

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
SPECIAL MEETING MINUTES – NOVEMBER 30, 2009

A special meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 30, 2009. Vice-Chairman Smith called the meeting to order at 7:05 p.m. Mr. Caiola called the roll.

Those present:                    Matt Maloney, Chairman (joined meeting in progress)  
   Ron Smith, Vice Chairman  
   Greg Caiola, Secretary  
   Pete Stainthorpe, Treasurer  
   Jason Simon, Supervisor

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

Mr. Smith noted that Mr. Maloney was involved in a minor car mishap and would join the meeting as soon as he could.

**PUBLIC COMMENT**

Ms. Helen Bosley, 546 Palmer Farm Drive said on the rebroadcast of the Supervisors' meetings the sound is not loud enough during public comment and asked if it could be adjusted.

Ms. Marilyn Huret, Kings Road stated the Board in the past has always tried to do what is best for the Township. Some decisions and policies have been a homerun and some have been a failure such as 5-Mile Woods, which has become a deer sanctuary; the pool which will need staggering capital repairs; leasing the land to the library and use of land for the playground, maintained by volunteers the golf course, Matrix, the neglected tennis courts and Elm Lowne. All of these things were good ideas at the time but the Board did not look ahead to how these things would be taken care of. All of these projects were pushed through by special interest groups and got what they wanted because they were the loudest.

Grace Godshalk, Countess Drive, said that she would like to make it clear for the record there is a distinct designation between Memorial Park and the Garden of Reflection. She said all of the money that is spent on the Garden of Reflection area is raised by the Garden of Reflection Committee through special events and donations and that area is not funded by the taxpayers in any capacity.

**AMEND THE PRELIMINARY 2010 BUDGET BY REINSTATING THE LEAF COLLECTION PROGRAM**

Mr. Caiola moved and Mr. Stainthorpe seconded to reinstate the Township Leaf Collection Program.

Mr. Simon read a statement he prepared that is attached to the minutes apologizing for connecting the leaf program to the needed ball fields in the Township. He said this budget is bare-boned and he is disappointed that we have asked the Police Department to delay the hiring of additional Police Officers. We live in a safe community because of the officers that patrol and protect our community. We have canceled Community Pride Day and the Veterans parade which events we can't put a price on to bring our community together.

Mr. Stainthorpe said we have 4 votes to reinstate the leaf collection program. He said it takes a big person to admit a misstep and this issue is separate from the ball fields. The building of ball fields needs to be discussed with the budget and how to look ahead to the future to find a happy medium among all of the residents.

Mr. Caiola said the Board will discuss the future of the leaf collection on an ongoing basis and he understands the full needs of the community. He asked that comments from the public be kept short noting that the public's needs were heard and the Board will vote to reinstate the leaf collection program tonight.

Alan Dillon, 833 Princess Drive asked if there is a way to impose a fee on trash companies to supplement the Township leaf collection program since they are not burdened with picking up the leaves. Mr. Stainthorpe said no one is clear that residents are being charged for leaf pickup and asked that Mr. Fedorchak check into that. The trash companies have certain restrictions on leaf pickup and pickup is not included with certain companies. The Board could look into the suggestion to charge a fee to Trash companies to supplement the Township leaf pickup.

Mr. Simon said trash haulers recently completed a Township survey and he said there is a process each hauler follows and leaf collection is not included in the price of trash pickup.

Mrs. Colleen Klock said that she has a high level of respect for the Board with this difficult issue especially after running a campaign for School Board Candidate. She is not a soccer family and is not happy about the push for more fields. There is a need for additional basketball courts at the High School but she isn't asking Pennsbury School District to raise taxes to build more. We need to come up with more ways to raise revenue such as corporate sponsors to build and maintain fields.

Mr. Smith said that YMS built the artificial turf field at Macclesfield and the Township leases the land to YMS. YMS contributed almost 1 million dollars to the cost of construction of the turf field. Our Park & Recreation Department may need to revisit its current park plan to utilize all of the facilities better.

