

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – AUGUST 19, 2009

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on August 19, 2009. Chairman Maloney called the meeting to order at 7:35 p.m. adding that the Board met in Executive Session prior to the meeting to discuss legal and real estate matters. Mr. Caiola called the roll.

Those present:

Board of Supervisors:           Matt Maloney, Chairman  
  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

PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B Wren Song Road, asked the Board the status of the 2010 Township Budget. He also asked of the \$38 million that is on the Balance Sheet, how much will come due in 2009 and 2010. He also asked what the Township has on the Balance Sheet which can be used to supplement the Budget for 2010 so that they can turn an asset into income. Mr. Fedorchak stated they have just started the 2010 Budget process, and all Department Heads are preparing their individual Budgets. They will submit their preliminary requests to him the second week of September. Mr. Koopersmith asked how much of the Debt Balance Sheet is coming due in 2009 and 2010 and what are the interest rates. Mr. McCloskey stated \$1.8 million is due next year. Mr. Koopersmith thanked the Township Manager and staff for making the Budget available.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of July 15, 2009 as written.

#### APPOINTMENT OF TONY BUSH AS VACANCY BOARD CHAIR

Mr. Simon moved and Mr. Caiola seconded to appoint Tony Bush as Vacancy Board Chair.

Mr. Smith stated Mr. Bush is currently serving in a Township position as a member of the Planning Commission, and he asked if this creates an issue. Mr. Stainthorpe stated he feels anyone who is not a Supervisor can serve, and Mr. Truelove agreed.

Motion carried unanimously.

#### PROPOSAL FOR COMPUTER-ENABLED MEETING ROOM

Mr. Maloney stated in January, as part of his remarks as new Chairman, he discussed his goal of better use of technology in the Township. He stated in June the Board passed a Resolution to move to electronic documents throughout the Township. He stated he and Mr. Simon have since discussed how they could push this initiative forward.

Mr. Maloney stated most of the information is still provided to the Board of Supervisors in the form of weekly packets which are delivered to the Board at their homes by Police officers who are already out on patrol. He stated this results in a tremendous amount of paper, and the goal is to reduce this expenditure and still insure secure delivery of material in a timely manner. Mr. Maloney stated they are proposing that the material that is electronic will be e-mailed to the Board as it becomes available. He stated they also feel there is an opportunity to invest in a system that will increase productivity not only for the Board of Supervisors and Committee volunteers but also for the staff and their ability to manage the tremendous volume of information that is stored in the Township. He stated they would like to be able to eliminate paper at meetings as there is no reason why all of this material cannot be in an electronic format so that they can avoid printing these documents. Mr. Maloney stated currently the Board is reviewing the material they get electronically ahead of time, but they do not have the ability to access the material on demand other than bringing in their personal laptops to the meetings. He stated the intent is to make use of the network already existing in the building to create content and store it in that form. He stated currently they are getting meeting Minutes and Agendas, etc. electronically but when there are large, colorful documents with a lot of graphics they become quite large and cumbersome to work with.

Mr. Maloney stated they are proposing to modernize the meeting room; and with a fairly minimal amount of investment, they feel they can create benefit for the Committees and their ability to access the packets as well as resources. He stated the Zoning Hearing Board could then have the Code readily available when they are hearing matters, and other user groups using the meeting room would have the ability to use the work stations

that would be available to them. He noted some seniors in the community do not have access to computers in their home, and they are suggesting that there would be workstations set up at each desk and seniors and others in the community would have access to guest accounts and individual Committee members would have their own account which when logged into would pull up the information that is relevant specifically to them.

Mr. Maloney stated they are also suggesting that the Supervisors, because of the breadth of exposure, have laptops for their own use. He stated they believe that all e-mail and correspondence by Supervisors related to Township business falls into the Open Records Act which was recently passed, and what this has done on a personal level is exposure to some great degree of opaqueness as far as what of their own personal e-mail and personal computers is basically public domain. He stated the Board has their own private life as well, and he feels they should be able to transact Township business in isolation of their private lives.

Mr. Simon stated this is a standard that most companies are employing as well, and he has a work laptop which is all contained with business and his personal computer which he now has to use to conduct Township business. He stated the ability to have the document control system that they are discussing will give benefits to the Chairs of all the Committees, the Board of Supervisors, and Township management to be able to have everything contained in an organized, file-share system. He stated having all of this information at your fingertips will be a huge advantage to the work flow. He stated the current system of delivering huge packets to the Board members at their homes is not an ideal way to deliver information and is also not the way many people work today. He feels the productivity and security issues are paramount. He stated the goal is to reduce dependency on printing, ink, and time spent by Township employees and others reproducing this material.

Mr. Maloney stated they will also be building a record system adding they will not be going back at this point and scanning documents from the 60's and 70's, etc. to create an electronic record; but they will start it from this point forward. He stated there will also be a delivery system and ability to access the information and utilize it flexibly. He stated they want to make sure that those who are the end users do not have to print it out themselves creating costs both environmentally and personally.

Mr. Maloney stated there are thousands of dollars being spent on paper and ink and the cost of owning additional printing facilities. He stated the less paper they are printing and documents being run off, the less they will "burn" through copy machines and printers which will result in a savings in the Budget under the proposed process. He stated they feel they can accomplish what they are considering for approximately \$5,000 to \$10,000 to purchase the equipment needed. He stated while they will absorb these costs in the first year, in the second and third years there are no costs; and it will

just be pure savings. He stated they have considered a tri-annual replacement period which is fairly typical in corporate America although four years may be feasible and they would then have to absorb additional costs to replace equipment and then only if necessary. Mr. Maloney stated modernization of the meeting room will also be needed but noted there is already wireless in the building, and the infrastructure for storing the information is generally currently available.

Mr. Fedorchak stated they may want to consider hard wiring directly into the system as opposed to a wireless approach, and Mr. Maloney agreed that this would also be more secure and faster.

Mr. Simon stated he feels what they are proposing is an economic investment with realized savings over time, will result in increased productivity, and will also provide terminals that can be accessed by the public, particularly the seniors, when meetings are not occurring. Mr. Maloney stated this will enable those who do not have such equipment in their homes to access the information at the Township at no individual cost to them. Mr. Maloney stated he feels they can move money from what is budgeted for paper costs into a different Budget item.

Mr. Stainthorpe stated there will be other costs in addition to the \$5,000 to \$10,000 in equipment as there are costs involved in hardwiring and design, and consultants will probably have to be involved. He stated before they move forward, he would like to understand what those costs are. He stated he also feels they need to make sure the savings are really there as the residents are looking to the Board to maintain a tight Budget.

Mr. Simon stated he feels they will be able to do the “people’s business” better by enabling newer technologies; and they will be able to reduce the cost over time that is expended on time, paper, and ink as well as set an environmental tone.

Mr. Stainthorpe stated while he does not disagree, before they move forward, they will need to make this case to the residents that it is really a savings.

Mr. Maloney agreed and stated the purpose of the presentation this evening is to provide an update on what they are considering, and he will not put a Budget item on the line that has not been scoped out.

Mr. Smith asked if they decide to proceed in this way, how long would it take for it to be implemented. Mr. Maloney stated he feels much of the infrastructure is in place other than what they would be relying on the IT person to code, and it would be an overlay onto the system that currently exists. He stated the Township staff has a functioning network which they use, and they would need to create a more streamlined process on top of this as to how the administrative staff interacts with the elected officials and Committees. He anticipates it could be done in thirty days.

Mr. Smith asked if technology will make these investments obsolete over a short period of time. Mr. Simon stated he does not feel so as on a laptop you are working with operating systems which are software packages, and the hardware will be technologically competent for quite some period of time. He stated with regard to the network investment, they would be on the same baseline that the Township staff currently uses in the building. He stated software packages are typically purchased for organizations of this size with a certain number of seats, and they will be expanded to include additional seats for the terminals. Mr. Maloney stated the equipment can become obsolete over time similar to a home PC, and it is usually the practice to set a useful lifetime policy such that there would be a three or four year replacement time for the laptops.

Mr. Simon asked if there is a sense on the current costs for printing, and Mr. Fedorchak stated he feels it would be a number well into five figures. Mr. Simon stated they could put in an amortization schedule for replacing the laptops so that all ten terminals are not replaced at the same time.

Mr. Smith stated he feels there would also be savings on the postage if they proceed with this proposal, and Mr. Fedorchak agreed.

Mr. Smith asked if they feel this is a luxury or a necessity, and Mr. Simon stated he feels it is a necessity because he does not feel that they are currently as efficient as they should be. He stated this will reduce time and effort being spent by the Township and others. He stated they would scan documents one time and put it into a file share environment which is then distributed one time to those authorized to use it.

Mr. Smith asked if any other Municipalities are doing this, but this was not known.

Mr. Smith stated last year he suggested that they do everything possible to push people to the Internet, and this is another step in that direction. He stated he would still like to see hard figures before they proceed.

Mr. Simon stated Lower Makefield leads in everything it does including having the best golf course for a Municipality, terrific infrastructure, Government, and professional staff; and he feels that even if they find that Lower Makefield would be the leader in this, they should still proceed as it will still improve their ability to be efficient as leaders.

Ms. Helen Bosley, 546 Palmer Farm Drive, asked how this will impact on the other Committees apart from the Board of Supervisors. She stated there are currently twenty-two Committees assigned to the five Supervisors, and she assumes there is an average of five people serving on each Committee. She asked about the availability of information, who will monitor and control it, and what are the parameters they will have with respect to the process. She also asked at what point information, which is quickly available to the Board of Supervisors, will be available to the residents with respect to the documents that the Board of Supervisors has access to.

Mr. Simon stated the plan would be that the five Supervisors would be issued laptops as they currently get a lot of e-mail with sensitive Township business that is appropriate for their roles; and currently this is being forwarded to their personal e-mail addresses through a forwarding system. He stated the five Supervisors would therefore have permanent laptops assigned to them while they are in office. He stated they would not be buying laptops for the rest of the Committees, but there would be permanent work stations at the meeting room front table so that when Committees meet, there would be a log in for the Committee members so that they can access information on the file drive that would be secure and accessible to them based on their needs for information they need to access for their Committee.

Mr. Simon stated there is a distinct difference between the five Supervisors and the Committee members as the Supervisors deal with quite a bit of sensitive information about the management of the Township. He stated the documentation that would become available to the public would be on its normal timeline when it is allowed to be disseminated to the public. Mr. Truelove stated it a legal issue as to when a document becomes a public record under the Open Records Act, and it would undergo the same scrutiny that it currently does in the paper form. He stated this Act is still undergoing a great deal of interpretation and certain personal information cannot be disclosed. He also stated papers that are not yet file documents that have not been presented in public, would in his opinion not be public documents. He stated there is a definition and list of documents that are subject to disclosure, and they would undergo the same type of analysis that they do currently for paper documents.

