

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES MARCH 3, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 3, 2010. Chairman Smith called the meeting to order at 7:35 p.m. Mr. Maloney called the roll.

Those present:

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

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

PUBLIC COMMENT

Mr. Zachary Rubin, 1661 Covington Road, stated he is a member of the Executive Board of Residents Against Matrix (RAM) which is an organization which was formed a number of years ago to oppose the Matrix development on the grounds that they violated the Zoning laws. He stated the Board of Supervisors a number of years ago gave Matrix final approval without going to the Zoning Hearing Board, and RAM appealed the ruling by the Board of Supervisors and on 2/13/04, the Commonwealth Court supported their position and indicated the Board of Supervisors did violate the Zoning laws. He stated at that time an Agreement was negotiated between the Board of Supervisors, RAM, and Matrix; and Matrix agreed to put in 538 age-restricted homes, some office buildings, and some retail. He stated RAM is not against development but they want to see responsible construction conforming to the Zoning laws. He stated in the Agreement signed on 5/18/06, it states that Matrix agrees to preserve the existing tree line along Oxford Valley Road. Mr. Rubin stated construction of a bank and CVS is currently taking place at that location, and they have chopped down close to 50% of the trees; and he would like the Board of Supervisors to direct the Township engineer or the solicitor to uphold the Agreement. Mr. Maloney stated he and Mr. Majewski discussed this a few months ago when it was seen what had been done. Mr. Majewski stated they are in the process of tallying how many trees they need to replace, and he will be monitoring this. Mr. Rubin stated they have already gone to the Zoning Hearing Board for this first phase asking to be able to install two free-standing signs as opposed to one-free standing sign. He stated the Zoning Hearing Board granted them relief on this basis of hardship, but he does not

feel either CVS or the PNC Bank can claim hardship; and he wants to make sure that they are conforming to the laws of the Township and there is responsible development.

Mr. Harold Koopersmith, 612 B Wren Song Road, thanked the Board of Supervisors for sponsoring the presentation held on February 26.

Mr. Simon Campbell, Pennsbury School Board Director, provided a handout to the Board this evening which is a legal opinion from the Pennsbury School Board solicitor and added he would be willing to provide this to the public who could contact him by email on the Pennsbury website. Mr. Campbell stated the School District is doing a \$13 million project at the Makefield Elementary School; and to initiate the project, they had to pay the Township a Permit fee. He stated the fee Lower Makefield charged Pennsbury which they paid in August of last year was \$260,000. Mr. Campbell stated a few years ago the School District did a project at Oxford Valley Elementary School, and Falls Township charged the School District \$60,000 for a similar-sized project. Mr. Campbell stated the legal opinion he has been provided indicates that the Township has the right to charge the School District for its legitimate costs for inspections and miscellaneous costs related to it; however, the Township does not have the right to profit from the School District and treat it as if they were a revenue stream. Mr. Campbell stated he does not want to have to go to Court over this and wants to see this resolved amicably by the two Government agencies.

Mr. Campbell stated he spoke to Mr. O'Brien from Keystone Municipal Services, which is the firm which does the inspections for the Township; and Mr. O'Brien indicated that they have sent in approximately \$4,000 to \$5,000 worth of invoices for inspections between August and February. Mr. Campbell stated there will be a massive discrepancy between the costs to the Township for inspections and the \$260,000 that the School District was forced to pay. Mr. Campbell stated the School District solicitor has indicated in the letter that it is his opinion that "it is illegal for Lower Makefield Township to charge a Building Permit Fee which exceeds the cost actually incurred by the Township to perform the required inspections." Mr. Campbell stated the letter also describes how the School District would proceed to get a refund and indicates that the School District would be entitled to interest on overpayments.

