

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
ORGANIZATIONAL MEETING  
MINUTES – JANUARY 5, 2009

The Organizational Meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 5, 2009. Mr. Caiola called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors:        Matt Maloney, Chairman  
   Ron Smith, Vice Chairman  
   Teri Appelson, Secretary  
   Pete Stainthorpe, Treasurer  
   Greg Caiola, Member

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

**PUBLIC COMMENT**

Mr. Jim Bray, Chairman of the Environmental Advisory Council stated the EAC presented a report on a Municipal Trash Contract about one month ago; and based on the information they have received, they feel it would be best to undertake a survey of the residents of Lower Makefield to see if a Municipal Trash Contract would be a good fit for the Township. He stated the EAC is proposing to apply for a Technical Assistance Grant from the Pennsylvania EPA, and they feel it is very likely that they will receive this Grant which will enable them to undertake the survey. He stated the EAC feels a Municipal Trash Contract is a sound project which would have great economic and environmental benefits, but they feel they should undertake a survey to see what the residents would like. He stated this matter was scheduled to be discussed again on January 21; but since they are now recommending a survey, he feels this matter should be taken off the Agenda for January 21 and put on an Agenda in April or May when the results of the survey are received. Mr. Bray stated they would review the survey with Mr. Fedorchak prior to it being sent to the residents.

Mr. Stainthorpe stated he has seen very few issues that have come before the Board that have had so much public response as this issue with each of the Board members receiving hundreds of e-mails the overwhelming majority of which are against this idea. He stated he does not feel there is a need for a survey even if it is being paid for by a State grant as that would still be taxpayer money. He stated he would be willing to consider the matter on January 21 as originally scheduled and would not be in favor of delaying this any

longer or spending taxpayer money on a survey since he feels they know what the outcome of the survey will be.

Mr. Caiola asked who would put the survey together, and Mr. Bray stated the firm that would be hired would put the survey together. He stated he does have a sample of a survey which was done by Gannett-Fleming for Hatfield Township, and it is fairly generic. Mr. Bray stated he does not feel they have gathered the opinion of Lower Makefield residents and instead they have heard from people who were “riled up” by an unsigned, undocumented letter which was distributed in the Township by a firm that has a vested interest in Lower Makefield not proceeding with a Municipal Trash Contract. Mr. Bray stated the EAC feels this project has sound environmental advantages and has significant economic benefits.

Mr. Stainthorpe stated the Board of Supervisors did not receive this many e-mails about the Matrix issue, and he feels the residents make good decisions on their own. He stated he feels strongly that they are only delaying making a decision on this.

Mr. Caiola stated he agrees that the feedback they have received is overwhelmingly negative; and if the study is approved and the results come back that a majority of the residents do not want this, he does not feel it would be in the best interest of the community to proceed with it. Mr. Bray stated one of the keys to the success of the EAC is that they know when they can move forward and when they cannot; and if the people do not want this, they will move on to other significant projects. Mr. Caiola stated he feels the next Chairman of the Board will have to make a decision as to when to put this matter on the Agenda.

Mr. Maloney stated given the e-mails the Board has received he feels it is an inference that can be drawn that there is a large group of people against a Municipal Trash Contract, but he would like to know what the correlation is between that number and how the mass feel about this issue. He feels this is an opportunity to hear what the 25,000 to 30,000 residents who do not come to meetings or watch the meetings on television feel about this.

Ms. Sue Herman stated she would be interested in getting such a survey.

Ms. Virginia Torbert, 1700 Yardley-Newtown Road, stated she would be in favor of the survey. She stated there also remains the issue of the Township being in violation of the various environmental acts regarding yard waste so that even if the Board decides not to go forward with the survey, they will still need to be proactive in terms of recycling. She stated the EAC should be given the task of considering how to bring the Township into compliance with the recycling laws in the State of Pennsylvania. Mr. Caiola stated now that the EAC has advised them of this, he does feel that they should look into this.

Mr. Ken Martin advised the Board that he recently witnessed drivers becoming impatient at the railroad crossing and going around the gates when a train was delayed. He stated he feels there needs to be awareness brought to the people about this dangerous issue.

