these are all part of the historic ambience of the farm property. Mr. Smith noted the white structure to the far white, and Ms. Heinz stated this is a more recent addition which is a cement block building added by the Doan family at the turn of the century. Ms. Heinz noted the road on the east side of the property is the major Township access to the leaf pile. Ms. Heinz stated there is a farmer currently renting the farm fields.

A photo taken in the spring of 2008 was shown, and Mr. Fedorchak stated there was a section of the roof of the barn which had collapsed. He stated this was a four bay section that had not been properly tied into the main barn, and this had been done at a time prior to the time that there were Zoning and Building Codes. He stated in the winter of 2007 a portion of the roof of the four bay and a piece of the main barn had collapsed, and a decision had to be made to either take down the entire barn or reconstruct it. He stated a tarp was put over it for a short period of time. The cost for the reconstruction of the barn was \$210,000. Mr. Fedorchak stated this money came from the Capital Reserve Fund, and no Grant money was provided to offset the cost of this project.

A picture of the Satterthwaite house was shown which was taken in the fall of 2008. Mr. Fedorchak stated they completely replaced the roof at a total cost of \$116,000; and of that amount they were able to secure a \$47,000 Community Development Block Grant to offset a portion of the costs. Costs to the Township were approximately \$69,000. Pictures of various sides of the Satterthwaite house were shown. It was noted that the front of the house facing Mirror Lake Road was repainted approximately three years ago at a cost of approximately \$20,000, most of which was paid for through a Community Block Grant. Pictures of the other sides of the house show that the condition of those sides is not good. Mr. Fedorchak stated they did not have the money to paint the entire house. He stated the cost to do all the work including structural and mechanical repairs and upgrading would cost \$500,000. Mr. Smith asked if the property is fit to live in at this time, and Mr. Fedorchak stated it is not. He stated the estimated cost to restore the outbuildings would total \$38,000

an estimate on how much it would cost to make the house livable for a farm family which she feels would be less than \$500,000. Ms. Torbert asked that they not just have the Historic Commission consider the Satterthwaite House, but that they also consider opportunities for the future of the Patterson Farm as a whole including all the buildings and the farmland.

Mr. Harold Koopersmith stated when he asked at the last meeting for a list of the Township assets, this was part of what he had in mind when he was trying to work on his own Budget so that they could turn the Farm into an income-producing asset.

DISCUSSION OF REPEAL AND/OR MODIFICATION OF ORDINANCE NO. 369 RESPONSIBLE CONTRACTOR ORDINANCE AND MOTION TO AUTHORIZE ADVERTISEMENT

Mr. Truelove stated approximately three years ago the Board passed this Ordinance, the impetus of which was a difficulty the Township had with a specific contractor for the construction of the Canal interceptor. The purpose was to enact an Ordinance that would give more “teeth” to the Township for any contracts over \$75,000 where certain qualifications would have to be met by the contractors in order to be able to conduct work in the Township. He stated since that time not one contract has been effected by this.

Mr. Smith stated some people have contacted him about this asking that the Board consider the Ordinance further to see if it should be left as is, modified, or repealed altogether.

Mr. Stainthorpe asked Mr. Truelove how you repeal an Ordinance, and Mr. Truelove stated it is done the same way an Ordinance is enacted. Mr. Truelove stated it could be amended or repealed. Mr. Stainthorpe stated when this was first discussed there were some issues with a contractor involved with a very large project; and this project did turn out okay. He stated the piece he has always been concerned about is the requirement that any contractor must have a Class A Apprentice Program which has the effect of limiting the people that can bid on large projects in the Township to Union shops. He stated he does not have a problem with Union shops or Union labor; but the Ordinance has the effect of barring any non-Union shop from participating in a major Township project. He stated when you do this you automatically reduce the pool of available contractors, and when you decrease the supply, you increase the potential price. He stated the Township is looking at possibly doing work on ball fields, and it could be up to \$3.5 million which is a significant amount of money; and he would like to make sure that the pool of bidders they have is as large as possible, that they get the most competitive prices, and that their hands not be tied or restricted in any way. He stated minimally he would want to see the requirement for apprentice programs removed. He stated he also questions whether they need nine pages of wording in the Ordinance to make sure they get good work done in the Township.