Mr. Campbell stated he put in a Right-To-Know request with the Township to get the costs, and he would like to see cooperation on this and not be provided another stack of invoices which are not categorized properly. He stated they need to know exactly what the Township costs are with regard to Makefield. Mr. Campbell asked Mr. Fedorchak if the \$260,000 which was paid in August was put into a segregated account to pay the inspection invoices, and Mr. Fedorchak stated it went into the General Fund. Mr. Campbell asked how they will determine how much they are paying the inspection company and how much they will owe the School District. Mr. Fedorchak stated this will be based on the billings which was information he provided to Mr. Campbell as he

requested. Mr. Campbell stated if they have to go Court over this, all the School District taxpayers will have to pay for this. Mr. Campbell stated the illegal theft of education tax dollars is unacceptable.

Mr. Maloney stated he feels Mr. Campbell is using incendiary language, and the Lower Makefield Board of Supervisors has no intention to profit from the School District through this mechanism. He stated they charged a fee in August in an amount commensurate with what they expected to be billed based on estimates from Keystone and what they expect their costs to be internally associated with those Permits. He stated they do not get a fixed fee quote from the service provider so they have to go on an estimate. He stated when they find out what the final amount is, they will use subtraction to determine what they owe the School District if the costs are below \$260,000. Mr. Campbell asked if this was the mindset, why was the \$260,000 not put into a segregated escrow account, and Mr. Maloney stated they can do subtraction. Mr. Campbell stated it appears Mr. Maloney's position is that they do not have to do anything until after the project is complete; and Mr. Maloney stated they do things all throughout the project, but they charge an estimated fee at the beginning and they assess at the end of the project whether or not that estimate was appropriate. Mr. Campbell stated he feels there will be a huge difference between the actual costs which he estimates will be \$50,000 to \$80,000 and the \$260,000 which was paid, and the School District is not in the business of issuing the Township an interest-free loan. Mr. Maloney stated the \$260,000 was estimated on the basis of the President of the inspection company's estimate for their fees and Mr. Fedorchak's professional experience doing this for thirty years in terms of what they would expect the costs to be.

Mr. Campbell stated at the last meeting Mr. Fedorchak indicated he had a phone call with Mr. O'Brien last fall, and Mr. O'Brien estimated \$100,000 to \$110,000. Mr. Campbell stated he has since spoken to Mr. O'Brien who advised a week ago that the amounts will come in a lot lower than that for their billing. Mr. Campbell stated there is a massive discrepancy; and he does not feel the Board of Supervisors, when they went through their Budget process, accounted for this as he did not hear any discussion of this. Mr. Maloney stated they discuss every line item.

Mr. McLaughlin asked Mr. Campbell if he would be comfortable if the Board of Supervisors gave their word that they will not charge the School District any more than their costs, and Mr. Campbell stated he would agree with this in principle. Mr. McLaughlin stated he feels they should let the project be finished, they will get all the bills, document them, and give the School District a fair charge for the Township's internal fees for Administrative costs; and if that total is less than the School District paid, the School District would get the difference back. He stated they are not here to derive revenue from the School District.

Mr. Campbell stated Mr. Fedorchak was notified of this last August, beginning of September, by the CEO, Paul Long; and it is now March and they have never before heard that statement from any Supervisor. Mr. Campbell stated he will have to go back to the School Board, and he does not know if they will be comfortable with waiting for the project completion before they get any money back. Mr. Maloney asked if they would feel comfortable paying the Township interest if the total costs came in higher than the School District paid. Mr. Campbell stated he does not feel the costs will come in higher; and if they do, they will bring in the DA.

Mr. Smith asked when the project will be completed, and Mr. Campbell stated it is scheduled to be completed by the end of 2010. Mr. Smith stated he agrees with Mr. McLaughlin that the Township will not charge the School Board more than they are owed. He stated they will pass through the actual costs. He stated they will also look into if there is something they can do to accommodate the School District, and they will do what is right by the School District. Mr. Campbell stated he would like to see this resolved amicably since if they have to get the attorneys involved, the taxpayers are the ones who will have to pay.

