

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – DECEMBER 15, 2010

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 15, 2010. Chairman Smith called the meeting to order at 7:35 p.m. Mr. Smith called the roll. Mr. Smith stated Mr. Maloney is away on business but is proposing to check in by telephone at some point as he wanted to participate in the Budget discussions. Mr. Smith stated the Board did not object to this, but had asked for a legal opinion as to whether this was permissible. Mr. Truelove stated in Pennsylvania there is no hard and fast rule on this, but he noted Case Law to support the concept that participation can be done in this way if the Board so approves, and does not violate the Sunshine Act. Mr. Truelove stated Mr. Maloney did notify himself and the Board of Supervisors of his intention a few weeks ago.

Those present:

Board of Supervisors: Ron Smith, Chairman
 Greg Caiola, Vice Chairman
 Matt Maloney, Secretary (joined meeting in progress
 via tele-conferencing)
 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. Irv Hirsch, 1782 N. Dove, thanked the Board of Supervisors for their efforts in considering a Senior Center. He stated there is an opportunity to get money from the State, and he would not want to see the Township lose this opportunity. He stated if Township money is needed to match the funds from the State, it is a good time to borrow money because the rates are so low. Mr. Hirsch stated the number of Seniors in the Township is increasing.

Mr. Harold Koopersmith, 612 B. Wren Song Road, thanked Mr. Smith for his service as Chairman for 2010, and stated he hopes Mr. Smith will consider running again for Supervisor when his term is up. Mr. Koopersmith also thanked the Board for the way they handled the money that the Commonwealth is offering to the Township. He stated he understands that the Board has indicated that they will not borrow money or raise taxes for any projects such as ball fields or a Senior Center; and if these are projects

people want, he feels those people should find a way to contribute. Mr. Koopersmith stated he was concerned when Mr. Maloney alluded to problems the Township had with contractors coming into the Township to do work. He stated he feels that Toll Bros. should understand what is expected of them. Mr. Smith stated at the last meeting there was discussion about allowing the Toll Bros. project to go forward, and a majority of the Board voted in favor of them proceeding. Mr. Smith stated there was discussion as to whether or not the EAC and the Traffic Commission had sufficient time to make input. He stated there was also concern expressed with problems with construction which had taken place at the CVS/PNC site and whether they should be allowed to proceed with another facet of development of the site. Mr. Smith stated the Township engineer had indicated that the developer had, or was going to meet all the requirements. Mr. Koopersmith stated any contractor coming in the Township should know what is expected of them. Mr. Koopersmith also expressed his concern with the future of interest rates going up, and those in Washington not getting spending under control.

Ms. Lisa Huchler-Smith, Kimble's Field, stated she is a member of the Disabled Persons Advisory Board, and they are interested in pursuing the issue of an inclusive playground at Memorial Park. Mr. McLaughlin stated he understands that they were going to try to include this in the Grant from the State, and Mr. Fedorchak stated they believe that they will be able to consider at least Phase I of this project recognizing that they do not yet have final approval of the Grant. Ms. Smith asked if there is a vision for the Township. She stated she is concerned about the number of incomplete projects in the Township. She stated the Township is spending a lot of money to make purchases, but they do not seem to be able to Budget for completion or maintenance. Mr. Caiola stated money they are pursuing and the matches they are trying to make are not finalized, and they have an opportunity to make sure that the projects are done right and that they can provide the appropriate access for the disabled. Mr. Caiola stated Memorial Park is a work in progress, and they have had to make repairs to some areas. He stated he is happy that they may be able to do the first phase of the inclusive playground at Memorial Park. He stated the Disabled Persons Advisory Board should be part of this process as they have expertise in this area.

Ms. Smith stated the Park & Rec Board has recommended projects, and she asked if there is a Township vision. Mr. Caiola stated the ball fields at the Samost Tract were part of the Township vision for that site. Mr. Smith stated there were lengthy discussions about Memorial Park prior to 9-11. When 9-11 occurred, the Garden of Reflection became the driving force at that Park and did result in changes to the Master Plan. He stated Memorial Park was always proposed to be built in phases. He stated they do have Master Plans for all of the projects. He stated they do discuss what they can budget each year, and the first thing they budget for are engineering fees. He stated at the prior meeting they also agreed to consider an inclusive playground as recommended by the volunteer Committees. Ms. Smith stated she wants to make sure that there is money budgeted for maintenance. Mr. Smith stated they do have money budgeted for maintenance.