Mr. Caiola stated since this Ordinance has been enacted, he feels it has been favorable for the Township. He stated there are a lot of non-Union shops that have apprentice programs. He stated when he was the Chairman he had considered putting this matter on the Agenda if he saw this was having a negative impact on the expenditures or keeping people from being able to bid, and he did not have the sense that this was happening.

Mr. Maloney stated he does not feel the Ordinance limits them to Union-only contractors as there is a large organization called the ABC in southeast Pennsylvania which is representative of non-Union shops that have apprentice programs. He stated they have gone out to bid with several large contracts, and this has not presented a problem. He stated the Township is confined to contract with agencies that are the lowest responsible bidder, but “responsible” is not defined anywhere. He feels by putting parameters around this through legislation, it gives the Township the ability to define what they feel is a responsible contractor. He stated they want to go with the best bid they have which is often a compromise of both quality and cost; and he views this legislation as an opportunity to instill in Code the ability to exercise discretion that they did not have before this Ordinance. He stated by not having legislation that does not have as many levers as possible, the Township ends up failing to have the subjectivity that they would want in defining not only the lowest bidder, but also the highest quality. He stated they have waived some requirements in the past including the Class A apprenticeship program and certain other requirements of the Ordinance because they decided that the lowest bidder was acceptable. He stated he feels the Ordinance has given the Township the opportunity to say no to certain bids in the event they do not feel they are compelling, and he feels retaining that value is critical. Mr. Maloney stated the Government is a purchaser of services, and they have the opportunity to encourage good labor practices which he feels is people who hire and employ labor and treat them properly which is why the idea of prevailing wage is critical so that Government is not sponsoring the productivity of sweat shops and productivity of employment at the minimum wage for work that deserves better pay, and other levers that classify quality of employment. He stated he feels an apprenticeship program and an educational structure makes sense. He stated he recognizes that not all contractors will have those type of opportunities which is one of the reasons that they set a high threshold of \$75,000; but is also why they wanted to give themselves the subjectivity to look at a contractor and their offering and indicate that while they do not have Class A apprenticeship program, they feel it would be worth waiving in a particular case because they feel they are the right contractor with the low bid. He stated the public would keep the elected officials honest in who they are awarding the bids to, and they would still have the levers for the Board to use at their discretion in the interest of the public.

Mr. McLaughlin asked Mr. Fedorchak if the Ordinance has precluded people the Township has worked with in the past from working with the Township now, and Mr. Fedorchak stated he did not know. Mr. McLaughlin asked what is a Class A apprentice program, and Mr. Truelove stated it is a training program that was created by the Department of Labor at the Federal and State level and has been adopted by all Union shops and also some non-Union shops. He stated at the State level in the Department of Labor there is an Apprenticeship Board that discusses the qualifications for the different crafts and trades. He stated it is a way for the trades on site to meet the qualifications. He stated prevailing wage is a separate issue that arises whenever you want to make sure that whoever the contractor is, they have properly designated the trades on site doing the work. He stated the apprenticeship program is a way to insure that the people who are designated as the trades on site actually know what they are doing within that trade. Mr. McLaughlin stated his concern is that they are limiting the pool of applicants that can bid on jobs, and he is not comfortable with this. He stated he does not feel that people who do not have Class A apprenticeship programs have non-quality product and that only those with Class A have quality product. He stated he is concerned that this could be used to steer business away from the entire population.