Mr. Stainthorpe stated they discussed this matter in Executive Session and no one wants any more than they are due from the project; and until they fail to pay back the School District, the Township has not done anything wrong. Mr. Stainthorpe stated he questioned the Township Manager about this matter since in the past they always gave the School District a discount, and he noted specifically Quarry Hill. Mr. Stainthorpe stated he was not aware that they were previously on a fixed fee with the inspectors so they knew up front what the costs would be, and they were able to offer that up front with the Permit; but with Keystone, they are not able to do that. He stated it is his intent that when the project is done, the School District will get complete documentation on every invoice. He stated he also feels that the Township should get a reasonable fee for the Township employees' time; and anything over that, will be promptly refunded to the School District.

Mr. Campbell stated he would like to have a discussion with the Board about having some payments begin prior to the completion of the project since these costs are not going to be anywhere near \$260,000. Mr. Maloney stated the point he was making was that when the dollar amount was quoted, the Township took on risk that the costs could be higher just as much that they could be lower. Mr. Campbell stated this is not what Mr. Fedorchak indicated to him as to how he calculated the fee as he had indicated that he applied formulas based on an Ordinance and not estimates from any inspection company. Mr. Smith agreed to meet with Mr. Simon to come up with some kind of plan. Mr. Campbell stated the Township has his Right-To-Know request asking to be documented on all of the costs to date, and the School District is in agreement that they

will cover the reasonable costs. He stated the preliminary figures he has seen were \$4,000 to \$5,000 to date charged by Keystone. He stated he does not understand why the \$260,000 was not put into an escrow account, and they could then give the School District back the balance.

Mr. McLaughlin asked Mr. Fedorchak his estimate of the total Keystone bill, and Mr. Fedorchak stated he does not know. He stated the information he has come from the President of that company and that was the \$110,000 he noted previously. He stated in addition to that, Mr. O'Brien has indicated there would be electrical inspection fees on top of that; and these would be approximately \$5,000. Mr. Fedorchak stated this is a new inspection company which was brought on board in May, and they are going on the best information they have. Mr. Campbell stated Mr. Fedorchak advised him that the \$260,000 was not based on any estimates. Mr. Fedorchak stated this is correct; and the fee that was developed for the project was based on a Fee Schedule Resolution that was adopted by the Board of Supervisors in 1992; and this is the basis for the fee. He added that subsequent to that he tried to get more information relative to what they expected the costs to be, and this was when he had the conversation with Mr. O'Brien.

Mr. Campbell stated when Mr. Fedorchak had the conversation with Mr. O'Brien in the fall indicating that Keystone's estimated fees were \$110,000, he feels the Supervisors should have been concerned especially when Mr. Long sent the letter in the fall about the fee. Mr. Campbell stated he spoke to Mr. O'Brien one week ago, and Mr. O'Brien indicated that when he provided Mr. Fedorchak with the estimate of \$110,000 in the fall this was when he believed, based on what he had been told by the Township, that they needed to have inspectors there for five hours a day every day. He stated Mr. O'Brien has indicated the project is going well and the inspectors are not there that amount of time. Mr. Campbell stated based on the conversation he had with Mr. O'Brien, he does not feel the fees will come in any more than \$30,000.

Mr. Fedorchak stated this is not what the Township advised Mr. O'Brien, and the Township asked Mr. O'Brien what would be involved since Mr. O'Brien had been involved in projects like this, and this is his area of expertise. Mr. Fedorchak stated Mr. O'Brien was concerned about what problems may be encountered during the course of construction and the length of the project, and the Township did not dictate to him that he should have a minimum of three to five hours per day of inspections. Mr. Campbell stated while he now understands this, Mr. Fedorchak had a discussion last September when Mr. O'Brien estimated the costs would be \$110,000 and Mr. Fedorchak knew that a month earlier he had charged the School District \$260,000 which was not based on any estimate and the difference of what was paid and what would be charged has since grown; and he does not feel the School District is interested in waiting another eight months before they see any money refunded. He stated he is also concerned as a Lower

Makefield resident that the Township has not budgeted for a refund to the School District since the money was not put in an escrow account. He also feels they need to go back and look at the Ordinance.