Mr. Maloney stated he and Mr. Fedorchak have discussed a broader overhaul as to the ability to deliver content through the Web. He stated they have already worked out a file transfer system which would enable the files that are public domain to be stored on a FTP Server, and allow the public access through them although they have to build Web platform for that. He stated part of the overhaul of the Website will be building an interface for the residents to be able to access the information. He stated he feels under each Department's section there will be a place for public documents to be stored, and users can browse through them and the ability to access information will occur there rather than the current system which requires sending the Township an e-mail requesting being able to see a document. He stated every document created of substance in the Township would undergo a review to determine whether it is public; and once that has been determined, it would be posted on the Web.

Ms. Bosley stated it appears that the Committee heads would have to physically come into the Township Building to sit at the computers and access their information ahead of time to review it before they have their meeting. Mr. Maloney stated he does not feel there is any reason why information that is needed would not be e-mailed to them ahead of time. He stated most of the information being delivered would be relevant to be

reviewed during the meeting. He stated Minutes, Zoning Applications, etc. would be disseminated ahead of time.

Ms. Bosley stated she feels they should understand the scope of the whole process and how it interacts with each of the Committees and the residents to access the information. Mr. Simon stated these processes tend to evolve and needs come up once the process is implemented; and he feels it would be difficult to come up with now a solution to every scenario that could occur once you start the process. He stated this is a modernization which will evolve over a number of years. Ms. Bosley stated she would still like to know as a taxpayer that this will not evolve into something that is not affordable or is unnecessary for the taxpayers. Mr. Simon stated they are trying to leverage existing technologies that the Township is already using to operate more efficiently. He stated they will do a careful study to make sure that it will result in a reduction in costs for ink, print, and time associated with paper reproduction.

Mr. Richard Johnson, Evergreen Road, stated he has used this type of system being discussed for the last five to six years. He stated while the Board of Supervisors is comprised of a fairly young group of individuals and to them this is all “second nature,” the Township is comprised of those who are considerably older, and he would not want to see the Township use a system that will shut people out who are not as technologically-facile as the Board is. He stated in his experience, they have found that there are people for whom they still have to print everything out. Mr. Johnson stated the Board should also recognize that this process will tie them to their laptops constantly. He also stated there are also times when it is helpful to have paper as opposed to relying on the laptop. He stated the Board should recognize that they are in a transition period, and they need to accommodate everyone.

Mr. Sam Speara, 705 Tomlinson Lane, stated the State of New Jersey Department of Treasury went paperless in 1994; yet he has reams of paper in filing cabinets, because if you want to verify that you did a transaction, you have to print out a copy of the paperless transaction. He stated in 1984, the State of New Jersey updated their computer system, and in 2009 it still does not work. He cautioned the Board to be very careful.

Mr. Geoff Goll, 5 S. Homestead Drive, stated the entire world is going digital. He stated you not only save money, but there are also advantages with regard to off-site storage of copies, back-up, etc. He encouraged the Board to go digital, and added if people want to read something, they can print it out.

Ms. Virginia Torbert, stated up until a few years ago, the Township’s Technology Department consisted of one woman who did everything from Web design to physically fixing the computers. Ms. Torbert stated she understands the Township currently contracts out the computer services, and Mr. Maloney stated there is an individual on site who works for a different company. Mr. Fedorchak stated the company is DMX and they

have been with the Township for the last four years and have been working with Mr. Maloney and himself on this issue. Mr. Maloney stated they do have separate Web design and have begun to leverage other resources where appropriate and use this individual when his expertise is necessary.

Ms. Torbert stated this is a significant expansion of the Township's involvement with computers. Mr. Maloney stated this is not much of an expansion from an IT perspective. He stated this is not that complicated, and they just need to come up with the right plan and execute it. He stated he feels the outsource model continues to be appropriate since there are fairly minimal IT needs day to day. Ms. Torbert stated she does feel this is going to be expensive and goes beyond buying a few laptops, and there are other costs involved. She asked if this is going to go out to bid, and Mr. Maloney stated it will not if it is below the \$10,000 threshold, and the scope of the project is not that big.

Mr. Simon stated there is a file server system which would supply the information through the network to all of the laptops/desktops. He stated the infrastructure already exists so the cost to add to this is minimal. He stated they currently have a contractor on retainer and this will simply be adding more satellites to the network so that the initial costs are very minimal and there is a long-term cost benefit not just in paper, print and ink. Ms. Torbert stated she is not opposed to the idea, but feels they should consider bringing in some other opinions as opposed to this one consultant that they have had for the past four years. Mr. Caiola agreed that they should look into the costs to make sure this makes sense. Mr. Smith stated this presentation is only the first step.

#### PRESENTATION OF 2008 FINANCIAL STATEMENTS

Mr. Stanley Booz, CPA, and Mr. Brian McCloskey, Finance Director, were present. Mr. McCloskey stated Mr. Booz has been their public accountant for the past three years. Mr. Booz noted the Audit had been provided to the Board of Supervisors. He stated the Financial Statements are the financial responsibility of the Township management, and their responsibility as auditor is to express opinions on the statements; and they have audited the financial statements and rendered a clean report. He added the Township has good internal controls. He stated Pages 3 through 15 are discussion and analysis which were prepared by the Township management, and this is not prepared by the Auditor.

Mr. Booz stated Page 16 shows the Township wide statement of net assets which total \$127 million in assets, \$86 million in equity, \$78,000 of which is in fixed assets. He stated the Township is running a "tight ship." He stated the next page shows Business and Governmental activities which is what they are spending money on, how much they charge for services where applicable, Grants received, and the net results. He noted the General Revenues adding most of the money comes to the Township from property taxes and transfer taxes. He stated Lower Makefield is one of the few Townships that has not

enacted an earned income tax or “nuisance taxes.” He stated the transfer taxes had a substantial reduction in 2008 of \$600,000, and he anticipates it will be down in 2009 as well.

Mr. Maloney stated it indicates that they account for the Governmental activities separately from the business activities – the golf course, sewer system, and pool; and he asked if this is something that is required under Governmental accounting; and Mr. Booz stated it is. He stated these are proprietary funds and do not really relate to the general activity of the Government.

Mr. Maloney stated overall the net assets increased particularly as it relates to Governmental activities, but there was a net decrease on the business side, and he asked what drove this. Mr. Booz stated generally what drives this is revenue and expenditures. Mr. McCloskey stated the primary reason for the decrease in net assets on the business side was depreciation expense which was not offset by capital investment. He stated the Golf Course is young and does not really need an influx of capital, and the Pool is in good shape and did not require an influx of capital; yet both entities had significant depreciation expense in 2008 as did the Sewer Fund, although the sewer requires more capital each year than the other two. Mr. Maloney stated in the case of the sewer system, they are generally refreshing that at a fairly commensurate rate with the depreciation. Mr. Maloney stated with regard to the Governmental activities they have seen some net growth in terms of the net assets, and he asked if this is because of depreciation versus investment. Mr. McCloskey stated on the Governmental side there has been investment in the infrastructure in 2008 that exceeded any type of Governmental depreciation. He noted particularly the investment in the Samost Tract of \$1 million.

Mr. Tim Malloy, Chairman of the Township Board of Auditors, thanked Mr. Booz for coming this evening. He stated the Class II Township Code allows the Supervisors to hire an outside accountant to perform the Audit; however, if the Township Auditors performed the Audit, Section 904 indicates that the Audit reports would be due the first day of March and filed by the end of March. He asked if there is any provision in the Contract with the Accounting firm as to when the reports are due. Mr. McCloskey stated they are required by Pennsylvania law to file with the DCED by March 31 each year, and for the three years that Mr. Booz has been on the job, they have met this deadline. This filing is less comprehensive in scope, but is the same information – just condensed.

Mr. Malloy stated he feels this report seems late in the business cycle since it is now August, and he asked if anything could be done to get the Audit Report and the Financials on the Township Website sooner in the calendar year. Mr. Fedorchak stated their Fiscal Year runs from January to December, and they did file with the State in accordance with the State regulations on a timely basis. Mr. Booz stated while the Audit Report was presented this evening, it was done in June. He stated one thing that interrupted them was that they had to do a small Audit for a Grant for the Township. Mr. McCloskey stated the process to close the Township books does not happen on January 1, and it takes more than two months to get ready for the Auditors to come in. The report was completed in its hard copy form the end of June and was loaded onto the Website. He stated generally it is completed by the end of May/early June each year.

Mr. Caiola stated he works for a non-profit which generally has the same timetable. Mr. McCloskey stated much of the work in the document being presented this evening was done by the Township staff and himself, and Mr. Booz then comes in and reviews and audits it. He stated during that time Mr. Booz is in contact with Mr. Fedorchak and the Chairman of the Board of Supervisor to discuss internal controls, fraud detection, etc. He stated he feels if Mr. Booz had discovered something improper, it would be his responsibility to report that when he uncovers it, and not wait until this evening. Mr. Maloney stated he feels that completing the Audit by April or May each year seems a reasonable time frame and the end of June would be acceptable given there was an additional project that had to be completed. Mr. McCloskey stated in years past they have met this timeframe; but this year they had a request to have an Audit related to a Grant so they had asked Mr. Booz to put the Township Audit aside and work on the Grant because without having the Grant Audit complete, they could not solicit for additional Grant funds.

Mr. Stainthorpe stated he feels they previously had the Audit presented in May or June, and they have not had a public presentation of the Audit for the last two to three years. He stated he feels it would be a good practice to make it a requirement that this is completed in May and publicly presented in June. Mr. Booz stated some things are outside of his control. Mr. Stainthorpe stated he is not suggesting that Mr. Booz's firm is at fault; but as Township Supervisors, this is a policy they should commit to. Mr. Booz stated this is a good goal. He stated because his firm is not present at the Township all year long, they confirm balances at 12/31 and ask various banks and revenue streams to confirm the balances the Township has indicated. He stated they also ask the Township solicitor to send them a letter advising if there is anything they should know about that might effect the stability of the Township from a financial perspective. He stated some entities are quicker than others in responding, but agreed that May would be a good goal.

Mr. Simon asked if the primary purpose of an Audit is to ensure that the accounting practices are being upheld and the reporting is accurate, and Mr. Booz stated they audit the Financial Statements to make sure that they conform to generally-accepted accounting principles. He stated in years past the elected Auditors were given the job of looking at the invoices and bills and to make sure that money was for a good purpose, and this is still their job. He stated the job of the outside auditors, given the complications in Fund and Government Accounting, is to make sure the statements are accurate recognizing that the Board will be basing their Budget for the next year on these statements. He stated they also look to make sure that there are internal controls to safeguard the assets. Mr. Simon stated Mr. Booz earlier discussed the request for confirmations from other parties and their inability to have these received within a particular time period, and Mr. Booz stated they do send out repeated requests if they do not receive these. Mr. Simon stated this delay could prohibit them from committing to saying that the Audit has to be completed by the first Supervisors meeting of June of every year. Mr. Booz stated generally if they have a set time, they can meet it. Mr. Maloney stated he agreed that they should push themselves to get this done by May or June with a public meeting on this subject as soon as it is administratively possible.