Mr. Neil Flax, 147 Hyde Park Place, stated he is a strong opponent to this. He stated he is a small contractor, has been in business for thirty years, and he does not have a Class A apprentice program in place. He stated they do however do \$200,000 to \$300,000 jobs. He stated it takes a lot of time to submit a bid of any size; and to come into a Township where you have a very strong potential of not getting the job because you do not have the Class A apprentice program precludes him from bidding on a job. He stated even though he does not have the apprentice program, he is qualified. He stated they are also eliminating competition, and this does not save the taxpayers money. He stated Middletown has the same type of Ordinance; and when they did their fire house, it was a prevailing wage job, and the contractor went bankrupt. He stated there are problems with prevailing wage. Mr. Truelove stated prevailing wage is a State law with a threshold of \$25,000. Mr. Flax stated prevailing wage raises the costs of jobs 15% to 20%. He stated at the Middletown project, they were asked to bid through the electrician who did have a Class A apprentice program, and he was going to put on a technician and a helper. When he called the Department of Labor to get the Labor classification, he was told they would have to be classified as an electrician, and this was going to require payment to his technician of \$77.50 per hour. Mr. Flax stated he does not pay his workers this much. He stated he asked the Department of Labor what he would have to pay the helper, and they indicated they did not have a category for "helper" so the helper who normally makes \$15 an hour was going to have to be paid \$77.50 per hour. Mr. Flax stated the apprentice program does not result in a better-qualified contractor. He stated if they would take out this one requirement, he feels they would have enough other levers to pull that they could guide who they need to guide. He thanked the Board of Supervisors for the work they do.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in support of the existing Ordinance. He stated this does not preclude non-Union contractors. He quoted statistics from the Pennsylvania Department of Labor and Industry which indicates that as of January, 2010 there are 882 apprenticeship programs in Pennsylvania and 75% of those are non-Union. He stated currently there are 4,769 apprentices enrolled in those programs. He stated there is a representative present this evening from the Associated Building and Contractors Associations, and they run one of the largest apprenticeship programs in the State, and it is non-Union. He stated the way to save money in the Township is to prevent “shoddy” work, and apprenticeship programs insure this. He stated he taught at a Vocational Technical High School for over ten years, and their goal was not only to graduate students but to get them into apprentice programs. He stated he knows that after going to a Vocational Technical High School, they do not have the entry level skills to do work on a project; and he would not hire someone who just has a High School Vocational Technical degree to do work in his house. He stated according to the Federal mandates for apprentice programs, once a person is enrolled in an apprentice program for every 2,000 hours of on the job training per year, they must have 144 hours of related classroom instruction per year. He stated this insures high quality workers.

Mr. Rubin stated the Pennsbury School District does not have a Responsible Contractor Ordinance the way it is worded in Lower Makefield, and because of that they have a history of “shoddy” projects. He noted the construction of the Manor Elementary School cost the School District an additional \$1.8 million because of “shoddy” work by a contractor who did not have an apprenticeship program. He stated the Oxford Valley Elementary School had a delayed opening because the work was done by a contractor who did not have an apprenticeship program. He stated there are non-Union shop contractors in the State who adhere to responsible contractor clauses and have apprentice programs, and they could bid for Township jobs. He stated in three years no one who has been contracted has been precluded because of this Ordinance, and it has always gone to the lowest bidder.

Mr. Maloney stated they have had a lot of bids come in from organizations that do not have apprenticeship programs. He stated he does recognize that there is a greater business risk to a smaller business than there is to a larger one in terms of filling out the bid. He stated the economic principle that the best price is derived from the greatest competition also presumes that the consumer or buyer of the service has choice, and the Township has very limited or no choice but to choose the lowest price. Mr. Maloney stated it seems as if the State law regarding prevailing wage is probably going to limit the applicant pool in an even greater way than anything the Township could put into the Code.

Mr. Stainthorpe stated he is not familiar with any large contract where the Township actually waived the Responsible Contractor Ordinance. Mr. Majewski stated they did waive it for the Satterthwaite barn restoration because none of the five to six bidders met the Responsible Contractor Ordinance.

Ms. Teresa Mahalik stated she is a small business owner and there are companies who have done work for Lower Makefield for twenty-eight years ago, and three years ago they could not do any more work; and her business was one of them. She stated they are a bonded contracting company. She stated apprenticeship programs have nothing to do with the quality of work that is performed. She stated she has a plumbing, heating, air conditioning, and ductwork business. She stated the same people have worked for her company for the last fifteen years, and it has been the same owner for twenty-eight years. She stated there are bonding companies, and you can check references. Mr. Maloney stated with regard to the Contract Mr. Rubin is referencing with the School District he understands they did meet the State criteria for a responsible contractor, but they failed in a lot of regards. Ms. Mahalik stated she does not feel this had anything to do with the fact that they did not have an apprenticeship program. Mr. Maloney stated the point he was trying to make was that by having more levers, this gives them more opportunity to limit someone who might come under that recommendation. Mr. McLaughlin asked if she feels the Class A program is excluding companies and designed to make one group of contractors more viable than herself, and Ms. Mahalik stated she agrees. Mr. Maloney asked if she pays a prevailing wage, and Ms. Mahalik stated if they do work at Pennsbury or Neshaminy School Districts, they are required to pay prevailing wage. She stated payroll reports go to the Department of Labor, and everything is monitored.