Mr. Smith suggested that two of the Supervisors meet with Mr. Campbell next week to see if they can come to a middle ground for the benefit of all the Township residents. Mr. Campbell stated he would appreciate getting a full accounting of all the costs to date including Keystone and Township staff costs. Mr. Fedorchak stated as the Right-To-Know Officer, he has provided to Mr. Campbell every bit of information including invoices and documentation that he has on file; and in fact, he also reached out to Mr. O'Brien a few weeks ago and asked him to provide a separate report indicating what charges were in connection with the School as the invoices he had seen were not clear. He stated Mr. O'Brien was asked to provide a special report and identify each inspection and the amount of time spent on each inspection which is tied to the log which is maintained at the Township Building where the inspectors provide the times, dates, and what they are doing at the inspections. Mr. O'Brien provided this special report and what Mr. Campbell has been provided is a very accurate cost of what the Township incurred from Keystone. In addition, Mr. Fedorchak also gave Mr. Campbell a special report from the electrical inspection services inspectors.

Mr. Campbell stated he asked for all the invoices that Keystone has invoiced the Township for the work at Makefield Elementary, and what Mr. Fedorchak provided was a stack of invoices from Keystone for all of the work they have done in the Township. Mr. Stainthorpe stated this is the way Keystone invoices the Township. Mr. Stainthorpe stated Mr. Fedorchak then went back to Keystone and indicated they needed the special report which he referred to. Mr. Campbell stated he would like full documented accounting so he does not have to file Appeals with the Office of Open Records. He stated both sides need to know total costs to the Township. Mr. Fedorchak stated he will provide all the documentation.

Mr. Stainthorpe stated they will do what is right, and the School Board will be paid in full for anything that was not billable.

Ms. Dorothy Vislosky stated she owns a residence in Lower Makefield directly adjacent to the Makefield Elementary School. She stated in the past with previous construction at Makefield School, she was able to work out a reasonable solution when nearby residents were concerned about potential water problems. Ms. Vislosky stated she received political literature at her Lower Makefield property which was derogatory against Mr. Campbell. Ms. Vislosky stated she is on the Falls Township Board of Supervisors and also has attended Pennsbury School Board meetings where she has heard Mr. Campbell speak. She stated at the School Board meeting, Mr. Campbell discussed the difference in Permit Fees that Falls charged compared to that charged by Lower

Makefield. Ms. Vislosky stated there was a Motion at the Pennsbury School Board meeting to have a zero tax increase but it did not pass as only three voted in favor of this. She stated she has an interest in preserving tax dollars and wants everyone to be watching her tax dollars and not wasting them.

Ms. Vislosky stated Mr. Rubin sent a letter to the Editor and indicated he wanted Mr. Campbell and the School Board to take up an offer made by Lower Makefield to have the School Board meetings in the Lower Makefield Municipal meeting room, but she does not feel there would be sufficient seating to provide space for those who wish to attend these meetings; and she would resent coming to this smaller building when Fallsington's auditorium is the central location for the School Board meetings. She stated she does feel that the School Board meetings should be televised. Mr. Smith stated the School Board would have to make this decision and not the Lower Makefield Township Supervisors. He stated Lower Makefield did make the offer, as a good neighbor, for them to have an occasional meeting at the Township meeting room so that it would be convenient for Lower Makefield residents to attend. Ms. Vislosky stated she plans to fight to have the School Board meetings televised and she plans to become more involved. She stated she resents the kind of abuse that Mr. Campbell has been taking since she has researched all of the accusations which were made against him and found that they were not true. She stated Mr. Campbell has inspired her and they need an advocate on the School Board, and she will play an active part in this. She stated she has been inspired to join with Mr. Campbell and will get others to join with him as well.

Mr. Rubin stated Public Comment is to be for local issues, and this is a time to comment on issues in Lower Makefield and not make political speeches; and the Chair must enforce the orders of the day which is public comment which effects Lower Makefield. Mr. Smith stated in Lower Makefield they do not cut people off although they do trust people to try to keep their comments brief and to the point, and they are respectful to people who are speaking and allow them to complete what they are trying to say.