Ms. Lisa Gage, 208 Arborlea said that a lot of people use mulch for their landscape beds and the best thing for plants is aged compost. The Township could use the leaves from the leaf collection program to turn into compost, which could be provided to residents to use in their beds and gardens. The Township could educate the residents on the benefits of compost and how to use it. Mr. Caiola asked Ms. Gage to provide the EAC and Township with information about a composting program. Ms. Gage said when the purchase of leaf equipment such as the grinder comes up, Township

residents could fundraise money to pay for it. Mr. Simon said in the near future fees are going to continue to go up and a small investment in the program will help to continue the program.

Ms. Gage also noted that the outgoing Police Officers were already budgeted for 2010. Why can't the Township hire new officers now rather than later?

Mr. Ethan Shiller, Chairman of the Citizens Budget Committee said he is speaking for a majority of the Committee members tonight who are in favor of reinstating the leaf collection program for 2010 and would like continue to weigh in on the future of the program.

Mrs. Grace Godshalk said it was noted at this meeting that decisions were made in the dark about the golf course and said that was not true. She said that 4 developers came in to the Township with their intention to develop the property with over 400 homes. The Township approached the Dalgewicz family to purchase the property to prevent its overdevelopment and they would not sell to the Township. The Township felt it was in the best interest of the residents to take the property by condemnation to prevent the building of 400 homes, which would have been a strain on our schools and out emergency services.

Mr. Tim Malloy, 1902 Makefield Road thanked the Board for reinstating the leaf collection program and asked for a clarification on the ball fields issue. Mr. Simon said the Township is looking at building most needed playing fields on several Township properties including Samost, Snipes, and Memorial Park. Mr. Maloney said there was a detailed presentation in May 2009 that has been posted on the Township website regarding the proposed fields. Mr. Simon said the approximate cost to develop these fields is 6 million dollars borrowed at 4% for 25 years is \$455,000 in debt payment per year. That translates to approximately .65 mils per household. Mr. Malloy said the Park & Recreation budget was \$865,000 in 2006 and increased to 1.3 million dollars in 2008, which is an 80% increase in 2 years. Moving forward, the Township has considerable expenses and is he is concerned about the cost to Township residents to build more ball fields.

Mr. Simon said we keep talking only about ball fields and we need to think about the recreational facilities as a whole for the entire community. He believes the Township should have a senior/community center as well.

Mr. Marshall Arnot, Yardley Road said he is very concerned about the Board's decision to delay the hiring of Police Officers. The Board's priorities are out of line if considering taxing the residents to build ball fields and delaying the hiring of officers.

Mr. Greg Morrow, Princess Drive said he is pleased that the Board will do something about the lack of fields that has been talked about for many years.

Ms. Helen Bosley said there are more people here than any other meeting she has attended and the entire budget should be discussed tonight so the public could weigh in. Mr. Maloney stated that all of our meetings are public and the public can tune in to every meeting but we need to focus on the motion at hand right now.

Mr. Barry Huret, Kings Road, said he would like to public comment to stop and the Board vote on the motion.

Mr. Bob Lambert, 340 N. Flint Court, commended Mr. Simon on his speech tonight.

The Motion unanimously carried.

The Board took a 15-minute break at 8:10 pm

**APPROVAL OF ORDINANCE NUMBER 381 IMPLEMENTING A LOCAL SERVICES TAX OF \$52 PER YEAR FOR EACH INDIVIDUAL WHO IS EMPLOYED WITHIN LOWER MAKEFIELD TOWNSHIP**

Mr. Truelove said there was a discussion at the last meeting about implementing a local services tax within the Township which is a state authority tax on people that work in the Township to supplement emergency services. The tax would be \$52 per person annually and there would be an exemption on income of less than \$12,500. The ordinance has been advertised, then the next step would be to pass a motion to enact the ordinance and if approved, Berkheimer would administer the program.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve Ordinance number 381 implementing a local services tax of \$52 per year for each individual who is employed within Lower Makefield Township.

Mr. Caiola stated there is a greater need for out of town residents to supplement the expense for the Township's emergency services.

Mr. Smith stated a lot of people work in the Township who do not live here and benefit from our services. This will affect people who work and live in the Township. It is not a great deal of money but he is looking at it from the point of the high taxes already paid by those people. The headlines last week were that the Township was raising taxes to pay for ball fields. We are talking about another tax and he will vote against this tax.