Ms. Virginia Torbert asked if they eliminated the requirement for an apprentice program, what levers would be left so that they would not be required to take the lowest bidder. Mr. Truelove stated there are still other certifications and issues with debarments which has to do with prevailing wage, safety laws, crimes related to the contracting business, tax issues, and a “catch-all” phrase. Mr. Truelove stated he feels the sentiment at the time was that there was a program in place with regard to certain trades that there would be a certain level of competency. Ms. Torbert asked if the items left in the Ordinance would be sufficient to reject a low bid. Mr. Truelove stated he is not sure since it has not been tested yet. Ms. Torbert stated she does not know why they would not want to have the flexibility to have an extra tool to make a decision like this. She stated this is not something that is mandatory, and they would not have to exercise it, and it is there for the Board to use so that they are not forced into a lower bid if they do not want to be. Mr. Stainthorpe stated once an Ordinance like this is enacted, they are forced to follow it; and while it was indicated that it was waived for the barn, he feels that may have been because no one who bid could follow the apprenticeship program requirement. He stated he would be fine with keeping the Ordinance in place if they withdrew the parts that require an apprentice program.

Mr. Stainthorpe stated this would open it up to more bidders. He stated if they leave the rest in place, they would still have the other levers, and he would be satisfied with that. He stated there was a contract for work that was to be done at the Pool; and the low bidder did not meet the Responsible Contractor Ordinance, and knew it. Mr. Stainthorpe stated they never awarded the Contract because there were other issues with the job so all the bids were rejected; but the contractor who was the low bidder contacted him and advised that if he did not get the bid, there would be a problem. Mr. Stainthorpe stated he does not want the Township to be in this kind of position. He stated he wants to make sure that there is quality work, and he feels that the buildings in the Township show that they have had this for many years without the benefit of this Ordinance.

Ms. Torbert asked Mr. Stainthorpe if he would support some provision that cited some kind of training and wording that would not quite be a Class A Apprenticeship Program. Mr. Stainthorpe stated the Township already pays their Building Inspectors quite a bit of money to make sure they are getting a quality job, and they are on the job sites. He stated contractors are also bonded so that if the work is not good, they sacrifice their bond. He stated there are already things in place to help insure quality. He stated he feels what this Ordinance does is lean too much toward restricting certain people from doing business, and he feels the playing field should be even for everyone. He stated Union contractors are welcome in the Township, but everyone should compete.

Mr. Maloney stated Mr. Truelove has advised that general bidding law indicates that the Board can waive any provision of any requirement at any time, and they are not bound. Mr. Truelove stated whenever a bid goes out from any public entity, there is always a catch-all phrase that they have the right to reject all bids and waive certain requirements; although you do have to justify this.

Mr. Jeff Zeh, President of the Southeast Pennsylvania Chapter of Associated Builders and Contractors, stated they are trade association of almost 500 commercial building contractors and they cover the five County Philadelphia area including Bucks County. He stated they are not against reasonable, responsible contractor requirements and they support most of the provisions that were described in the Ordinance, but it is the apprenticeship requirement with which they have a problem. He stated the real problem is that the only kind of training that it recognizes is a State or Federally-approved apprenticeship program. He stated ABC does have a State/Federally-approved apprenticeship program, but there are only 250 students in the program. He stated the vast majority of his members elect to train using other methods and do not enroll employees in their apprenticeship program for a variety of reasons. Mr. Zeh stated he has a member who did a \$160 million turnpike job who would be ineligible under Lower Makefield Township's Ordinance to do a \$100,000 road resurfacing job in the Township, and their record is impeccable. He stated most open shop contractors elect to use other means to train whereas the Unions use apprenticeship programs exclusively that are approved by the State and Federal government. Mr. Zeh stated the Township Ordinance

therefore has an automatic exclusion of people who do not use State and Federally-approved apprenticeship programs. Mr. Zeh stated 75% of the construction employees in the greater Philadelphia area are open shop and 25% are Union so Lower Makefield is effectively excluding the vast majority of the construction workers to work on local construction projects.