Mr. Malloy stated he agrees with Mr. Stainthorpe on the matter of frequency of presentation since this is the first time the Auditors have come to the Township and presented the Budget since he has been a Township Auditor. He stated he feels they should come in every year. Mr. McCloskey stated Mr. Booz did meet last year with the Board of Auditors. Mr. Maloney stated it is his intent to make sure that they get back to having the Auditor come to a Supervisor meeting every year.

Mr. Malloy noted Page 7 of the report under excess deficiencies before transfers. Mr. Malloy stated in 2006 they had a \$2 million surplus, and Mr. McCloskey agreed and added in 2007 it was \$1.1 million, and in 2008 there was a \$500,000 surplus. Mr. Malloy asked where they are in 2009, and Mr. McCloskey stated at this point in time there is a surplus because they are only seven months into a twelve-month period. He stated the revenues are primarily in because the tax bills go out in March and April and the majority of the tax money is received by June. Mr. Malloy stated the surplus has dropped from \$2 million in 2006 to \$500,000 in 2008, and Mr. McCormick agreed.

Mr. Dan McLaughlin, 600 Kings Road, asked if it is fair to say that in the last three years they have seen expenses in the Township go from \$18.9 million to \$21 million. Mr. McCloskey stated while this is correct, the expenses have gone up as have revenues. He stated they did take out a large Bond Issue, and in Governmental Accounting, this is a revenue that is offset by expenses. Mr. McLaughlin stated in 2006, they had revenue of \$21.4 million, and in 2008 it was \$21.3 million. Mr. McLaughlin asked if it would be fair to state that revenues have not increased, and Mr. McCloskey stated they have been fairly stable. Mr. McLaughlin stated in that same time frame, expenditures have gone from \$19.4 million to almost \$21 million. Mr. Maloney stated the primary driver of those

increases was spending on Police and increased costs of Public Works with those two items resulting in approximately \$1.5 million of increased expenses. He stated they have hired a number of additional Officers and had a number of additional needs in Public Works for paving, leaf collection etc.

Mr. McLaughlin stated he is still concerned that the revenue side is stable and expenses are increasing, and he does not feel this is discussed enough in the public forum. He stated there are a wide range of interests in the Township which are important to the quality of life of the Township. He stated he also read the Citizens Budget Commission Minutes from their last meeting, and he has not seen an in-depth discussion of this; adding that Mr. Shiller attempted to bring up these issues and wanted to highlight areas of expense reduction that the Board is mandated to find. Mr. McLaughlin stated if revenues are staying stable, and expenses are increasing upwards of 6% to 7% a year, it is the job of the Board of Supervisors to protect the interests of the residents to make sure that the expense side is under control; and he does not believe that this is evident.

Mr. Maloney stated they have had a significant fund balance in the Township, and it is his opinion that it is not the Government's responsibility to hold onto the money of the residents. He stated he intends to insure that the fund balance runs at a fairly low level; and if the expenses are increasing for necessary services, such as Police and public safety, it is incumbent on the Supervisors to raise revenue when appropriate. He stated real estate transfer taxes have represented a tremendous depreciation in one side of the revenue equation. He stated in that time they have seen almost as much expense increase as they have lost in the real estate transfer tax. He stated this is cyclical; and over time this will rebound, and as it does, they will restore the balancing equation. He stated in the meantime, he does not feel they should be seeking to balance that equation in every year so that they can have a feeling of comfort. He stated the reality is that part of the revenues are going to be cyclical and the expenses are not. He stated it is the Board's obligation to make sure that the fund balance is properly managed which he feels they have been doing; and when it is appropriate to raise revenue to pay for critical services that they do so as well as to make sure that the expenses are as minimal as possible which he feels they are. He stated he is not interested in having lay-offs because there is an issue with the real estate transfer tax. He stated they do have to pay for the services; and when there is a fund balance, they should use that too.

Mr. McLaughlin stated those cycles may not come back for five to ten years. He stated he is concerned they have built a system and structure that is dependent on the revenues coming back in the short term, and they may not. Mr. Maloney stated this is why they Budget every year. Mr. McLaughlin asked why the expenses are "exploding," adding this is a real issue for the residents he has met, and they feel like they are being overtaxed.

Mr. Maloney stated the costs have increased as there are increases in wages and materials. Mr. McLaughlin stated his 2009 tax bill shows a 20% increase from his 2006 tax bill for the Township. He stated the County's portion of the tax bill has not increased one cent in that same timeframe; and it appears the County has found a way not to raise his taxes, but the Township Board has raised his taxes. He stated he feels the Township needs to find efficiencies and that it translate into the numbers that they see. Mr. Maloney stated the role of the Board of Supervisors is to execute the services that are absolutely necessary. Mr. McLaughlin stated the County has not raised the taxes, and Mr. Maloney stated this is an entity that heavily finances itself via debt, has a lower debt rating than the Township, and has a very different source of revenue stream than the Township. Mr. McLaughlin stated the revenue stream is the same as it is the people and business. Mr. Maloney stated they are not the same.

Mr. McLaughlin noted the paragraph written by Mr. McCloskey to Mr. Fedorchak for the Board about expenditures, and read as follows from the June, 2009 Quarterly Report: "Expenditures within the Township's General Fund are tracking approximately even with the same period in the prior year. It needs to be noted that there are areas of concern here as well. The General Fund Expenditure Budget is 3.8% higher than prior year so that if the current trend in the General Fund Revenues continues, expenditures will need to be reduced significantly if we are to remain in our targeted Safe Harbor range. Areas of concern here are professional fees, legal, engineering, overtime, and expenses related to the Frankford Hospital issue. This area needs to be reviewed now so as to address both the 2009 and 2010 General Fund Budget." Mr. McLaughlin stated if the Finance Manager has written this to the Board of Supervisors, there is something to be concerned about.

Mr. Simon asked Mr. McLaughlin what he does not want. Mr. McLaughlin stated his job as a citizen is not to tell the Board what he does not want, but is to ask the Board what they do not want recognizing that the Finance Director has advised the Board of Supervisors that there is a need to make cuts. Mr. Simon stated the Board of Supervisors and all the Committees are looking at managing the Budget and making sure they are within the Budget restraints. Mr. Simon stated everyone is currently in hard economic times – both private businesses and Government entities. He stated Government entities have a limited resource for income, and Mr. McCloskey has indicated that they lost a lot of income from transfer taxes. He stated he has lived in the Township which is primarily residences for fourteen years. He stated the Township for many years benefited from transfer taxes and good economic times and with new housing being built; but there was not good planning along the way. He stated the current Board is taking a very hard look at every expenditure across the Township, every Committee, every professional fee, and everything associated with running the Government. He stated it is Mr. McCloskey and Mr. Fedorchak's responsibility to advise the Board of Supervisors on a frequency so that the Board understands what is happening economically with the Township and can make those kinds of adjustments such as public companies do on a quarterly basis. He stated

they are in the process of preparing a Budget for next year taking into account the shift in the economic environment. He stated Government is to supply services to its residents, and he is asking Mr. McLaughlin which elements of the existing services the Board should cut out recognizing that what satisfies Mr. McLaughlin may not satisfy another resident. He stated there are mandates that go into Contracts for the Police Department and other services that support the Township that are somewhat out of the control of the Board; and they must adhere to the Contracts that are part of Collective-Bargaining Agreements that exist with processes of arbitration; and these impact fixed costs. He stated there have been shifts for fuel costs and allocations for other things in the Township. He stated currently there is a major development proposal that is requiring additional professional services, and a good portion of the residents have indicated a concern about this particular development project; and it is the Board's responsibility to protect the residents. Mr. Simon stated as a residential community, houses are not selling, they are not getting the transfer taxes, and there is no more new development being built for residential development so that the revenue portion they have been depending on is drying up. He stated while the market will rebound, the Township still has the obligation to deliver Police and other services. He stated he has learned since being on the Board about how thin the Township is on the staffing side and how much gets delivered from the Township perspective.

Mr. McLaughlin stated he has lived in the Township for eleven years and he felt the Township operated well in 2006; and for the extra \$2 million the Township has taken on, he does not feel he has seen this increase in services or quality of life. He stated the Board of Supervisors has a duty on the fiscal responsibility side. He stated he has met 2,500 of the residents, and the number one topic they bring up is taxation; and they say they are being taxed out of the Township. Mr. McLaughlin agreed that a good portion of this is the School tax; but they are also bring up the Township tax. He stated he would like to hear from the Board of Supervisors things that can be done as a result of Mr. McCloskey's comments.

Mr. Fedorchak stated they are looking to the staff for recommendations, and he and Mr. McCloskey have been studying this for the last six weeks on a daily basis. He stated he has instructed his Department Heads to freeze all discretionary-related expense and freeze all capital and equipment purchases for the moment. He noted there was a scheduled renovation in the Public Works Department for which \$40,000 to \$50,000 had been Budgeted, and they have stopped this construction. He stated there are also some items in Parks & Rec which have been stopped. Mr. McCloskey stated they have identified about one dozen accounts, where with the current freeze, they could save approximately \$200,000.

Mr. McLaughlin stated this is what he was talking about. He stated when they were interviewing for the Supervisor vacancy, Mr. Goll had discussed "wants and needs," and he is asking that the Board take a hard look at the wants, and added possibly laptops for

the Supervisors should not be considered at this time. Mr. Simon stated this is where he disagrees, and they need to consider operational efficiencies.

Mr. Smith stated he too is concerned about expenses. Mr. Smith stated Mr. McLaughlin commented on professional fees and Frankford Hospital, and Mr. McLaughlin stated he was reading from Mr. McCloskey's comments. Mr. Smith stated over the past three years the Board has had to consider a tax increase and for two years - a tax increase last year of \$15 for the Fire Hydrant Fund which was a need expressed by the Fire Department and the year before this there was a general property tax increase primarily for increased Police protection. Mr. Smith stated each week the Board receives a Police log, and there have been increases in different types of crimes in the Township; and he feels Chief Coluzzi has done an excellent job managing the Department. Mr. Smith stated there have been comments about increased professional fees and he noted a number of citizens groups who came to the Board asking for help to fight planes flying over the Township, flooding in the Township, and the Frankford Hospital proposal, all of which involved increased professional services and fees to help fight these issues which were not anticipated in the Township Budget. Mr. McLaughlin stated he feels that these items are needs and not just wants, and he wants to discuss the "wants." He stated every time there is an unanticipated need, they need to find a want they can sacrifice. Mr. Smith stated he hopes they do not wait until the end of the year to see what they could have cut.

Mr. Harold Koopersmith stated his concern is the \$38 million that the Township owes which will come due at some point in the future. He stated he is concerned with the interest rates, and he would recommend that the Board of Supervisors consider refinancing as much as they can now with the lower interest rates and for as long as possible given the current unstable economy and because of the policies of the U.S. Congress. Mr. Maloney stated they do maintain an active dialogue with their bond issuer to consider if there is an opportunity to restructure the debt recognizing that there is a transaction cost burden to refinancing. Currently they do not feel there are any opportunities. Mr. Koopman asked how much is variable, and Mr. McCloskey stated approximately \$8 million for the Golf Course is variable, and Mr. Fedorchak stated he feels there is another \$3 million issue. Mr. Fedorchak stated the going rate in the Municipal Bond market for a twenty year issue is approximately 4.5% or more; and over the last four to five years the Township has refinanced, and the rates they have received at those times were approximately 4%.