#### **SWEARING IN OF SUPERVISOR**

Ms. Teri Appelson was sworn in as Supervisor by Judge Goldberg. Judge Goldberg shared his experiences with Ms. Appelson while they were in Law School. Ms. Appelson thanked the Board for choosing her to serve as Supervisor. She stated she will now be able to serve the community which has given her and her family so much. She stated she will work hard to honor this responsibility and uphold the office she has been given. She stated she believes the role of Township Supervisor is not only to provide basic services and necessities, but to also strive to promote and enhance the quality of life to the residents. She stated Lower Makefield has had a long and rich history dating back to the early 1600's when the Township was a rural farming community with a population of barely 100 people. She stated while the Township has grown tremendously to over 32,000 residents, its rural character and historic roots are still persistent; and she feels it is important for the Board of Supervisors to maintain that character. She stated at a time when natural resources and open space are becoming more and more scarce, the Township needs leadership that will work hard to preserve and protect the valuable resources in the community. She stated she will work hard to serve the best interests of the residents and to maintain the character and integrity of the community. She stated she intends to preserve and protect the natural resources, seek to improve the quality of life of the residents, and to enhance community services in a fiscally-responsible manner. She feels they all need to work together to continue to protect and maintain the Township resources. Ms. Appelson stated it will be a challenge to continue to provide high quality services within the framework of ever-shrinking financial resources, and she will work diligently and creatively with the Board to identify new and alternative streams of income whenever possible but not in a way that will compromise the character or integrity of the community or result in increased costs to the residents. She stated it will be important for everyone to maximize efficiencies in order to provide continued high-quality services. She stated she pledges to work hard to represent the interests of the community in meeting the challenges.

#### **REMARKS BY THE PAST CHAIRMAN OF THE BOARD OF SUPERVISORS**

Mr. Caiola thanked the Board of Supervisors for their support of his Chairmanship last year as well as the Township staff and professionals. He stated the Board considered a number of serious issues and allowed everyone to be heard. He stated there will also be a number of important issues to be considered in the year ahead. He thanked the citizens for coming out to meetings and bringing their ideas and concerns to the Board.

## ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2009

The meeting was turned over to Chairman pro-tem David Truelove who called for nominations for the office of Chairman of the Board of Supervisors for 2009.

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to elect Matt Maloney as Chairman of the Board for the year 2009.

## REMARKS BY THE NEW CHAIRMAN

The meeting was turned over to Mr. Maloney who thanked Mr. Caiola for his service and the rest of the Board for their faith in him. He congratulated the three recently-hired Police Officers - Tim U'Selis, Brian Holder, and Gerard Cherf and those Officers recently promoted – Detective Sergeant Robert Lewis, Patrol Sergeant Jason Brain, and Patrol Corporal Tim Reeves.

Mr. Maloney stated for the next year he would like to try to bring Government into the 21<sup>st</sup> Century. He stated he feels they are not making the most of the Township Website and he would like to not only provide content delivery, but also allow people to interact with the Website. He stated he would like the public to be able to tap into the ongoing projects and be able to obtain continuous updates on various projects which would be input by the engineers and the Chief of Police without significant overhead. He would like there to be a calendar of events and wants there to be a re-broadcast of the Township meetings on-line.

Mr. Maloney stated he would also like to consider a revamp of the financial platform so that the residents will be able to tap into the information in the financial systems to get a better sense of how their money is being spent. He stated they will also need an educational component so the residents can understand how the Municipality handles its money and how to read the “books.” Mr. Maloney stated they will be able to build a data base that has fairly recent logs of the current financial transactions, and the residents will be able to go on-line with a user-friendly interface to access information across funds, types of expenditures, and across years. He feels this will also cut down on the time that the Financial Manager has to devote to answering detailed questions of the Citizens Budget Committee as it will provide them an electronic platform to access the information themselves.

Mr. Maloney stated he would also like to have an e-mail collection program as a lot of money is spent both on Newsletters and other types of communications with the residents that could easily be digitized. During the spring, they will engage in a process whereby the Township will collect the e-mail addresses of those who are willing to provide them with the intention of delivering the Newsletter, Pool membership materials, etc. by

e-mail so the Township does not waste money on postage and materials and will also be better for the environment. He stated this will result in cost savings to the Township if they do not have to mail out the Newsletter to 11,000 households. Mr. Maloney stated he and the Chief have also discussed an LMT Alert System where residents can be alerted about issues such as floods, road closures, etc. He stated electronic documents could also be provided on-line rather than requiring residents to come into the Township to pick up paper forms which involves time and cost. He stated they will be building a data base of all the information electronically so that the residents can access the documents without ever creating any paper waste or additional cost of running photocopies. He stated he has had discussions with Mr. Majewski and the Township solicitor about their ability to codify this so that when future Applications are submitted for land use, they are submitted in PDF and CAD format so it will not create an additional burden for the Township as most large companies have the ability to do this quite easily. He stated the Code will require that rather than submitting 40 paper copies of Plans, developers would submit a single PDF document. He stated the Township is currently going through the process of contacting all of the people who currently receive paper documents and making a determination as to where they can cut this out. He stated at the very least, they will have an electronic data base of all the files so that when residents come in and want to see a copy of a Plan, they will not have to spend \$.25 a page to get a photocopy of the Plan. Mr. Maloney stated this will also speed up the access of documents. He stated there is the eventual intent of going completely digital and going back and scanning past documents where possible. He noted this will be a cost burden and will be considered in the future. What he is currently considering would be at no cost to the taxpayers.