Mr. Maloney asked if he is aware of how many of the 75% do not have an apprenticeship program, and Mr. Zeh stated he would estimate 70% to 75%. Mr. Zeh stated out of his 400 contractor members, there may be 20 who participate in their apprenticeship program. Mr. Zeh stated with regard to whether this influences whether contractors will bid on Township jobs, he gets calls everyday asking if he is aware if certain Townships have a Responsible Contractor Ordinance; and if the answer is yes, their decision is that they will not waste the time and energy to put together a bid and then be disqualified. He stated lowest responsible and cheapest are not synonymous when it comes to awarding construction contracts. He stated lowest responsible means someone who is not only the lowest price, but also meets the “responsible” requirements many of which are in the Ordinance. He stated you also cannot get a bond unless you can demonstrate you have the fiscal responsibility and track record to complete a job. He stated the Township has the right to ask for credentials so there are many ways to determine whether or not the lowest bidder is a responsible bidder. Mr. Zeh stated many of the people that are being disqualified from working in the Township are also Township taxpayers and are helping pay for the public projects that they cannot work on, and they feel that this is fundamentally wrong. Mr. Zeh stated his experience is that if they are limiting competition for public construction, costs are going to increase from 10% to 30%. He stated contractors are anxious for work, and they all want to bid. He asked the Supervisors to either rescind the Ordinance or at least amend it to strike the reference to a State and Federally-approved apprenticeship program.

Mr. Maloney stated Mr. Zeh cited the 10% to 30% cost increase, and he asked if there is a document he could review that would show this, and Mr. Zeh stated this is anecdotal information that they have collected.

Mr. Mike Tancredi stated he is with District Council 21 and a resident of Northeast Philadelphia and represents with 20 others, 6,000 members, 30 of whom live in Lower Makefield and close to 800 living in Bucks County. He stated Mr. Zeh indicated that there was a 30% markup. He stated on a construction job materials are all the same whether you are Union or non-Union. He stated if you have an office with a secretary, estimator, etc. the overhead is the same and office salaries are basically the same whether or not you are Union or non-Union. He stated the only differential in a price on the construction site is the labor. He stated State and Federal labor is based on the highest rate paid in the area and most of the time it is based on Union wages. He stated they get paid good wages, a pension, health benefits, and an annuity just like everyone else would like. He stated most of their workers work only ten to eleven months of the year because

of weather conditions. He stated if an open shop contractor is going to make up a labor cost, he is not paying prevailing wage, and they are breaking the law. He stated their employees are 1099 which makes it very hard for the Union to compete because all of their Union employees get paid benefits – pension, health care, etc. but with a 1099 the workman's comp, unemployment compensation, health care, insurance, and even taxes for local, State, and County taxes do not get paid when you employ a 1099 person; and this is what the Union is up against. He stated his Council has an accredited program, and they go through a four year program where they will learn a trade and come out with 60 credited hours toward college. He stated he feels it is important to have this education. He stated there are over 800 open shop contractors who have State certified Class A apprenticeship programs. He stated the language in the Ordinance was adopted so that they do not get contractors who will create problems on the construction site. He stated it makes the Township stronger for the contractors coming into the Township.

Mr. Tancredi stated the Board previously discussed a barn this evening, and they indicated that a non-Union contractor built it. He stated they do a lot of volunteer work, and he reviewed a number of projects they have worked on throughout the community with labor donated for free. He stated he is not saying that open shop contractors do not do this as well, but he is here to defend what he wants and what the community deserves which is good construction projects. He stated he feels the existing language in the Ordinance is strong language which protects the Township but also gives legitimate contractors an opportunity.

Mr. Maloney stated they have a head tax for local services, and he feels the notion of a 1099 which might preclude them from collecting revenue associated with work performed in the Township is troubling, and he asked if it is know how prevalent a practice this is. Mr. Stainthorpe asked Mr. Truelove if they can collect a local services tax from contractors working in the Township, and Mr. Truelove stated he is not sure. He stated normally you would ask for certifications for worker's compensation, unemployment, and liability insurance but there have been times that this was the subject of debarment proceedings. Mr. Stainthorpe stated if a contractor was headquartered in Bensalem and was doing work in the Township, those wages would be paid out of their headquarters in Bensalem, and he does not feel that they would be subject to the local services tax, and Mr. Truelove stated while this is probably true, he is not sure.