Mr. Dave Shuster, Bluestone Drive, stated he appreciates Mr. Booz's report and overall it seems the Township is in good shape and there are good systems in place. He stated expenses do go up, and they need to be prudent. He stated Mr. Booz listed a number of taxes which the Township does not have which he referred to "nuisance taxes;" and Mr. Shuster stated he feels it is a good thing that the Township does not have these.

He asked the Supervisors to resist the urge to implement any of these taxes moving forward. He stated he understands that Yardley Borough implemented a business tax and since then he has noticed that there is now more vacant office space in Yardley Borough.

Ms. Helen Bosley asked if Mr. Booz issued a Management Letter with the Audit and asked for a summary of his findings. Mr. Booz stated while he did issue this, he does not have it with him this evening. Mr. McCloskey agreed to provide this to Ms. Bosley. Mr. Booz stated this is a letter of comment to management on areas where they could improve. He stated he recalls that matters they had mentioned in the previous years had been addressed. Mr. Booz stated these are really just suggestions; and as he recalls, they did not have any in this latest Audit.

Ms. Bosley asked if the scope of the Audit looked at bills that may have been received for professional services in the early months of 2009 and whether they related at all to any services that were in fact completed in 2008. Mr. Booz stated this would be Accounts Payable, and they do test Accounts Payable fund.

Mr. Richard Johnson stated he feels there are two “feel goods” which are costing the Township a lot of money. He stated the Board of Supervisors decided some time ago to spend over \$30,000 a year in extra electrical costs to support wind power. He stated he does not feel this has particularly helped the Township. He stated if this did something toward a National energy policy, he would agree with this; but a National energy policy is out of the scope of the Township Board. He stated the other item he is concerned with is the proposed Green Ordinance which would control Municipal building. He stated there are legal costs associated with this. Mr. Maloney stated they will be discussing this item later on the Agenda, and he asked that they discuss this at that time.

Mr. Stainthorpe stated with regard to wind energy this costs the Township \$5,000 a year as opposed to \$30,000 a year. He noted the solar panels now on the roof of the Township Municipal Building valued at approximately \$10,000 which were part of the Smart Power Initiative; and since the Township bought 20% of its energy from a renewable-energy source and Township citizens also bought renewable energy, the solar panels were provided to the Township for free. He stated they are now getting some free electricity as a result of their initial wind purchase so this did have a long-term value.

Mr. Zachary Rubin, 1661 Covington Road, stated his Township taxes are at \$576; but he spends \$1,700 for his cable TV and more money at his fitness club than he pays in taxes to the Municipality. He stated his Township tax increase from 2006 was \$34, and with his tax money the Township has tried to address a number of problems including quarry trucks on Lindenhurst Road and flooding in the Township, and provides excellent Police services which are tangible things the Township does with his \$576.

Mr. Simon stated every Board inherits situations from its predecessors such as lawsuits that come due and other things that cannot be planned for. He stated a Governmental Budget is very different from a private sector Budget. He stated they also have to respond to the residents' needs and legal issues that come up unexpectedly. Mr. Simon stated operational efficiency and fiscal responsibility is the number one job of the Board regardless of Party affiliation. He stated the operation of the Township is enormous, and they need to consider the variety of needs of the Township. He stated the fact that they are able to do this basically on Budget, is remarkable. He stated it is a testament in these economic times that the Township is not in trouble.

#### DISCUSSION OF PENSION OBLIGATIONS FOR 2010 AND BEYOND

Mr. Maloney stated the Township has an obligation to fund the Pension Plans, and in 2008 the Pension Plans experienced some losses which the Township is required to fund. He stated he is a member of three designations in the actuarial field, and he is obligated to adhere to a code of conduct and professionalism. He stated he did not prepare any of the financial results discussed, did not independently verify their accuracy, and did not participate in the setting of any assumptions in their use. He stated he needed to announce this disclaimer and wanted to clarify his role which is as an elected official with some particular expertise in discussing the financial implications for Pension obligations, and added his opinions are his alone and not those of his employer.

Mr. Maloney stated the Township supports two Pension Plans – one for the Police and one for the non-uniformed employees which covers the rest of the employee base. He stated overall there are 114 employees covered by these Plans, 67 of whom are non-uniformed and 47 of whom are. This includes current employees and those previously employed. Mr. Maloney stated the way Pension obligations are calculated at the Municipal level in Pennsylvania is that there is a valuation every other year to determine cash contributions for the following two years. He stated the liabilities in the Plan are calculated using long-term assumptions, and the assets are calculated using actual market experience. He stated in 2008 the liabilities retained their long-term value, but the assets in the short term, do not have the long-term perspective. He stated gains and losses in the Plan are amortized over fifteen years.

Mr. Maloney stated in 2008 the Plan lost about \$2.9 million out of the \$12.3 million starting point. He stated 2009 has been more optimistic and Lower Makefield Township saw 5% returns year to date. He stated they are therefore on track to wipe off about half of the losses in this year. He stated the 2010 and 2011 contributions will be fixed based on 2008 returns, and they cannot take credit in 2010 and 2011 for what has happened so far in 2009. He stated they are allowed to recognize investment losses in a smooth pattern, and they have five years to recognize those losses which they will take advantage of to minimize the cash needs.

Mr. Maloney showed a chart showing the minimum obligation to be approximately \$550,000, and they are seeing an increase of about \$330,000 in a projected 2010. He noted these are preliminary numbers because the actual contribution is determined in part as a percentage of payroll. Mr. Maloney stated Pennsylvania's Municipal Pension laws allow them to have a very level cost over the entire lifespan of the employee.

Mr. Maloney stated they will have to pay for the loss in 2010 and 2011, but in 2012 the Plan will be revalued; and if things continue as they are today they feel that some of the increased obligation will be offset by future investment return. He stated of the \$2.9 million investment loss that was suffered in 2008, they will have to pay back about \$700,000 of it during the next two years at which point they will take credit for any gains or losses that may occur during 2009/2010. He stated the Pension funding laws in Pennsylvania have a very long-term view, and idea is that in the course of the last 100 years of equity experience, there have been downturns and negative asset experience. He stated the stock market has returned about 12% annualized over a century; and provided your funded regimes have a long-term perspective, you will not be "on the hook" for short-term fluctuations. He stated there is the possibility that economic fortunes are not that favorable, but the intention is to allow for as wide a window as possible over which to handle the cost increases and decreases. He stated the checks and balances are in place at the local level.

Ms. Helen Bosley asked the asset allocation of the fund that contributed to the 24% decline, and Mr. Maloney stated the allocation is approximately 57% in equity currently which is healthy blend between large cap (70%), small cap (10%) and the rest is International. He stated 35% is allocated to fixed income, and the rest is in cash. Ms. Bosley stated with regard to the asset allocation issue and the return issue, in the last twenty to twenty-five years there has been a push to look at long-term equity returns from 1980 on; but if you look at them from 1929 you are looking at 7% to 9% rather than 12%.

Ms. Bosley asked about the composition of the work force noting that when you look at paying for Pension obligations, if in fact you have employees who are over fifty versus those who are younger, the Township may have more of a need to adjust the asset allocation if in fact the pay outs are going to be near term. Mr. Maloney stated one of the things that drive that in other entities is the method by which cost is allocated, but the Pennsylvania public system allows for a certain financing form that allows for a much more even distribution of costs across an employee's career. Mr. Maloney stated the Township's workforce is older and the non-uniform employees average 52 years old. He stated they do have quarterly meetings with their investment consultant, and he does feel they should consider the points Ms. Bosley has raised.

Ms. Bosley stated if they are looking at an additional \$330,000 in this year or 2010, it is a 60% increase from the Pension expense that the Township has historically had and is a significant increase. She stated this is an absolute obligation that the Township has.

She suggested that they look at the structure of the Plan recognizing that with the Union employees this is part of Contract negotiations. She stated she read that last year raises were increased for the staff by 4.2%, and she feels they should seriously consider what that level of increase, if any, should be for the coming year. Mr. Caiola stated they are looking at this very seriously. Ms. Bosley stated she brought up this issue three to four years ago when there was a discussion about the early retirement of Police Officers, and the comment was made that this was just a little increase that they were getting. She stated it is these kinds of comments that people need to take to heart and seriously consider since they are longer term issues and will continue to impact the Township. She stated the Township is no longer getting the real estate transfer taxes they would like to and now they have to pay the extra money. She stated she appreciates the analysis which has been provided.

Mr. Fedorchak stated with respect to the Pension benefit increase Ms. Bosley noted, they did negotiate this about a year and a half ago in the Police Contract; however, there is a sunset provision to that increase and benefit and that benefit is due to expire at the end of this Contract year. Mr. Maloney stated it does have a \$55,000 cost associated with it and there is a finite horizon with this increased cost. He stated they do take a total cost approach to bargaining with their collective bargaining units. Mr. Fedorchak stated they were also incentivizing retiring the older and more expensive Police Officers, and replacing them with younger, less expensive Officers.

#### CITIZENS BUDGET COMMISSION FUND BALANCE POLICY

Mr. Ethan Shiller, Chairman of the Citizens Budget Commission, was present. He stated the Citizens Budget Commission was created three to four years ago for the purpose of getting public input on the Budget. He stated the public is welcome to attend their meetings as they review the Budget. He stated the Commission's mission is to review the Budget with a focus on expenditures and revenues in an effort to evaluate and recommend financial strategies that have a positive impact on the taxpayers in Lower Makefield Township. Their primary focus is to serve the Board of Supervisors and the citizens of the community by being an extension of their vision; and with this in mind, the Citizens Budget Advisory Committee will objectively review the Lower Makefield Township annual Budget individually and as a group at Committee meetings.

Mr. Shiller stated they speak openly in their Committee meetings and this can be used in various ways based upon one's own perception. He stated there is a difference between a need and a want based on an individual's choice, and the Board needs to balance this.

Mr. Shiller stated the Citizens Budget Commission has tried to put into place different policies to exemplify the Board of Supervisors' commitment toward fiscal responsibility. He stated one of these last year was a forecasting responsibility for the Finance Director;

and as he gives his report, the Finance Director shall identify any revenue and expense variances of 5% or more in a significant line item. The Finance Director is then responsible to revisit the Budget forecast based on actual year-to-date numbers so that the Board can see what is over or under Budget and do a re-forecast. He stated this is where the input from the Citizens Budget Commission to the Board of Supervisors becomes vital so the Board can decide what needs to be done.

Mr. Shiller stated he is present this evening to present another policy from the Budget Commission which is a maintenance of the fund balance. He stated they feel staying in safe harbor is what should be maintained. He stated maintaining adequate fund balances best serves the Township and the residents. He stated the Board of Supervisors direct the Township Manager and Financial Director to maintain an unreserved, undesignated amount in the General Fund with a target of 5% of the annual General Fund Balance. He stated when the end of the year fund balance in the General Fund is projected to be below the 5% threshold, the Township will take measures to see that the following year's Budget contributes to the fund balance through revenue-generating or cost-cutting exercises so as to reach the 5% level. Mr. Shiller stated the idea is to have a "rainy-day" fund to cover unexpected items. He asked the Board to adopt this policy and put it in place so that it is a common standard for this and future Boards.