Mrs. Godshalk, 608 Countess Road said she owns an office at Makefield Executive Quarters and asked if this applies to residents as well. If so, she and her husband will see a 15% increase in their taxes from this tax. She said this is also an invasion of privacy of personal information of salaries paid. Mr. Truelove said this tax was written by the state and the Township has no say on how it is structured. Mrs. Godshalk asked if the Board has figured out how many residents work in the Township. Mr. Caiola the 2000 census had a number of around 139 residents working in the Township. Mrs. Godshalk asked how many people are employed in the Township and Mr. McCloskey replied about 3,400.

Mr. Simon asked if this would be a payroll deduction enforced by the payroll company and the employer. Mrs. Godshalk asked if Berkheimer would look at the employee's records and Mr.

Truelove said that Berkheimer would administer the program. He said we are one of the last municipalities to implement this tax. Mrs. Godshalk feels this tax is foolish.

Mr. Phil Irwin asked if we collect between \$160,000 and \$180,000 what are the Township's expenses. Mr. McCloskey said the \$160,000 to \$180,000 is the Township's net after expenses are paid. Mr. Irwin asked if that amount would be sufficient to hire 3 officers right now.

Mr. Joe Menard, 917 Buckingham Drive and member of the Citizens Budget Committee asked if this tax would apply to businesses with only PO Boxes here or people who work from home on an infrequent basis. Mr. Truelove said if in those cases the tax is levied and it does not apply to a business or individuals they can apply for an exemption in certain situations.

Mr. Zachary Rubin, 1661 Covington Road said he supports the tax. He said the tax is deductible and an individual would receive 20-25% back on their taxes. Berkheimer has been collecting the Philadelphia wage tax for many years and they will enforce and oversee collection of the tax. Mr. Rubin said the tax is not an invasion of privacy and Berkheimer will pay all costs of collection of the tax. Mr. Smith said that Berkheimer does not enforce collection of the tax in Philadelphia the City of Philadelphia does, noting Lower Makefield would pay to enforce.

Mr. Simon asked if we have a taxpayer who does not pay the tax who enforces. Mr. Truelove said the County would enforce.

Ms. Bosley asked who is the largest employer in the Township. Mr. Maloney said the Journal Register and Pennsbury School District. Mr. Truelove said Sesame Place in Middletown employs his kids and they pay the \$52 tax. Ms. Bosley said Berkheimer has not been seen in a good light lately with their tax collection practices. She asked what are we paying them and Mr. Truelove replied 1%, which translates to about \$1,700. Mr. Stainthorpe said Berkheimer specializes in collecting the earned income tax. Mr. Caiola asked how long is the contract with Berkheimer for. Mr. Truelove said the contract is one year.

Mr. Smith asked if the tax is enacted in 2010 would the Township be the recipient of the entire \$52 and would the School District receive anything. Mr. Truelove said the Township would receive the full \$52 and the School District would not receive any part of the tax.

Mr. Menard said it is the employers' responsibility to collect the tax and there are a lot of self-employed people in the Township and asked how do we enforce noting there is no Township code available to identify self-employed people. Mr. Truelove said that would be left to Berkheimer to find people, which they are good at.

Mr. Caiola stated that we would need to fine-tune all of these things in the first year as we approach these questions.

Ms. Becky Cecchine, 9 Manor Lane said she thinks this tax is long overdue and the Township has done a great job at holding the line this year. Lower Makefield Township is the last Township to enact this tax and it will not keep businesses out of the Township. She sees all of the cars and

trucks from out of town traveling the Township roads and needing our Police and Rescue Squad daily. Mr. Simon said he looked at the 2008 census and the Township had a median income of \$124,000 noting that an earned income tax would be \$1240 per person versus \$52 for this tax. He said this tax is for people who are employed and making money and we need to acknowledge that we need to raise revenue in the Township. Some people spend more time in the Township working here than the people who live here.

Mrs. Godshalk said her and her husband will see a 15% increase to pay this tax. She implored the Township to exempt Township residents from paying this tax. Mr. Truelove said we couldn't by law exempt residents because this tax is governed by the uniformity tax.

Ms. Marge Maloney, Kings Road said she does not see any problem with the \$52 tax. We want everything in this Township but do not want to pay for it. Mr. Caiola said the Township has had many discussions about Aria who may eventually come into the Township and if we impose this tax it will help their impact on the Township services.