Mr. Simon Campbell stated he is on the Pennsbury School Board where they hire contractors to work on public construction projects. He stated he represents Pennsbury Region 1 which is 75% of Lower Makefield Township, so he represents many of the same people who the Supervisors represent. Mr. Campbell stated Mr. Tancredi indicated he has thirty members from Lower Makefield. Mr. Campbell stated the heart of the issue is competition, and shutting out bids from people because they do not have these Union affiliated apprenticeship programs is unacceptable. He stated they have heard from people who indicated that even though they did not have an apprenticeship program,

they were good contractors but could not do business in the Township. He stated Pennsbury does not have this, and he would not vote for one of these Ordinances that Steve Santarsiero put into the Township three years ago.

Mr. Smith asked that they keep politics out of this discussion.

Mr. Campbell stated he is in favor of this either being repealed or modified. He stated this Ordinance is about Union versus non-Union since with limited exception what the Supervisors have done with this Ordinance which the School Board has not done is say if you want to work in Lower Makefield Township on a public construction project, you are required to be a Union member. He stated the Pennsbury School Board does not require anyone to be Union members to work on their construction projects, and they do not discriminate and you could be Union or you could be non-Union. He stated this language is designed to discriminate, and the concept of requiring or preferring Union labor and putting this into law is un-American and unacceptable. He stated he feels the community sentiment on this is clear since during the last election, it was clear that he was not in favor of the Unions, and he and his running mate won by a landslide. He stated this type of Ordinance is what creates the climate that people in Trenton and Philadelphia run away from which is a pay to play Union political environment. He stated they had inflatable rats opposite McCaffrey's and the firehouse because Union workers were protesting the use of non-Union labor, and he does not want to look at this in Lower Makefield Township. He stated it is this type of Ordinance that creates this type of environment where those types of protests go on. He stated prevailing wage is another anti-competitive issue which is a State issue. He stated he would like to see the Board put the Responsible Contractor Ordinance on the Agenda for a vote.

Mr. Maloney stated another key American tenant which he feels is the most important of all is the right to free speech so the right of those groups to protest the use of certain types of labor is well within their rights. Mr. Campbell stated he is not disputing their right to engage in free speech and peaceable assembly, but he does not like having to look at inflatable rats and a lot of his constituents do not either; and his opinion is that it is created by this type of Ordinance that the Board previously supported. Mr. Maloney stated he does not see how a contractor provision will or will not inhibit or incite the use of free speech. Mr. Campbell stated he feels the Unions love this and they also bankroll certain people to get into office. He stated this is a quid pro quo and is a pay back to the Unions for campaign contributions.

Mr. Smith asked if the problems with the Pennsbury projects had to do with the lack of a Responsible Contractor Ordinance, and Mr. Campbell stated this was prior to his being on the Board. He stated if there were problems he does not feel it had anything to do with whether or not there was a Union-endorsed apprenticeship program. He stated there are bonds and insurance and the specs need to be put out right. He stated there are parts of the Ordinance which could be used but not the bias that indicates that they want the

Union workers in the Township, and they are discriminating against the non-Union workers. He stated they do not need this in the Township. He stated they do not have it at the School District, and he feels the Board of Supervisors are out of step with public opinion on this issue based on who won the election three months ago. He stated even though Yardley Borough voted in a Democratic Mayor, they flipped the switch and voted Republican for School Board. He stated they should not be biased toward Union shop contractors and it should be open, free, and competitive; and they should not be telling anyone that if they do not have a job with a Union contractor they are not welcome in Lower Makefield.