Mr. Stainthorpe stated he is not sure how they would do this legally, and Mr. Truelove stated if it takes the form that Mr. Shiller is recommending such that it has permanency and a binding effect on future Boards, it would have to be an Ordinance. Mr. Stainthorpe stated he would not be in favor of this being an Ordinance even though he is in favor of sound fiscal management and maintaining safe harbor which is important to their Bond rating. He stated the Board of Supervisors is elected to make decisions and when you make an Ordinance such as this, it provides the Board "cover" to raise taxes as they could indicate that since they are not at the 5%, they have no choice but to raise taxes; and he feels at Budget time, each Supervisor should be accountable to the citizens and not have something legislated that they can hide behind. He feels the policy of 5% in the fund balance is a good one, but he does not feel it should be legislated and does not feel any future Board should have their hands tied because emergencies do happen. He feels every Board every year should have total flexibility to make the right decision for the Township at that point in time.

Mr. Caiola stated this proposal came out of his Commission, and it was not designed to be an Ordinance – rather, it was to be a policy. He stated they have kept the 5% as long as he has been serving on the Board of Supervisors. He stated he agrees that there may be extenuating circumstances that would preclude this, and he would not want to "handcuff" the next Board; but he would be in favor of this as a policy as opposed to an Ordinance.

Mr. Smith asked if this is a policy being presented by Mr. Shiller alone or from the entire Citizens Budget Commission, and Mr. Shiller stated he is speaking on behalf of the Commission. Mr. Shiller stated it was only considered to be as a policy and it was not their intention to have this put forth as an Ordinance. Mr. Truelove stated codifying this would require an Ordinance. He stated a Resolution presents the formal sense of the Board, and a policy is a guidepost. Mr. Truelove stated a policy is something internal in the Township. A Resolution is something that is published and is a public statement of the sense of the Board. An Ordinance is legislation. Mr. Smith asked Mr. Shiller if the Citizens Budget Commission would be satisfied with a policy, and Mr. Shiller stated they would. Mr. Stainthorpe stated he would be willing to accept this as a recommendation from the Citizens Budget Commission but does not feel anything stronger should be done as it would be too limiting on future Boards.

Mr. Maloney stated there were two parts that he would like stricken to whatever extent it is adopted. He noted the third paragraph from the bottom, the sentence reads: “The Fund Balance may exceed 5% due to restricted or reserved portions of the General Fund, but the Fund Balance shall not drop below 5%,” and he stated this implies that they can never go below 5% during the year; and he does not agree with this as cash flow timing is an issue and is the responsibility of the Township Manager and the Finance Director; and he does not feel that they should require that all 365 days of the year that they are above 5%. He stated he is also opposed to the last sentence of the entire document which reads, “This practice known as deficit spending is not an option in Lower Makefield Township.” Mr. Maloney stated they have engaged in deficit spending for years, and he stated at times it is the right practice. He stated he does disagree with debt spending which is to finance operational activity with debt; but does not disagree with deficit spending as a practice.

Mr. McCloskey stated when they talk about “deficit spending” it relates to what the Federal Government does where they borrow money to meet operating costs, and this is what they are trying to avoid doing and have never done in Lower Makefield. Mr. Maloney stated if you look back at the Budgeting process over the decades, the Township has established numerous Budgets that were at a deficit position in that revenues underplayed expenses. He stated he would like the language clarified if they are going to adopt this. He stated he does not agree with financing operational activity with debt, but does not disagree with setting a Budget where revenues are not commensurate with expenses.

Mr. Smith stated if they are only enacting a general policy, the language that is contained within the proposed document is somewhat wordy, and he feels they could revise this and come to agreement on a policy which would have the consensus of the Board of Supervisors and capture the spirit of what the Citizens Budget Commission is trying to do. Mr. Maloney suggested that the Board of Supervisors review the policy and e-mail

the points of the policy they would like to see preserved and what they would like to see stricken so that they can refine the document to be in keeping with the Board of Supervisors' approach. Mr. Stainthorpe stated the Auditor was just present indicating that it is recommended that reserves be 5% to 8%; and while he would prefer that it be 8%, he feels the Board should be able to make this decision every year. He stated he feels they are trying to legislate everything, and there are some things that the Board of Supervisors just has to decide with the Township Manager. He questions what this really accomplishes since the Board all agrees that it should be 5%. He feels the Board needs to make decisions and be responsible. Mr. Stainthorpe asked if it is not already their policy to try to maintain at least a 5% Fund Balance, and Mr. Fedorchak stated there is not a formalized policy in writing anywhere, but it has been past practice; and they follow the recommendations of the Auditors and have done so consistently for as long as he has been Township Manager. Mr. Stainthorpe stated it is also important to do this to maintain the Township's Bond rating. Mr. Maloney stated it seems most appropriate to allow the Board of Supervisors time to consider this and engage in some additional discussion; and at some point in the future it will be put back on the Agenda for further discussion.

**AUTHORIZE ADVERTISEMENT OF AN ORDINANCE TO AMEND THE  
TOWNSHIP CODE RELATED TO OPERATION OF A DEER MANAGEMENT AND  
CONTROL PROGRAM**

Mr. Truelove stated a significant amount of time was spent discussing the deer management issue; and in order to enable the deer management program to go forward, his office was asked to look at the Ordinances to make sure there was nothing that would prohibit this from going forward under the current law. He stated they have determined that there were several different sections of the different Codes that would require amendment dealing with Park & Recreation areas, firearms, and types of activities allowed in a limited circumstance; and they have done a comprehensive review and amendment of all the different Sections so that the deer management program, once it is finally approved, would be allowed to take place as contemplated in the Township on the various Township properties.

Mr. Caiola moved, Mr. Simon seconded and it was unanimously carried to authorize advertisement of the various Amendments to the Ordinances as noted by the Solicitor.

DISCUSSION OF GREEN BUILDING ORDINANCE AND DIRECTION TO SOLICITOR TO MOVE FORWARD WITH COMPLETION OF DRAFTING AN ORDINANCE

Mr. Bray, Mr. Ewing, Mr. Goll, and Ms. Zygmunt of the Environmental Advisory Council, and Ms. Karen Friedman, Planning Commission were present.

Mr. Maloney stated the EAC approached him early on in the year to discuss the prospect of an Ordinance which would enact a Building Code amendment to require the use of green building techniques in the Township particularly related to Municipal construction. He stated the Board of Supervisors first discussed green building Ordinances approximately one year ago including an incentive-based system for the private sector and a comprehensive Green Building Ordinance to cover all construction; and all parties felt a good place to start would be construction of Municipal structures so that they could work out details, and then move onto an incentive-based system for the private sector. He stated the EAC did research, put together an Ordinance, and provided an opportunity for the Planning Commission to have input before the matter was put on an Agenda before the Board of Supervisors. He stated EAC brought this document to the Board of Supervisors the second meeting in June at which point the three Supervisors who were present at that meeting instructed the solicitor to draft a formal Ordinance which could then be considered and advertised. He stated at the time it was recommended that the document be drafted as an Ordinance as opposed to a Resolution as a result of the encouragement of both the Planning Commission and the EAC.

Mr. Maloney stated in the weeks that ensued, the Solicitor engaged his staff in terms of formalizing the document. He stated at the last Board of Supervisors meeting when it was decided to defer any further work on the subject, the matter was raised as to how much work had been done by the Solicitor and the Board discussed whether philosophically they should be enacting an Ordinance that governs work that the Board of Supervisors would have to vote on anyway, and secondly whether or not the regulation, if it were to be enacted, should be in the form of a Resolution or Ordinance which would be more binding. He asked Mr. Truelove to comment on the work that has been done to date and the work that would be necessary going forward if it were to continue as an Ordinance and if they were to change the direction into the form of a Resolution.

Mr. Truelove stated Mr. Magyar did much of the work on this and over 90% of the work in drafting the Ordinance has been done and it could be ready for advertisement quickly with little additional work required. He stated were the Board to decide to change this to a Resolution, it could be changed from an Ordinance to a Resolution as the language would be appropriate for a Resolution as well. He stated if they proceed with this as an Ordinance it would be governing law in the Township and is aimed at Township construction and Township building only and would not involve commercial or residential construction. He stated it would be mandatory to the Township itself.

Mr. Truelove stated a Resolution has the sense of the Board and would not require the same formal approach as an Ordinance. He stated to not follow a Resolution would just require a simple majority of a future Board whereas an Ordinance to be rescinded would require the same process to rescind as it does to enact.

Mr. Maloney stated the work that has been indicated as 90% complete was all done before the Board directed the Solicitor to stop work on this, and Mr. Truelove agreed.

Mr. Maloney stated he invited the EAC and Planning Commission representatives who worked on the proposed Ordinance to clarify the points raised by the Board and members of the public relative to the differentiation between an Ordinance and a Resolution and their thoughts as to the value of the document that would effectively self-govern the Board of Supervisors.

Mr. Geoff Goll stated the Ordinance route evolved over time as initially they had considered it to be a policy. He stated in developing the Code, they felt that they should meet with the other Boards that would be impacted specifically the Planning Commission.

Ms. Karen Friedman stated she had the opportunity to see a green project first hand which was the library at the George School and it was extremely impressive. She stated she researched this and was very impressed with the concept. She stated when they discussed whether this should be a policy, Resolution, or an Ordinance the Planning Commission felt the Ordinance would be the best route as there would be more input from different Boards both in implementing it or in taking it out in the future. She stated the Planning Commission overwhelming accepted this decision and it was a unanimous decision.

Mr. Maloney asked to what extent was there a belief by the Planning Commission that it should only be an intent of the Board as opposed to it being codified since the issue is self-governance versus enacting rules that restrict the Board itself; and Ms. Friedman stated they were only discussing whether or not to proceed with an Ordinance, and they assumed that if there were an Ordinance or a Resolution it would come back before the Planning Commission for further critique or written adjustments that needed to be made.

Mr. Smith stated Ms. Friedman indicated it was a unanimous decision by the Planning Commission, and he asked if there were any concerns by the EAC or the Planning Commission that were raised during the discussions. Ms. Friedman stated she does not recall that there was any negativity from the Planning Commission and felt they had a very favorable response on all levels. She stated they did discuss that there are some up front costs, but it was noted the savings are recouped in three to five years and then exist in perpetuity of the building's operation.

Mr. Smith stated Mr. Maloney indicated that there would be incentives for the private sector. Mr. Maloney stated last summer when they first discussed Green Building Ordinances with the EAC, they discussed the fact that there are two parts – the private sector and construction of Municipal facilities. The Board at that time felt that they should address those two issues separately. He stated there was less interest on the part of the Board to mandate any green building in the private sector and instead felt it best to create an incentive system such as the one that exists in Doylestown. He stated they felt it was best to begin with Municipal construction only. Mr. Smith stated he wanted to make sure everyone realizes that at this point, what they are discussing is only for Municipal construction.