#### APPROVAL OF MINUTES

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to approve the Minutes of February 18, 2010 as corrected.

APPROVAL OF ORDINANCE NO. 383 IN CONSIDERATION OF INFORMATION PROVIDED BY THE FINANCIAL ADVISOR AND AS PRESENTED BY BOND COUNSEL, AUTHORIZING AND DIRECTING THE INCURRENCE OF DEBT THROUGH THE ISSUANCE AND SALE OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES OF 2010, IN THE AMOUNT STATED IN THE ORDINANCE FOR THE PURPOSE OF REFINANCING THE TOWNSHIP'S OUSTANDING GENERAL OBLIGATION NOTE, SERIES B OF 2001 AND GENERAL OBLIGATION BONDS, SERIES OF 2005

Mr. Brian McCloskey, Mr. Gordon Walker, and Mr. Bucky Closser were present. Mr. Walker provided this evening the Final Financing Report. He stated they conducted an auction on the Bonds, and there were seven firms bidding on the Bonds. He stated the winning bidder was First Southwest at a true interest cost of 2.83%. In the report he has provided a chronology of the bidding. He noted Page 10 related to the 01 B Bond, and the savings on a gross basis and present value basis are listed. He stated the savings over the next three years after expenses is \$600,265.71 and on a present value basis this is \$518,815.38. He stated this is not Golf Course related. He noted Page 14 which is the 05 bond issue, and the savings there on a gross basis is \$402,464.03 over three years and on a present value basis it is \$383,985.03. He stated on a combined basis the Township is saving \$1.2 million and on a present value basis this is \$902,000. He stated when they were last before the Board, they were being conservative on the interest rates, and they did have a better market. Mr. Walker stated the Township got a Double A 2 rating which is a very good rating and is the second highest rating. He stated this is based on everything including the economics of the area, Building Permits, and fund balances.

Mr. Maloney asked if they looked at the 2010 Budget or the 2009 Budget, and Mr. McCloskey stated they had audited results through 2008, provided projected results through 2009, and they also discussed the 2010 Budget so it was all-encompassing.

Mr. Walker stated they are going to close in April assuming the Board enacts the Ordinance this evening. He stated the savings are locked in.

Mr. Maloney moved and Mr. Caiola seconded to approve Ordinance No. 383.

Mr. Koopersmith asked the total amount of the Bond and when it will mature. Mr. Walker stated the exact amount of the issue size is shown on Page 15 and is \$11,485,000 and the schedule of maturity is also shown. He stated the amortization of the new issue is shown on Page 16 under column 2, and they are amortizing this loan over the same period as the loans they are paying off. They are simply replacing fixed-rate debt with lower interest rate fixed-rate debt and putting the savings for the Township in 2010, 2011, and 2012 as directed by the Board of Supervisors. Mr. Koopersmith asked what they are doing with the other approximately \$30 million, and Mr. McCloskey stated they are looking at one more refinancing later this year provided rates stay favorable.

He stated they could not legally do anything else before the fall. He stated over the next ten to twenty years, they will continue to pay off the debt as scheduled.

Motion carried unanimously.

APPROVAL OF ORDINANCE NO. 382 AMENDING THE PROVISIONS OF THE RESPONSIBLE CONTRACTOR ORDINANCE BY ELIMINATING THE CLASS “A” APPRENTICESHIP PROGRAM REQUIREMENTS

Mr. Stainthorpe moved and Mr. McLaughlin seconded to approve Ordinance No. 382.

Mr. Maloney stated he feels they are losing the opportunity to have one more lever to pull when it comes to specing out bids. He stated it has not impacted any bidding process in the past, and it has not disadvantaged the Township in terms of pricing.

Mr. Tom Bates, 8 Kenmore Road, stated he was a registered apprentice in a program, and it was a great thing. He stated it teaches discipline, skills, value, excellence, pride, and commitment. He stated you are required to go to school two nights a week for either four to five years, and they learn skills and safety. He stated the State and Federal Government have these programs because they are important programs. He stated these are dangerous jobs; and he feels it is horrendous for the Board to lower the standards for the Township, and they are putting workers in danger. He stated this is not a Union or non-Union issue as there are Union and non-Union schools. He stated the Board is opening it up for illegals to come in and it is not safe. He stated he does not feel any contractors would want to come to the Township without a registered apprenticeship program.