Mr. Rich Albach said he is paying 4.3% in city wage taxes to Philadelphia and this tax is a no brainer.

Mr. Tim Malloy said he understands this tax would bring in revenue for Township but there are two taxes on the table, the ball fields tax plus this tax. He said he would not support either tax. People are unemployed and can't sell their properties. In 2007, the Township imposed a one mil tax increase with 1.2 million in legal and engineering fees spent. He asked what spending has been cut. Mr. Fedorchak said the Township has cut Community Pride Day, the Veterans parade, and deferred hiring 3 Police Officers to the middle of the year. Mr. Simon asked Mr. Malloy to tell him where the Township is spending extraneously. Mr. Malloy said he sees an 80% increase in the Park & Recreation budget in one year. Mr. McCloskey said that Mr. Malloy is looking at audited financial sheets, which encompasses all Township facilities and includes expenses and revenues for all items that go in and out of Park & Receptions such as grants. What Mr. Malloy is looking at is not a correct snapshot of the Park & Recreation budget.

Mr. Fedorchak said if you compare the General Fund from 2009 to the proposed 2010 expenses, the fund has been reduced overall. Mr. Maloney said Mr. Malloy was looking at overall expenses for Park & Recreation and any grant that runs through the department would increase expenses. Mr. McCloskey said when we spend money on capital expenditures like in 2006 for Memorial Park we report all of those numbers for depreciation purposes.

Mr. Smith noted that we are not hiring three new officers we are replacing them at a lower cost. Mr. Fedorchak replied yes. Mr. Malloy said he opposes both taxes regardless.

Mr. Sam Spear, Thompson Way said the Township passed a green ordinance and we did not need to spend money on fees to draft that ordinance, it was frivolous. He said State Representative Santarsiero sent a letter to the Board objecting to Aria and the Township committed money to a battle we know are going to lose.

Mr. Harold Cooper Smith said the Township has chosen to defer spending because the transfer tax is down and would transfer money to cover the pension. He said he is fed up and we are in tough times and need to make cuts not tax people more.

Mr. Simon said he agrees with Mr. Smith's comments and the public does not want to vote for a tax increase.

The motion carried with four yes votes and one no vote from Mr. Smith.

Mr. Caiola moved and Mr. Simon seconded to approve Resolution 2190 adopting a local services tax of \$52 per year for each individual who is employed within Lower Makefield Township.

#### ACCEPT GRANT IN THE AMOUNT OF \$250,000 FROM DEP CONSERVATION WORKS FOR LED LIGHTING PROJECT

Mr. Fedorchak stated the Township was awarded and has accepted a \$250,000 grant for the DEP Conservation Works! program to upgrade 23 traffic lights and the parking lot lighting in the Township Complex for a total cost of \$385,000. The grant will cover \$250,000 and the balance will be taken from the Capital Fund. He stated the Township would save in excess of \$50,000 in energy and maintenance savings per year with this project.

Mr. Simon thanked Representative Santarsiero's Office and Congressman Murphy's office for their role in getting this grant for the Township.

Mr. Maloney thanked Mrs. Mazzitelli for her hard work writing grants this year for the Township especially this grant that we have been awarded.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve the \$250,000 grant from the DEP Conservation Works program for LED lighting in the Township. The motion unanimously carried.

Mr. Geoff Goll, 5 S. Homestead Drive said there is so much animosity towards the budget this year and these efforts will save the Township a substantial amount of money and has a payback to the Township in less than three years. This shows the Township can be environmentally conscience and save the residents money.

#### APPROVAL TO EXPAND THE DEER SHARP SHOOT PROGRAM TO INCLUDE MEMORIAL PARK, SNIPES TRACT, THE ELLIS TRACT AND WOODED AREA BEHIND THE TOWNSHIP BUILDING

Mr. Fedorchak said the Township received a permit from the Deer Commission to begin the sharp shooting portion of the deer hunt. Mr. Shisler is here to give the Board an update on the progress of the program and to ask the Board for approval to expand the program. Mr. Fedorchak stated next month White Buffalo would perform a sharp shoot at the golf course, 5-Mile Woods, and Patterson Farm. They would begin baiting at those locations in December and sharp shoot in January. It is

White Buffalo's recommendation to expand the locations of the shoot. The recommended additional areas include the area behind the Township Building, Memorial Park, Snipes Tract and the Ellis Tract, which is close to the canal. These are areas we can anticipate a large deer population and would increase the effectiveness of the program.