Mr. Maloney stated he is also looking for an Ordinance overall. He stated a Committee was put together to do this some time ago, and he understands from the individual who was heading up that Committee that the Board will be getting a report from them this month, and in the early spring, he intends to advertise an Ordinance. He stated he feels a number of sections of the Code are decades old and a lot of things are out of date. He stated the impetus is to modernize the Code and consider items that need to be fixed.

Mr. Maloney stated his last proposal is “LMT 2015,” which is a program beginning in the early spring where the various Department Heads in the Township will present a five-year forecast on their account as to how they expect their Department to be over the next five years financially. He stated this would cover both operating costs and capital improvements. He stated each presentation will be about fifteen minutes and there will be a twenty minute follow-up “Q and A” with ten minutes for the Supervisors and ten minutes for the residents to ask questions about these plans. He stated he wants to begin a dialogue, and the Plan will cover the Departments wants and needs. These Plans will then be posted on the new Website and will become a dynamic document where as time passes and new projects come up they will be posted on the Plan and the public will have an opportunity to inspect them. He stated this will also allow the Township to develop a more rigorous financial system so that projects would be posted on the Web at least six

months in advance of the next Budget they would be put on. He stated they will have prioritization, costs, their nature, and how critical they are all on this Plan. This will be the Mission Statement and long-term Plan for the Township.

Mr. Maloney stated he would like to have input from the residents on his proposal and anything else they would like the Board to agendaize over the next year.

#### ELECTION OF OTHER OFFICERS

Mr. Maloney called for nominations for Vice Chairman of the Board of Supervisors for 2009. Mr. Caiola moved and Ms. Appelson seconded the nomination of Ron Smith as Vice Chairman for 2009. There were no further nominations, and the Motion carried unanimously.

Mr. Maloney called for nominations for Treasurer of the Board of Supervisors for 2009. Mr. Caiola moved and Mr. Smith seconded the nomination of Pete Stainthorpe as Treasurer for 2009. There were no further nominations, and the Motion carried unanimously.

Mr. Maloney stated the Board has decided to divide the title of Secretary and Treasurer and the Municipal Code for Second Class Townships allows them to either appoint the same person for both of those roles or assign them to two different individuals. He stated if this position is divided, it will allow for greater involvement by the Supervisors and subdivide two unrelated roles. Mr. Truelove stated it is acceptable to do so.

Mr. Maloney called for nominations for Secretary of the Board of Supervisors for 2009. Mr. Caiola moved and Mr. Stainthorpe seconded the nomination of Teri Appelson as Secretary for 2009. There were no further nominations, and the Motion carried unanimously.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to appoint Terry Fedorchak as Assistant Secretary/Treasurer for 2009.

#### APPOINT CHAIRMAN OF THE VACANCY BOARD

Mr. Caiola moved, Ms. Appelson seconded and it was unanimously carried to appoint Jason Simon as Chairman of the Vacancy Board for 2009.

## PROFESSIONAL SERVICES

### Appointment of Township Solicitor

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to approve the appointment of Curtin & Heefner as Township Solicitor for 2009.

### Appointment of Township Engineer

Mr. Caiola moved and Mr. Smith seconded to appoint Remington, Vernick & Beach as Township Engineer for 2009.

Mr. Stainthorpe asked why they are making a change from CMX to Remington, Vernick. He stated he has not been in favor of the New Jersey engineers, and he has typically abstained from voting for them out of his respect for Mr. Majewski. He stated he has not heard good things about Remington, Vernick & Beach adding they were Newtown's engineer for two years; and they have just switched engineers last year and were not happy with that firm. He stated Remington's nearest office is in Conshohocken. He stated while he has the utmost respect for Mr. Majewski, and he understands that he has been hired by Remington, Vernick, he would suggest that if they are going to make a change, they should open this up and have a full review of engineering services. He stated they should talk to several firms; and in these difficult economic times, they may find that some firms may be able to save the Township money and have better credentials.