Mr. Steven Aldridge, Bensalem, stated he does a lot of volunteer work in Lower Makefield Township by cleaning Route 1. He stated this is about education, and he cannot believe that a School Board member is against education. He asked Chief Coluzzi if one of the criteria for being a Police Officer in the Township is to have a college degree, and Chief Coluzzi stated that you have to have 60 credits which is equivalent to an Associate's Degree. Mr. Aldridge stated in the Union their college education is their apprenticeship program, and they stand by it. He stated a contractor for Pennsbury High School was Farfield Electric from Lancaster, and they beat a local contractor, Armour Electric by \$600,000. He stated while they may have saved money at the beginning of the job, by the end of the job they back charged the School District \$1 million so it does not save much if you go with the low bid. He stated he does not believe that Farfield has an apprenticeship program.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, asked Chief Coluzzi if the patrolmen are Union, and Chief Coluzzi stated they have a bargaining Union that negotiates their Contract. Mr. Cohn stated possibly they should put this out to bid. He asked about the people who work in the Motor Vehicle and stated they are Union and negotiate contracts and maybe they should put this out to bid. He stated he feels this is a very good Ordinance, and it keeps irresponsible contractors out of the Township.

Mr. Flax stated he has nothing against the Unions, but he wants this to be an open bid. He stated he and a lot of other contractors like him take offence to the phrase "legitimate contractor," and he added he is a legitimate contractor and has been in business for thirty years. He stated his crew is certified and factory trained. He stated they are NICID Certified and licensed in the State of New Jersey. He stated they also take continuing education and go for factory certification on a regular basis. He stated he does not have an apprentice program, but he is qualified to do the job. He stated he has seen "qualified" Union contractors and "qualified" non-Union contractors do a poor job. He stated the apprentice program requirement should not be in the Ordinance, and the bids should be open to everyone who is qualified. He stated he can get bonded and has all the qualifications needed to do the job.

Mr. Zachary Rubin stated Mr. Campbell got 14% of the registered voters in Yardley and Lower Makefield Region 1 which means 86 out of 100 registered voters in Region 1 did not vote for him. Mr. Rubin stated he does not feel this is a mandate.

Mr. Smith asked about the process of bonding. Mr. Truelove stated bonding is a process similar to insurance, and they have to take background information about the entity or individual who they are bonding. He stated they are making a promise to complete a job; and if it is not done, then the bonding company steps in and makes the payments and then goes after the entity they bonded. Mr. Smith asked what would happen if they did “shoddy” work, and Mr. Truelove stated this would then become a matter of interpretation and a battle of experts.

Mr. Stainthorpe stated on any major construction project, there would be a retainer kept until the end; and you would not pay the full amount until the job is completed to your satisfaction. He stated there is still an outstanding issue at the Garden of Reflection; and although it was completed in 2006, the Township has still not paid the final payment.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to advertise a modification to the Ordinance to withdraw any requirement for a Class A apprentice program for any contactor doing business in the Township. Motion carried with Mr. McLaughlin, Mr. Smith, and Mr. Stainthorpe in favor and Mr. Caiola and Mr. Maloney opposed.

ZONING HEARING BOARD MATTERS

With regard to the Robert Zarzycki, 274 Aspen Road, Variance requests in order to permit a paver surface resulting in greater than permitted impervious surface and a chimney footing encroaching into the side yard setback it was agreed that the Township should participate to address certain issues.

APPROVE RESOLUTION NO. 2203 REGARDING FEEDING OF DEER

Mr. Truelove stated this would require Board action this evening in order to satisfy requirements of the Game Commission related to the deer management program.

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2203

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APPROVE RESOLUTION NO. 2204 REGARDING LIQUOR LICENSE AT
MAKEFIELD HIGHLANDS GOLF COURSE

Mr. Truelove stated they need to enact a Resolution this evening because of the new Contractor at the Golf Course to authorize Mr. Stainthorpe to be the signatory for the Liquor Control Board license and that the Application be amended to include all the Supervisors and Mr. Fedorchak. He stated paperwork needs to be filled out this evening.

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to approve Resolution No. 2204 authorizing certain actions in connection with the Pennsylvania Liquor Control Board Liquor License at the Makefield Highlands Golf Course.

APPROVE PROMOTION OF POLICE OFFICERS

Mr. Maloney moved, Mr. Stainthorpe seconded and it was unanimously carried to promote Denise Siano from Patrolman to Detective and John Campbell from Patrolman to Detective.

There being no further business, Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 12:10 a.m.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Matt Maloney', written in a cursive style.

Matt Maloney, Secretary