Ms. Friedman stated she feels this is a valuable direction for the Township to go in and sets a precedent for more environmentally-conscious ways of handling themselves. She stated if the public is interested in seeing a green project, they should be given the opportunity to visit the George School Library.

Mr. Bray stated the approach taken by the EAC when they explore a project like this is to first educate themselves and then bring the matter before the Board of Supervisors. He stated they have been working on this project for over a year and a half including meeting with qualified people, hosting seminars open to the public, and meeting with the Board of Supervisors. He stated seeing the project at the George School was very impressive. He stated the EAC is very concerned about quality of life and feel a healthy environment helps all life. He stated they explored policy, Resolution, and Ordinance; and they are concerned with durability. He stated the Board as presently constituted has a wonderful environmental conscience, and they would hope that this would perpetuate itself in the future; but there are no guarantees. He stated this is why they are concerned with the durability of an Ordinance. Mr. Bray stated this would set a tone and be a model. He stated over the last three years they have been able to put into effect forward-thinking environmental legislation; and Lower Makefield has become a model for others throughout the Country, and the awards they have received are a testament to this. He stated the Green Building Code, if enacted, will be one of the first within the State and sends a strong environmental message with the Township leading by example. He stated he feels it will become an effective model for other Townships. Mr. Bray stated it is not only the right thing to do for the environment, but it will also result in cost savings as well. He stated currently LEED Silver buildings are built at almost the same cost as conventional buildings but you enjoy 30% to 40% savings going forward. He stated they want it to become an Ordinance, and do not want it to be able to be stricken easily; and they feel the Ordinance is the approach to take.

Mr. Maloney stated the Ordinance as drafted would not have a specific set of rules but would be LEED in general so that they are reliant upon the U.S. Green Building Council, and it would keep it modern as they go forward. Ms. Zygmunt stated LEED is a system that is continuously revised and updated and sets goals in a number of environmental

performance areas. She stated it is up to the individual building design and construction team to decide how they will meet the goals. She stated they would therefore be able to apply the most current, efficient, and applicable technologies at the time. She stated regional differences are also taken into account.

Mr. Smith asked how enacting like this would impact proposed property values in the Township. Ms. Zygmunt stated one of the developers that is on the forefront of this movement is Liberty Property Trust, one of the largest developers in the Country; and they made a decision some years ago that all their spec buildings will be LEED Silver at a minimum. She stated in the current economy they are ahead of their competitors since their buildings are the ones that the consumers want to buy and rent. She stated there are cost efficiencies in running these buildings and productivity levels are increased.

Mr. Simon stated he saw two buildings in Ithaca, New York which were Platinum LEED buildings. He stated what they are proposing in Lower Makefield is not Certification but it is qualification. Ms. Zygmunt stated what they are proposing is to build to a LEED Silver level but it is not required that they go through the actual Certification process; although they would go through the same building process and document it so that should they decide in the future that they want to go for the Certification, everything would be in order. Mr. Simon stated he has considered this further since they last discussed this matter; and he feels that one of the responsibilities of Government is to self-legislate, and setting standards is the responsibility of the elected and appointed officials when they are in office. He stated he is now much more supportive of this being an Ordinance.

Mr. Goll stated most of the projects the EAC has proposed had to satisfy some type of financial benefit. He noted the naturalization of some of the detention basins where they are instantaneously saving approximately \$17,000 per year in mowing costs. He stated this also relates to the Building Ordinance which has not only an environmental benefit, but also results in savings going forward from an energy-savings standpoint. He stated this will also help them rely less on foreign oil and fossil fuels. Mr. Goll stated while he trusts the current Board, he does not know who will be serving on a future Board.

Mr. Stainthorpe stated he does not disagree with the concept of green building, is very aware of the standards, and was very impressed with the George School library. He stated his only concern was what was the real immediate benefit since they have no plans to build any Municipal buildings. He suggested that they instead proceed to the next step which relates to the private sector and come up with the incentives that are going to be offered to build in this way. He stated a number of commercial developers are going for LEED Silver or higher already because it is good business. He noted particularly 777 Township Line Road and Makefield Elementary School which both came in with green buildings with no incentives. He stated he does not feel they should be spending time and money on this when they are not intending to build anything

anytime soon. Mr. Goll stated he feels they should proceed on this Ordinance because they have a Board now that is willing to do this; and if five years from now a decision is made to build a building, and that Board does not have as much foresight as the current Board, it would not happen. Ms. Zygmunt stated while they currently have no plans to build a Municipal building, anything could happen to an existing Municipal building which would have to be rebuilt. She stated she also feels it is important to be a community that is willing to “walk the walk.” She feels this is the right thing to do, and it sets the framework

Mr. Smith stated at the last meeting, most of the EAC members were not present; and it was discussed at that meeting whether the Board was spending professional fees wisely. Mr. Smith stated they have now found out that much of the process has already been done so that it will not take much more to have the Ordinance, and he would now be inclined to vote in favor of this as an Ordinance.

Ms. Friedman stated she feels it makes sense to go in this direction, and this will also set up the base for future construction in the Township; and they would not have to draft an Ordinance at that time. Mr. Stainthorpe stated if they were to build a Municipal building in the Township, they would not have to draft an Ordinance, but would have an architect come in and they would advise the architect that the Township wants to build to LEED Silver building; and they would come back with some proposals. He stated he is currently going through this with the Bucks County Water and Sewer Authority where they are renovating their building and working toward LEED Certification. He stated at one point the architect suggested they consider geo-thermal heat, but they found it does not pay out for forty-five years. He stated he still feels that future Boards should have flexibility to make decisions that are good at that time. He stated he does not question anything as to the cost savings, but is frustrated in general that they are spending so much time on things that are not going to impact the residents this year adding they have spent three meetings discussing this, and they have no plans to build anything in the near future. He stated he is in favor of the concept but is reluctant to pass an Ordinance that ties a future Boards’ hands for something that is not on the horizon.

Mr. Goll stated the EAC members have spent hundreds of hours on this for no pay, and he feels this is an excellent Ordinance which was prepared by volunteers with input from the Township engineer and solicitor. He feels 80% to 90% of the work had already been done by the volunteers, and the money spent by the Township was much less than the hours put in to put this together.

Mr. Simon moved and Mr. Caiola seconded to direct the Solicitor to move forward with completion of drafting the Ordinance to be presented to the Board of Supervisors at a future meeting.

Ms. Helen Bosley asked who authorized the expenditure of 90% of the legal fees to generate this Ordinance without the Board approving it. Mr. Maloney stated there were three members present the night when this was discussed who consented to having the Solicitor draft the Ordinance; and this is more than sufficient to take action. He stated it is not requisite to have a formal vote to have the Solicitor do work of this nature.

Ms. Bosley stated she heard this evening that if this passes, Lower Makefield will be the first in the State to have such an Ordinance and also heard about all of the awards the Township has received. She stated she does not feel the Township should be doing things to get awards. She stated she understands that Liberty Property Trust built their green building on their own, and they did not need an Ordinance. She stated she does not feel it is appropriate for the Board to legislate themselves. She stated if the Township Municipal Building were to burn down, they would have to follow this Ordinance; and the insurance policies cover like, kind, and quality so they would have to generate additional expenses to rebuild the building with respect to the insurance proceeds they would have, and this would be a tax which she is against.

Mr. Maloney stated they feel that the costs are generally equitable when it comes to Silver construction. Mr. Simon asked Mr. Truelove if the insurance issues noted by Ms. Bosley are fact, and Mr. Truelove stated a number of insurance companies now are taking the approach with regard to like, kind, and quality such that they are looking to green building; and in fact some insurance companies are encouraging green building. He stated he is not certain about the specific policy that the Township has. He stated he understands the actual building costs for green building are now the same if not cheaper; and where the costs are slightly more is in the engineering, architecture, and planning, and usually the approach is that those costs are more than made up for in energy savings in the future. Mr. Maloney stated he feels the cost of Silver buildings are generally commensurate with equivalent construction. He stated he feels they should take not only a short-term view but also a long-term view in the interest of the taxpayers. He is in favor of spending funds when there is an investment return.

Ms. Bosley stated she would like to get a poll of the Board to see if they have any intent of ever producing a similar Ordinance for private property in the future. Mr. Maloney stated he intends to insure that there is an Ordinance like this, but it would be similar to that which is in Doylestown which provides for incentives rather than mandates for the private sector. This would not be a requirement, but there would be incentives to build in this way. Ms. Bosley asked what would be the incentives, and Mr. Maloney stated they could waive fees, increase turn-around time for construction projects, etc. and this would allow for faster and cheaper construction on the part of the contractor. He stated this has been quite successful in Doylestown. Ms. Bosley asked if they are willing to manipulate the process, and Mr. Maloney stated he is. Ms. Zygmunt stated there are systems all over the Country that are providing incentives either in tax credits, Zoning Variances, etc.

Ms. Bosley stated tax credits take away money from the Township Budget, and if they do not get the money in, it raises taxes. Mr. Maloney stated he does not mind losing that revenue because it is in the better interest of the community. Ms. Bosley stated she feels there are people on the other side of this, and she hopes they will take that into consideration.

Mr. Smith stated he does not know of any insurance company that will mandate the Township to put in technologies from the 1970's to rebuild the existing Municipal Building, and he feels it is foolish to imply this to the public.

Mr. Goll stated the awards they apply for and receive help in a business sense since every time they apply for a Grant, they list all the awards they have won as well as the fact that they have been recognized by the EPA and the Commonwealth; and this increases the Township's chances of getting Grant money. He stated they are currently applying for a Grant in the amount of \$1.5 million to retrofit some LED lighting in the Township, and he feels their chances to get the Grant are good because they have received awards.

Mr. Sam Speara asked if the Board is being fiscally prudent spending money on an Ordinance now when it appears they will have to pay \$330,000 to make the Pension Fund whole. He also asked if the Board is being forward thinking by forcing the Township to do something that they can do by a vote. He also asked why they would not do both the Municipal and private sector Ordinance at the same time if it is so important.

Mr. Maloney stated the Ordinance proposed for the private sector will be different. He stated he feels the legal costs that have been incurred for this matter are fairly minor compared to costs they have observed for many other things that have been done in the Township. Mr. Speara stated he does not feel what has been proposed is a necessity.

Ms. Virginia Torbert stated she feels the environment is a need and not a want, and it is important to make this an Ordinance; and it will be an important legacy the Board will have left the Township.

Ms. Gail Stringer, 1109 Gloria Lane, stated she is in support of this Ordinance and feels that it is important for those doing construction to take a clear look at green building. She stated having the Municipality abiding by an Ordinance makes it more likely that consideration for green building will be taken seriously. She stated she feels it is important for the Board of Supervisors to set standards that are good for people and not cheap for developers to build "cardboard" buildings that will not be valuable in the long run.