Mr. Caiola stated he supports the apprenticeship program and feels it has had a positive impact and it has not cost the Township any more money.

Mr. Bernard Graves, Representative of the Philadelphia Building Trades Council, which is the umbrella organization that represents all the Building Trade Unions for the Philadelphia five-County area including Bucks County. He stated he wanted to commend the Board for enacting the Responsible Contractor Ordinance and stated the policy works best in the version already in effect and feels that removing the Class A portion would be a disservice. He stated this is not a Union/Non-Union issue, and there are 476 programs in Pennsylvania of which 420 are open or non-Union. He stated he is a Commissioner on the Delaware River Toll Bridge Commission, and they adopted this two years ago and have done millions of dollars in projects all of which have come in under Budget and on time. He asked that the Board leave the Ordinance as it is and not take the training requirement out.

Mr. Larry Bray, Washington Crossing, PA, stated he is the Vice President of Bray Bros. and they have been in the paving business for sixty-two years. He stated they do not have an apprenticeship program, and this is a Union versus non-Union issue. He stated it is illegal in the State of New Jersey to have this Class A clause. Mr. Bray stated if you are non-Union, you cannot get into an apprenticeship program in the State of Pennsylvania in the road building industry. He stated he started paving in the Township in 1972 and has paved almost every road in the Township; and when this Ordinance was enacted, it blocked them out. He stated he has been a taxpayer since 1952, and he does not feel this is right.

Mr. Bob Shock, Northampton, stated he is in favor of the apprenticeship training. He stated he is a forty year member of Sheet Metalworkers Local 19 and for the past twelve years he has been an apprentice instructor. He reviewed the schooling received in the apprenticeship program adding they have 18 days a year of eight hour days the first two years and do 8,000 hours of training, and 1000 hours of related school training. He stated they also have to have a ten hour OSHA card and a Philadelphia Built Right Card before they can go onto a job or a shop. Mr. Shock stated he is concerned about safety, and they will not let any of their apprentices or member go onto a job without safety training. He reviewed the subjects taught. Mr. Shock stated after the second year they go into career paths. He stated they have three full-time instructors and all the instructors have Bachelor's Degrees, and there are twenty-seven part-time instructors who teach in the evening all of whom are College graduates. Upon completion of the apprenticeship, forty-four credits are received from Drexel University toward a mechanical engineering degree. He stated he is in favor of apprenticeship training.

Mr. Raymond Bray, stated he is President of Bray Bros. Mr. Bray stated they built most of the Schools in the area. He stated they paved and built almost 90% of the sewer system in Lower Makefield. He stated they have their own program as a small contractor, and he feels they have a record that is untouchable for any contractor in the area. He stated they could not bid any public work over \$75,000 according to the Township Ordinance in the last five years. He stated they have paid significant dollars to the Township and the School District where they live and built and now they are no longer able to bid for the Township work because they do not have an apprenticeship program. He stated on every bid form which he fills out, he puts in his work experience; and if he is awarded the job, the Township engineer goes over his work experience and also checks references with other companies he has worked for. He noted a number of surrounding Townships where they still do work. He noted particularly Newtown Township where they did over a million dollars worth of road work last year. He stated he feels it is very unfair that he has lived in the Township since 1953 and cannot do work for the Township.

Mr. Maloney stated they have awarded a number of bids to contractors without Class A apprenticeship programs in the cases where that was the bidder that the Township chose to go with.