Mr. Shisler stated that 27 deer have been removed from 5-Mile Woods so far. The deer control permit allows for up to 300 deer to be removed in addition to the 27 already removed. The shooters will rotate around the 3 sites to work most efficiently. Mr. Stainthorpe said that Mr. Shisler mentioned there are 29 sites to control deer and asked where those sites are. He said if it is the recommendation to expand the sites would it be within our budget to do it all at one time. Mr. Shisler said the 29 sites are within the three original sites on the list and expanding the program would not increase the price within this contract.

Mr. Smith asked Mr. Shisler if he received the emails from residents last week about the poaching. He noted that a local hunting group has been looking out for this type of behavior. Mr. Smith asked how do we prevent the unauthorized poaching by people other than those hired to remove the deer. Mr. Maloney said we've had problems with poaching long before this hunt. Mr. Shisler said when there are paid professionals like White Buffalo hired there will be less unauthorized people at the sites.

Mr. Maloney stated that he also received a telephone call from a representative from White Buffalo that we should expand the deer hunt because we wouldn't be putting our best money to use on limiting the hunt to the 3 sites marked.

Mr. Caiola asked how do we determine how many deer to remove to make the program effective. Mr. Shisler said we asked for the maximum number of deer in the permit to maximize the amount of money spent and it would reduce the herd to a level they would like.

Mr. Stainthorpe asked what is needed tonight from the Board. Mr. Fedorchak said the Board must vote to expand the deer hunt to Memorial Park, Snipes Tract, Ellis Tract and the area behind the Township Building.

Mr. Stainthorpe moved and Mr. Caiola seconded to expand the deer sharp shoot program to Memorial Park, Snipes Tract, Ellis Tract and the area behind the Township Building.

Mr. Bob Lambert, 340 N. Flint Court asked what is the measure of success for the public hunt by the Game Commission. Mr. Maloney said the only requirement is that the lands were open for a certain amount of time. Mr. Lambert asked if we could assess the public hunt and the success of it and could save the Township \$60,000 if we continue a public hunt instead of sharp shooters. It would also quell residents' fear of safety and we could give small parcels to bow hunters to also save money.

Ms. Virginia Torbert said she read on the White Buffalo website the only effective way to hunt a place like 5-Mile Woods would be by vehicles and asked if that would be done. Mr. Maloney said no, only standing position hunting would be used at 5-Mile Woods. Ms. Torbert asked if it could be

assumed that a low number of deer would be taken on the next hunt. Mr. Shisler said the deer will start to avoid areas and at 5-Mile Woods the number of deer hunted will decline and that is why it is recommended to expand the program. Ms. Torbert stated this is a long-term problem and it will not be solved in one year at 5-Mile Woods.

Ms. Torbert asked if the PA Game Commission would require a public hunt at the other locations. Mr. Shisler replied yes but it could get an exemption for Memorial Park and the Golf Course. Ms. Torbert said she is concerned with the hunt near her property and the horses stampeding because of the hunt. Mr. Shisler said he has never heard of horses stampeding because of a controlled sharp shoot hunt.

Mr. Ethan Shiller said for the deer program to be effective it must be multi-year. Mr. Shisler said it must be in perpetuity through methods of contraception and a hunt but it will cost less in subsequent years because the number of deer will continue to decline. Mr. Shiller asked if there is a clause in the contract to cancel the contract without penalty. He noted that \$60,000 was budgeted in 2009 and there is no money in the 2010 budget for deer control. We are spending \$60,000 for a multi-year project that we can only subscribe to for one year.

Ms. Jean Kirk, Pennsylvania Avenue, Yardley Borough said she is opposed to the hunt and found that 5-Mile Woods is being destroyed by the hunters. She witnessed their safety methods to be less than acceptable. The hunt signs are unreadable from a distance notifying the public of the hunt. Ms. Kirk asked what is the safe method of hunting?

There being no further business the meeting was adjourned at 10:05 p.m.

Respectfully Submitted,

Greg Caiola, Secretary