Ms. Sue Herman stated she is in favor of the Township having an Ordinance as opposed to a Resolution or policy. She stated she feels this is long-range planning and is the way to run the Township. She stated she applauds the citizens, competent professionals in the environmental field, who have devoted hundreds of hours of their expertise, brought in experts in the field to help draft the Ordinance; and she thanked everyone for what they are doing for the community.

Mr. Tim Malloy, 1902 Makefield Road, thanked the Board of Supervisors and the volunteers for the time they have spent on this matter. He stated he feels everyone is in favor of this type of building. He asked if this Ordinance as applied to Commercial and Residential development would be mandatory or voluntary. Mr. Maloney stated what is before the Board now is just for buildings built by the Municipality. He stated he and the EAC intend to subsequently pursue a separate, similar, but incentive-based program for the private sector which would take these mandates and convert them into incentives for the private sector such that Silver Certification might reduce the fees by possibly 20% and reduce turn-around time by a week. He stated this would be 100% voluntary. Mr. Malloy stated it appears this would be voluntary for Commercial and Residential, but mandatory for the Government who can build to LEED Silver if they wish without such an Ordinance.

Mr. Malloy asked what incentives would be offered; and Mr. Caiola stated this is premature as those have not been developed. He stated they felt that they should do what they are proposing tonight as a first step since they felt the Government should be leading by example. Mr. Simon stated he feels asking a hypothetical question about an Ordinance they are not discussing is not germane to what they are trying to accomplish this evening. He stated the Board of Supervisors is trying to set an example by mandating through an Ordinance the way they want Municipal buildings to be built going forward. He stated they have taken a recommendation from two Township Committees that ultimately this is the standard they will set. He added that if and when the time comes to explore an Ordinance for Residential and Commercial properties, they will do an exhaustive education process so that they can understand the standards being set elsewhere, look at how it impacts the community, and the Committees will come back with key recommendations that will satisfy this need. He stated they cannot discuss that this evening because it is not on the Agenda and not what they are discussing and the Board is undereducated as to those points currently.

Mr. Smith stated he is concerned with what future Boards would do which is why they are trying to pass this tonight. He stated there are legitimate questions as to what a Board two, five, or twenty years in the future will do. He stated there are two Candidates for Supervisor present in the audience this evening, and he would like to hear their positions on this matter. Mr. Maloney stated he did not feel that this was appropriate for this evening.

Mr. Malloy stated Mr. Bray indicated that Lower Makefield would be the first in the State to approve such an Ordinance; and Ms. Zygmunt stated Philadelphia currently has one on the books requiring LEED Silver for all their Municipal buildings over 10,000 square feet, and Pittsburg recently passed one as well. Mr. Smith questioned what is wrong with being first. Mr. Malloy stated they can build the first green Municipal building without the Ordinance; and they could build the next building to LEED Gold. He added that Newtown Township is building two green buildings, and they do not have an Ordinance mandating this. Mr. Malloy stated the next Board can do this as well; and he is sure that they will. Mr. Simon asked if he is sure of this. Mr. Malloy stated he trusts those who will come into the Township in the future. Mr. Simon asked if Mr. Malloy is suggesting that the current Board does not trust them, and Mr. Malloy stated he feels when they say the next Board will not do this, some could interpret that to mean that they do not trust them. Mr. Simon stated this was not what was said.

Ms. Irene Koehler, 25 Spring Lane, stated she is in favor of following the green building standards and to enforce it by Ordinance over Resolution or policy. She stated she feels the residents are quite capable of understanding the terminology. She commended the Board, the EAC, and the Planning Commission for their foresight.

Mr. Goll stated there are 43 states and 190 localities including 126 cities, 36 counties, 28 towns, 36 State Governments, 12 Federal Agencies, 16 public school jurisdictions, and 39 institutions of higher education across the Country that have codified green building initiatives so Lower Makefield is far from the first.

Mr. Joe Sundeen, 1108 Pratt Drive, stated he is a member of the EAC. He asked if there is a minimum size of construction that requires compliance; and Mr. Truelove stated in the draft Ordinance the threshold was 2,500 square feet for new construction, deconstruction, or reconstruction. Mr. Maloney stated he feels this means that something could be done sooner than later with this square footage threshold.

Mr. Smith stated he feels a positive vote on this issue will raise the property values in the Township. Mr. Stainthorpe stated he does not feel the Municipal Building has anything to do with property values. Mr. Smith stated he feels that by approving this Ordinance, they are raising the property values in the Township for every resident.

Mr. Zachary Rubin, 1661 Covington Road, stated he is in support of an Ordinance as opposed to a Resolution as it is important to codify this as a model. He stated modeling is the most effective way to educate; and if this is codified, the Ordinance will be on the Website and can be accessed by anyone. He stated if they do eventually expand this to Commercial and Residential development, it will already be on the books to model.

Mr. Truelove stated he feels that there will be very little that is still needed to be done before it is brought to the Board at their next meeting for a vote to advertise.

Motion carried with Mr. Stainthorpe opposed.

APPROVE ADOPTION OF RESOLUTION NO. 2193 AUTHORIZING THE  
ADOPTION OF THE MUNICIPAL OPEN SPACE PLAN DATED 6/26/09

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve Resolution No. 2193.

APPROVAL OF VILLAGE MARKET PRELIMINARY/FINAL LAND  
DEVELOPMENT PLAN

Mr. Edward Murphy, attorney, was present. Mr. Truelove stated this relates to road improvements and the impact on the Village Market which necessitates the Subdivision. Mr. Truelove stated a draft approval letter has been discussed with Mr. Murphy.

Mr. Murphy showed on the Plan the addition of a by-pass road to the rear of the Village Market. Shown in yellow are improvements that are slated to be accomplished at the Stoopville Road/532 Intersection associated with the stimulus package of funding that is to start this fall. He stated part of that work involves installing curbing along the frontage of the Village Market where currently none exists, widening slightly on the southern end of the property to re-align the intersection where there will be a traffic signal, and adding the by-pass road behind the Market to enable principally fuel trucks to be able to exit after they re-fuel and head back to I-95 in the right-out only access point for the Market. Mr. Murphy stated there are no other changes proposed to the Market property, and the Plan before the Board has been reviewed and is subject to a draft approval letter which Mr. Truelove referenced. Mr. Murphy stated the approval of this Plan is required by the Federal Government as part of the overall Stoopville Road improvement plan to be done within a deadline that is fast approaching.

Mr. Simon stated he was at the Planning Commission when this was presented, and there was discussion that because of the way the trucks do their deliveries, they will be making right turns out after re-fueling. He asked how they know that they will only make a right turn noting that it would be difficult to make a left turn. He asked how they can insure that they will only make a right turn and asked if there will be signage indicating that they cannot make left turns. Mr. Murphy stated there will and Mr. Majewski's review letters and others commented on the need for that type of signage. Mr. Simon asked if this will be for all vehicles, and Mr. Murphy agreed. Mr. Maloney stated it is a right-in and right-out for all, and Mr. Murphy agreed. Mr. Simon asked if they have to use an

alternative route and they are not going to New Jersey, would they have to go back out Lindenhurst and come back out to the By-Pass and come around; and Mr. Murphy stated they would make a left and go down 532 to Newtown. He stated they could come to the full movement intersection and go either way. Mr. Maloney asked if they were to approach the full movement intersection to make a left onto 532, how would they orient themselves, adding possibly they could use the turn-around loop and drive around the building. Mr. Majewski stated they could also do what they do currently which is to maneuver within the parking area. Mr. Truelove stated what is proposed on the Plan is much better than what they have now. Mr. Murphy showed how the trucks are anticipated to travel after re-fueling. It was noted that the right-in, right-out access will not be signalized, but a left turn could be made at the primary intersection which is going to be signalized. Mr. Simon stated he is concerned that there are trucks that will be turning around in the parking lot to be able to get out to make a left. Mr. Maloney stated the reality is that if there was a desire to provide more space within which they could maneuver, it would involve more impervious surface; and they are exceeding this already.

Ms. Sharon Spoder, 616 Washington Crossing Road, asked if anyone has considered a traffic light at the intersection; and it was noted that there will be a traffic signal at the four-way intersection. She asked if there are plans for additional street lighting in the area, and Mr. Murphy stated there is not. Mr. Truelove stated one of the Waivers they are requesting is that there not be additional lighting, and Ms. Spoder stated she would be in favor of this.

Mr. Stainthorpe moved and Mr. Caiola seconded to grant Preliminary/Final Plan for the Plans dated 5/19/09 subject to the following Conditions:

1. Applicant shall comply with the Lower Makefield Township Subdivision and Land Development Ordinance (SALDO), the Lower Makefield Township Zoning Ordinance, and all applicable local, State, and Federal Ordinances, Statutes, and/or Laws;
2. Receipt of all permits, authorizations, and/or approvals from all agencies with jurisdiction here applicable including, but not limited to PennDOT and PADEP;
3. Compliance with the Lower Makefield Township Planning Commission memorandum dated 7/29/09 with all attachments to same;
4. Compliance with Remington & Vernick review letter of 7/9/09 authored by James Majewski, P.E.;
5. Compliance with the Traffic Planning and Design, Inc. letter dated 7/8/09;

6. Compliance with the Bucks County Planning Commission review letter dated 7/2/09;
7. Compliance with the Gilmore & Associates, Inc. letter dated 6/30/09;
8. Compliance with Bucks County Conservation District letter dated 6/23/09;
9. Compliance with 6/23/09 letter of James V.C. Yates, Fire Protection Consultant;
10. Compliance with 6/22/09 review letter of Birdsall Services Group;
11. Compliance with Neshaminy Creek Stormwater Management Ordinance (SWMO);
12. The following Waivers are granted:
  - A. SALDO Section 178-12.D states that the presentation of a Preliminary Plan and a Final Plan shall be considered separate submissions and the maximum review period shall be permitted for each Plan. The Applicant has submitted the project as a Preliminary/Final Plan.
  - B. SALDO Section 178-12.E states that the owner of the parcel of land to be subdivided or developed shall submit a written statement granting the Board of Supervisors, its authorized agents and representatives, the Planning Commission, and the representatives of the County and Municipal Departments and agencies having responsibility for review and/or approval under this chapter the right to enter the parcel of land for the purpose of inspection and enforcement of the requirements, terms, and conditions imposed herein. The Applicant requests relief from this Section of the Ordinance since access to the Property is available at anytime during business hours.
  - C. SALDO Section 178-12.G states that any Applicant submitting plans for a major subdivision or land development shall note all individuals or entities who own real estate within one thousand (1000) feet of the proposed major subdivision or land development of the pendency of such major subdivision or land development proposal in writing in a form acceptable to the Township. The Applicant requests relief from this Section of the Ordinance.
  - D. SALDO Section 178-13.B states that Applicants shall submit an Existing Resources and Site Analysis Map (ERSAM). The Applicant has indicated that the majority of the information required is shown on the Existing Features Plan.