Ms. Marilyn Debronzo stated she is a small contractor who was initially a Union shop and is now a non-Union shop. She stated she is also a Lower Makefield resident. She stated she does have an apprentice program and can bid on the Township jobs, but she is concerned about those who do not have such a program who have spoken earlier this evening who are long-time residents with reputable businesses who cannot bid; and she does not feel it is fair. She stated when some of the workers who have spoken this evening are finished a job, they go back to the Union Hall; but her employees do not have one to go back to and she has to keep them working every day, train them, and they must go through OSHA certification. She questions how many of the gentlemen who have spoken this evening are Township residents, and she feels this was a scare tactic. She stated it would be difficult for a lot of the small shops to bid on this public work. She stated the Township will get responsible contractors based on the prevailing wage alone. She stated her employees do not have a Union fringe benefit package, and they get executive wages since she can not use up \$23 an hour in fringe benefits in a private company. She stated her workers are well paid. She stated she feels everyone's workers probably have OSHA 10 cards. She feels it is an unfair bidding process since the Township is eliminating competition. She stated she would be in favor of keeping the Responsible Contractors Ordinance, but eliminate the requirement for the Class A apprenticeship program which she feels eliminates competition as it is putting an undue burden on a lot of companies and is eliminating competition in the bidding which will result in having to pay more; and as a taxpayer, she is not in favor of this.

Mr. Neil Flax stated he is a Lower Makefield resident and a small business owner. He stated he knows business and competition stimulates business, saves people money, and creates a positive work environment. He stated the Township has to take the low bid by law so if the bid is lower it will save the taxpayers money. He stated schooling is excellent and there should not be any chance that someone would come on a job and have no training on a specific project they are working on. He stated his workers are trained, and they are required to take continuing education. He stated they are licensed and have taken all the OSHA courses. He stated they are qualified to bid on jobs; but the Class A apprenticeship requirement precludes him from bidding on jobs in the Township over \$75,000. He noted a number of jobs his firm has done which were \$200,000 to \$400,000 jobs, and the quality of work they do is there. He stated the Township is missing the opportunity to have qualified contractors such as himself do work in the Township.

Mr. Bob Newbaum, Lower Makefield Township resident, stated he has heard discussion about this topic for a number of weeks. He stated Mr. Caiola and Mr. Maloney have indicated that this requirement does not cost the Township any more money; but he questions how they know this if they are not getting bids from all of the contractors, and he feels this is dishonest to say. Mr. Caiola stated it is not dishonest as the bids have all come in as expected or less than this. Mr. Maloney stated they have also awarded bids to bidders who did not have a Class A apprenticeship program. Mr. Newbaum stated they have heard that some contractors are not bidding and heard from a gentleman tonight who

did work in the Township for thirty years and is no longer doing business with the Township. Mr. Maloney stated that was his choice. Mr. Newbaum stated it was not his choice since he did not have an apprenticeship program. He stated the competitive bidding process is good for the taxpayers. He asked that the Board eliminate this requirement for the benefit of the Township.

Ms. Helen Bosley, 546 Palmer Farm Drive, stated she is in favor of competition and feels when you eliminate competition, you are not getting the best value for your dollars; and this requirement eliminates competition. Ms. Bosley stated if this is eliminated, everyone would be able to bid including those who have an apprenticeship program. She stated if they rescind this, they will have an extremely competitive environment; and if there are lower prices for contracts, they will get more value which is why she is in favor of rescinding this.

Mr. Dan Miller, 190 Cinnabar Lane, stated he went to Tech School and was in an apprentice program. He stated the low bid is not always the right way to go, and he feels the workers should be educated before they do anything.

Mr. Mike Rinkus, 179 Jade Drive, stated he is a Township resident and the beneficiary of a Class A apprenticeship; and he asked that the Supervisors retain the apprenticeship language. He stated while a representative from ABC spoke in opposition to this at the last meeting, in reviewing their Website they speak to the Responsible Contractor Ordinance and indicate they are not opposed to this and also provide formal apprenticeship training programs which meet all Federal and State requirements for apprenticeship training and prevailing wage work. He stated he does not understand why they would be opposed to this aspect of the Ordinance. He stated he does want his tax dollars spent wisely; and he feels that with the language left in, the Board will be spending the tax dollars wisely.