Mr. Caiola stated one of the main reasons they went with CMX previously was because Mr. Majewski had moved to CMX. He stated Remington, Vernick & Beach has been the Township's sewer engineer and the conflict engineer, and he has been happy with the work they have done. He stated he has confidence in Mr. Majewski and he feels that a lot of what the firm is, is the person they have representing them; and Mr. Majewski has worked well on behalf of the Township and also lives in the Township. He stated Remington Vernick is a full service firm, and he has confidence in them. He stated this is a one-year term. He stated they have not listed appointment of a sewer engineer on the Agenda this evening because over the last year Gilmore has contacted the Township about doing some work, and he feels Gilmore would be a good firm to come in to discuss working for the Township in that position. Mr. Caiola stated he feels Remington Vernick is almost identical cost wise to CMX, and he does not feel they need to go through this process again. He stated Remington Vernick is a known entity as they have worked for the Township in the past.

Mr. Maloney stated he feels there is great benefit to be had preserving Mr. Majewski as the Township engineer. He stated he does not feel it is worth looking at other

engineering firms looking for a lower hourly rate because of the amount of work and complexity of the work which would result in increased costs were the Township to lose Mr. Majewski's expertise. He stated Mr. Majewski lives in the Township so he does not feel that the fact that Remington's office is in Conshohocken is an issue.

Mr. Smith stated he does not feel there is a problem with having New Jersey firms. He stated he feels they are hiring a firm that has been representing the Township in other aspects for several years doing a competent job, and they will also still have Mr. Majewski as their engineer who has done a wonderful job and will not have to "get up to speed" on any of the projects they are involved in.

Motion carried with Mr. Stainthorpe opposed.

#### Appointment of Traffic Engineer

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to appoint Traffic, Planning & Design, Inc. as Traffic Engineer for 2009.

#### Discussion and Tabling of Appointment of Environmental Engineer

Mr. Caiola moved and Mr. Smith seconded to appoint Birdsall Engineering as the Environmental Engineer for 2009.

Ms. Appelson stated they are seeking a modest rate increase, and she asked if the Township can afford even this modest increase in this economic climate. Mr. Smith stated he raised this issue as well and had previously suggested that the firms be asked to hold their rates in light of possibly a longer contract. He asked that Birdsall be asked if they would consider freezing their rates at last year's rates. Mr. Stainthorpe asked if anyone had this discussion with them and was advised that they had not. Mr. Stainthorpe suggested that they table this matter until they have such a discussion with them. Mr. Fedorchak stated he does not feel there are any pressing issues that would involve Birdsall over the next two weeks.

Ms. Appelson moved, Mr. Smith seconded and it was unanimously carried to table this appointment until the next meeting.

APPOINTMENT OF DELEGATE TO THE ANNUAL CONVENTION OF PENNSYLVANIA TOWNSHIP SUPERVISORS

Mr. Caiola moved, Ms. Appelson seconded and it was unanimously carried to appoint Pete Stainthorpe as the Delegate to the Annual Convention of Pennsylvania Township Supervisors to be held April 19 to 22, 2009 at the Hershey Lodge.

ANNOUNCEMENT OF SUPERVISOR LIAISON ASSIGNMENTS FOR 2009

Mr. Maloney announced the following liaison assignments:

- Greg Caiola – Citizens Budget Committee, Economic Development Committee, Bucks County Society for the Performing Arts, Historical Commission
- Terri Appelson – Environmental Advisory Council, Planning Commission, Sewer Authority
- Matt Maloney – Zoning Hearing Board, Golf Committee, Farmland Preservation Corporation, Pension Committee
- Ron Smith – Citizens Traffic Commission, Elm Lowne Preservation Committee, Special Events, Veterans Committee
- Pete Stainthorpe – Park & Recreation, Disabled Persons’ Advisory Board, Cable Television Advisory Board, Emergency Management, HARB

ESTABLISH TREASURER’S BOND AT \$2,000,000

Mr. Caiola moved, Ms. Appelson seconded and it was unanimously carried to establish the Treasurer’s Bond at \$2,000,000.

ESTABLISH ASSISTANT TREASURER’S BOND AT \$2,000,000

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to establish the Assistant Treasurer’s Bond at \$2,000,000

AUTHORIZE ADVERTISEMENT OF AMATEUR RADIO ORDINANCE

Mr. Maloney stated for some time the Township has attempted to address the issue of construction of amateur radio towers in the Township. He stated there have been a number of meetings on this issue, and it was before the Planning Commission which was working on a draft Ordinance to present to the Board of Supervisors for consideration. In the interim the Commonwealth of Pennsylvania passed Senate Bill 884 that effectively laid out a fairly concrete framework for how this would be done in the Commonwealth and they have taken this and within the framework of that bill applied the rules that the Township is allowed to codify.

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to advertise the Ordinance as proposed by the Planning Commission so that it can be raised for a vote in thirty days.

There being no further business, Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to adjourn the meeting at 8:40 p.m.

Respectfully Submitted,

Teri Appelson, Secretary