- E. SALDO Section 178-40.C.4 states that where a Subdivision or Land Development abuts or contains an existing street of inadequate right-of-way width, additional right-of-way width shall be dedicated to conform to the standards set by the Township. The intersection is subject to a separate proposal for realignment, widening, and signalization that is currently under review by PennDOT.
- F. SALDO Section 178-53 states that all parking lots, multi-family developments, and non-residential developments shall be adequately lighted during after-dark operating hours. All light standards shall be located within landscaped islands and be free standing on secure bases and not on the parking surfaces. The Applicant requests relief from providing additional lighting since this is an existing non-conforming Commercial use in a Residential District.
- G. SALDO Section 178-57.C-5 states that where underlying soils may not be conducive to infiltration, bioretention areas should be incorporated into the parking lot as concaved landscaped areas (i.e., situated lower than the height of the lot surface so that stormwater runoff is directed as sheet flow into the bioretention area). The Applicant requests relief to maintain the existing sheet flow patterns over lawn areas since groundwater infiltration is not desirable for a gas station.
- H. SALDO Section 178-57.E states that all internal parking lots, separator islands and aisles shall be confined within curbing, except where direct overland flow or curb cuts are utilized to drain runoff to a vegetated open channel or bioretention area behind the curb. The Applicant requests relief to maintain the existing sheet flow patterns over lawn areas.
- I. SALDO Section 178-57.G states that parking lots shall be separated from buildings by a minimum distance of 20 feet or more. The Applicant proposes to decrease the extent of this non-conformity by relocating two spaces that are currently within that distance.
- J. SALDO Section 178-81.A states that within any Land Development or Subdivision, street trees shall be planted along both sides of all streets where suitable existing street trees or natural wooded areas do not exist. The Applicant requests relief since the existing frontage is paved.
- K. SALDO Section 178-82.A states that all buffer requirements of the Lower Makefield Township Zoning Ordinance regarding requirements for buffers, type of buffer, buffer width, and planted area shall be met. The Applicant requests relief since a buffer is proposed to be installed for the Brookshire Estates Subdivision surrounding the property. The Application also proposes to install 20 new trees in the rear of the property.

- L. SALDO Section 178-93.A.(1) states that the Township requires that all development comply with the low-impact development practices as outlined in the requirements of the Pennsylvania Stormwater Best Management Practices Manual, Draft April 2006 (“Manual”), as such Manual may be amended from time to time. The Applicant proposes to install 20 new trees in the rear of the property to promote evapotranspiration since the Manual discourages infiltration for gas stations.
- M. SALDO Section 178-93.A.(2) states that the control guidelines presented in the Manual are comprehensive and reflect the Pennsylvania Comprehensive Stormwater Policy to restore natural hydrology, including velocity, current, Cross section, runoff volume, infiltration volume, and aquifer-recharge volume. The guidelines will help sustain stream base flow and prevent increased frequency of damaging bank full flows in local waterways. The guidelines also will help prevent increases in peak runoff rates for larger events (two – through one-hundred-year) on both a site-by-site and watershed basis. When applicable, Act 167 Watershed Plans (Chapter 173), Stormwater Management – Delaware River South Watershed, and Chapter 174, Stormwater Management – Neshaminy Creek Watershed) may require additional rate controls to reduce cumulative flooding impacts downstream. The Applicant requests relief since the Neshaminy Creek Stormwater Management Ordinance recommends not infiltrating stormwater into the ground in a “hot spot” such as a gas station.
- N. SALDO Section 178-93.B.(1) states that all major Subdivisions and Site Plans will conduct a subsurface investigation prior to completing a layout of a Development Plan. The Applicant requests relief since the Neshaminy Creek Stormwater Management Ordinance recommends not infiltrating stormwater into the ground in a “hot spot” such as a gas station.
- O. SALDO Section 178-93.B(3)(a) states that the purpose of the final subsurface investigation is to determine the recharge characteristics and ability of soils and the underlying aquifer to infiltrate the required volume of groundwater. All structural infiltration BMP designs shall be supported by an individual soil log and infiltration test to determine the infiltration rate at each BMP. The soils logs at each BMP will be conducted in the identical manner as in the preliminary subsurface investigation, identifying the soil profile, limiting horizons, seasonal high groundwater, and observed seepage. For all developments using detention basins as the primary means of infiltration, a groundwater mounding analysis must be performed in addition to the tests below to determine whether or not the underlying aquifer will be able to manage the infiltration loading proposed without raising the groundwater to within two feet of the infiltration surface or

affecting nearby structures. The mounding analysis shall be progressed utilizing at least three groundwater monitoring wells per detention basin, and one seventy-two-hour aquifer pumping stress test. The field testing procedure for a mounding analysis shall be submitted to the Township engineer for review and approval prior to performing the work. The Applicant requests relief to not be required to perform a soils evaluation on the site.

- P. SALDO Section 178-93.C.(1) states that the stormwater management system shall be designed to meet the requirements of the Manual. In the event that the site is also subject to the requirements of either Chapter 173, Stormwater Management – Delaware River South Watershed, or Chapter 174, Stormwater Management – Neshaminy Creek Watershed, then the more restrictive of the requirements shall apply as determined by the Township engineer. The Applicant requests relief since the Neshaminy Creek Stormwater Management Ordinance recommends not infiltrating stormwater into the ground in a “hot spot” such as a gas station. In addition, the site is exempt from the Neshaminy Creek Watershed Ordinance, except for water quality and groundwater recharge, as the site is greater than 1 acre, and the proposed impervious is less than 5,000 square feet.
- Q. SALDO Section 178-20.E.(29) states that pavement core samples shall be provided for all existing roads abutting the site to be developed. The Applicant does not propose any road widening/improvements along Washington Crossing Road since this realignment is being done by others. A Waiver will be required from this Section of the Ordinance unless core samples are required by PennDOT during the Highway Occupancy Permit review process.

13. The Board of Supervisors has determined that sidewalks in accordance with SALDO Section 148-47.A are not required by the Township for the safety and convenience of the public on both sides of all streets for this project;

14. On Sheets 2 and 3 of 7, Note 1 shall be revised to note that the Variance requested in Appeal #09-1505 was granted by the Lower Makefield Township Zoning Hearing Board on March 3, 2009 to allow an impervious surface ratio of 42.7%;

15. On Sheet 3 of 7, the Site Capacity Calculation shall be revised to note that that the maximum density on net buildable site area is (one) 1 unit per acre, and the Zoning Requirements shall be revised to note that the minimum net lot area is one (1) acre.

#### Stormwater Management Report:

16. The Applicant has requested the following Waivers from the Neshaminy Creek – Watershed Stormwater Management Ordinance (SWMO):

- A. SWMO Section 174-22.B states that a detailed soil evaluation of the project site shall be required to determine the suitability of infiltration facilities. The evaluation shall be performed by a qualified design professional and, at a minimum, address soil permeability, depth to bedrock and subgrade stability. The Applicant has requested relief to not perform a soils evaluation on the site since the Neshaminy Creek Stormwater Management Ordinance recommends not infiltrating stormwater into the ground in a “hot spot” such as a gas station.
  
  - B. SWMO Section 174-22.C states the following: Stormwater hot spots. If a site is designated as a hot spot, it has important implications for how stormwater is managed. First and foremost, untreated stormwater runoff from hot spots shall not be allowed to recharge into groundwater where it may contaminate water supply. Second, a greater level of stormwater treatment shall be considered at hot spot sites to prevent pollutant wash off after construction. The Applicant requests relief from providing a greater level of treatment than already exists on site. It should be noted that the Pennsylvania Stormwater Best Management Practices Manual recommends a 75 foot long turf grass strip as an effective method to filter pollutants and can allow for a modest reduction in runoff volume. Since infiltration is not recommended for a gas station, we believe the combination of the 125 foot long grass strip remaining after construction, the 20 proposed trees to be planted, and the proposed buffer plantings on the adjoining Brookshire Estates property should be adequate to absorb enough runoff to mitigate the additional impervious surfaces from this project.
- 17. The Water Quality Volume and Evapotranspiration Calculations should be revised to provide a reasonable factor of safety for the trees, and to quantify the volume reduction for the grass filter strip.
  
  - 18. We recommend that more than one tree species be used for the plantings to reduce the potential impact from diseases and blights. A maintenance schedule for the trees should also be added to the Plans.
  
  - 19. A Stormwater Controls and Best Management Practices Operations and Maintenance Agreement as outlined in Chapter 174-35 of the Township Code shall be signed and recorded to ensure long-term care and maintenance of the proposed trees to be planted. An escrow should be provided for the replacement of any protected trees used for stormwater credit that die within 5 years of construction. Dead trees shall be replaced within 6 months.

Mr. Murphy agreed to all Conditions of approval, and the Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2194 – O’ROURKE TRACT SEWAGE FACILITIES MODULE

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2194.

APPROVAL OF GRANTING CERTIFICATE OF APPROPRIATENESS FOR 1766 YARDLEY-LANGHORNE ROAD TO DEMOLISH EXISTING TWO-STORY RESIDENCE, TAX PARCEL NO. 20-12-4-1

Mr. Stainthorpe stated this is not a historical property, and the HARB did vote to recommend granting the Certificate of Appropriateness.

Mr. Stainthorpe moved, Mr. Caiola seconded and it was unanimously carried to approve the Certificate of Appropriateness.

APPROVE GRANTING EXTENSIONS TO ORLEANS/FERRI TRACT AND CINO-HARMONY LANE

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

- Orleans – Ferri Tract Subdivision Preliminary Plan to 12/5/09
- Cino-Harmony Lane Preliminary Subdivision Plan to 12/7/09

ZONING HEARING BOARD MATTERS

With regard to the Liberty Towers, LLC Variance request to construct and operate a wireless communication tower with communication antenna and related ground equipment in the R-3M Zoning District on Brookside Swim Club Property, Stony Hill Road, it was agreed that the Township should participate and direct the Applicant to make Application for Conditional Use Approval by the Board of Supervisors.

With regard to the Timothy Carr of Bathrooms Galore Variance request to permit construction of a deck, patio, and sunroom on property located at 1181 Longmeadow Lane which would encroach into the setback of Roelofs Road, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the John and Kathleen Cook, 1189 Dickinson Drive, Variance request to construct an addition to the front patio and porch resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS' REPORTS

Mr. Smith stated the fourth annual Community Pride Day will be held on Labor Day, Monday, September 7. He reviewed the events to take place including the fireworks display. He stated this is a free event and all are invited.

#### OTHER BUSINESS

Mr. Truelove read the following statement into the record: “Recently at one of the Frankford Hospital Zoning Hearing Board Hearings, a sitting Supervisor made statements about the Zoning Hearing Board process as part of the public’s opportunity to weigh in on the Special Exception Application. This Board voted unanimously to oppose the Special Exception Application as it was its right and conducted itself accordingly during the entire process; however, the Board and individual Supervisors are aware of the need to honor the legal process as it occurs and adhere to Decisions rendered by any and all Boards, Courts, or other oversight agencies and entities. Consequently if the Frankford matter proceeds to Land Development, the Board will also conduct itself in a manner consistent with applicable Statutes, Regulations, Ordinances, and Judicial Decisions.”

There being no further business, Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to adjourn the meeting at 11:55 p.m.

Respectfully Submitted,

Greg Caiola, Secretary