Mr. Maloney stated without rules that allow them to exempt the low bidder, the Township has no way to act in the best interest on behalf of the public. He stated they have waived this requirement in the past. He stated the private sector is completely free to decide who they choose, but in the public sector they are not. Mr. Maloney stated he is in favor of being sure that they have educated workers involved in Township projects, and he would like to see an alternative crafted to the current Ordinance which would suggest another way to enforce this. He stated he has heard from a number of people that they train their employees but do so in a different way; and he would like to hear what those alternatives are since this would allow the Township to have more levers to pull insuring that properly educated employees are working on Township projects. He stated if they eliminate this clause they are considering eliminating this evening, the Township will have no enforceability over this. He stated he believes that Bray Bros.

and Mr. Flax do properly train their employees; but if they had a bidder come in who did not do this, and the Township had reason to believe they did not, the Township would have to accept them if they take this portion out.

Mr. Stainthorpe stated he had a number of phone calls this week from people wishing to express their opinions, and he also thanked all those who came to the meeting this evening both the Union members and the other contractors. He stated he does not want Class A apprenticeship programs to go away, and he recognizes that they are valuable; but he does not feel it should be a requirement to do business in the Township. He stated he believes in a free market, and this trumps everything. He stated going back thirty years in the Township there have been a number of construction projects, including the construction of the Township Building, without the Responsible Contractor Ordinance; and the quality and workmanship were good with the projects done on time. He also noted the Golf Course was constructed without this Ordinance adding he does not know which contractors had Union or non-Union workers. Mr. Stainthorpe also noted the slide at the pool where there was an open bidding situation. Mr. Stainthorpe stated he feels everyone should have a chance, and this provision limits the pool of bidders they can have. He feels the best thing for the taxpayers is to have as much competition as they possibly can.

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

#### EXTENSION OF TIME TO FREEMAN’S FARM AT MAKEFIELD

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to grant an Extension to Freeman’s Farm at Makefield (Ferri Tract) Preliminary Subdivision Plans to 9/5/10.

#### ZONING HEARING BOARD

With regard to the Charles Rodgers, 925 Gainsway Road, Variance request to construct a basement window well resulting in encroachment into the front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

## SUPERVISORS REPORTS

Mr. Stainthorpe stated the Economic Development Commission met and they are working on a welcome sign program in the Township which is something that the Board of Supervisors discussed some years ago, but did not pursue because of the cost. He stated they are looking at a sponsorship program and will be reviewing designs. Mr. Smith stated the Historic Commission has been discussing working with Eagle Scouts on this program as well, and he suggested that they join in with the Economic Development Commission.

Mr. McLaughlin stated the Planning Commission elected their Officers at their last meeting. He stated they also discussed an Edgewood Village project, and there are a lot of historical and parking issues.

Mr. Caiola stated the Citizens Traffic Commission discussed the program for the fall and the best way to fund this. He stated on April 13 the Veterans' Committee will have a gathering at the Yardley Inn to discuss future fundraising programs. Mr. Caiola stated Bucks County Performing Arts met and they will be having a fundraiser in September in Newtown. Mr. Caiola stated he has also had discussions with Yardley Borough to see if they could help subsidize that organization since many of their activities take place in the Borough.

Mr. Smith complimented the Township for their hard work on the roads during the recent snow storms. Mr. Smith stated the Historic Commission is considering having a "Tom Sawyer Day," to paint the other three sides of the Satterthwaite House.

## APPOINTMENTS

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

Robert Innis – Historical Commission  
Nancy Gaston-Festa – HARB  
Trish O'Donnell – Disabled Persons Advisory Council  
Lisa Gage – Electronic Media Advisory Committee  
Bill Hogan – Citizens Traffic Commission

and to re-appoint Keith DosSantos as an Alternate to the Zoning Hearing Board and HARB and to re-appoint Derrick Dobos to HARB.

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OTHER BUSINESS

Mr. Smith stated at the next meeting Mr. McLaughlin has requested that there be an update on the finances and this will be conducted by the Finance Director, Mr. McCloskey, and Mr. Menard

There being no further business, Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

Matt Maloney, Secretary