Mr. Smith stated many groups come before the Board of Supervisors making requests. He noted there are also programs which were previously funded by the State which the State no longer funds, and he specifically noted the DARE program. He stated the Board of Supervisors agreed to fund this program as they felt it was very worthwhile. He stated the Board needs to make decisions on all of these issues.

APPROVAL OF MINUTES

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of November 17, 2010 as written.

Mr. Maloney joined the meeting at this time via tele-conferencing.

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to approve the Minutes of November 30, 2010 as written.

DISCUSSION AND APPROVAL OF THE SATTERTHWAITE PARCEL

Mr. Majewski showed a lay out for the Subdivision of the Patterson Farm. He stated they updated the survey to include the ramp that was put in several years ago. He stated the property contains two farmsteads – the Satterthwaite farmstead which contains a dwelling and five other accessory buildings, and the Brown farmstead which contains a house and barn and several other accessory buildings for farm uses as well as the cottage which has been rented out. Mr. Majewski stated the proposal was to subdivide the Patterson Farm to take out the Satterthwaite parcel for possible sale by the Township. He stated the line shown in red on the Plan is the proposed outline of the parcel and is basically the same configuration which was shown at a previous meeting. Mr. Majewski stated the size of this parcel is 5.14 acres.

Mr. Majewski stated along the frontage of Mirror Lake Road, the lot width is 200' and they go back 200' and widen it out by another 100' so it is 400' in the back portion and 200' by 200' in the front portion of the property. He stated they laid it out in this way so that any potential use of the property would have less of an impact on the neighbors across the street; and any activity that could be done on the property would have to be done in the rear of the property and could therefore be buffered and be sufficiently far enough away from the residents across the road and have minimal impact on them.

Mr. Majewski stated after the Subdivision is complete, the property will have 216 acres left over. He stated also on the property is the existing Bucks County Open Space easement which is depicted by the dashed line through the property. He stated the total size of this Open Space easement is 71.35 acres, and this is the area that is protected and cannot be built upon.

Mr. Stainthorpe asked the next step adding he feels this should go before the Planning Commission. Mr. Majewski stated this Plan will be submitted to the Township Planning Commission for their review in January as well as to the Bucks County Planning Commission for their cursory review done for all Applications for Subdivision. Mr. Stainthorpe stated once this is done, the Board of Supervisors will vote on the Subdivision.

APPROVAL OF DECEMBER 3, 2010 WARRANT LIST AND NOVEMBER, 2010 PAYROLL

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the December 3, 2010 Warrant List and November, 2010 Payroll as attached to the Minutes.

APPROVAL OF RESOLUTION NO. 2216 ADOPTING THE 2011 BUDGET

Mr. Fedorchak stated the 2011 Budget has been available on line since Thanksgiving and available at the Township Building for inspection as required by the Second Class Township Code. He stated the 2011 total property tax rate will remain at 15.12 mills and no tax increase is proposed. He stated the Township took advantage of two Bond refinancings that resulted in \$1 million in savings over a three-year period. He stated this allowed the Township to reduce the Debt Service Fund by .75 mills and transfer that to the General Fund to compensate for sagging revenues. Mr. Fedorchak stated they also reduced expenses over all Funds and Departments, and 2011 expenses are down 3.3%. He stated the 2011 total is \$22,300,000; and in 2010 it was \$23,066,000.

Mr. Fedorchak stated the General Fund is projected to end 2010 with an \$867,000 surplus. Last year it was slightly more than this. He stated even the Deed Transfer Tax is expected to end 2010 around \$950,000; and although this is much lower than what the Township is accustomed to receiving in Deed Transfer Taxes, it is 20% more than what was received last year which was a historical low. Mr. Fedorchak stated 2011 General Fund expenses will not increase over 2010 levels; and in fact, will be slightly less. He stated for the end of 2011, they have forecasted a \$657,000 end of year balance. He stated this is well above Safe Harbor.

Mr. Fedorchak stated there are some Fee changes proposed. He stated the staff has recommended a \$10 increase in the leaf recycling fee assessment to begin to pay for future capital purchases that will be necessary. He stated Park & Recreation has recommended User Fee increases. He stated the current User Fee is \$12 per resident and \$24 per non-resident, and the Park & Recreation Board has recommended \$15 and \$30.

Mr. Smith stated there had been some discussion about User Fees during the Budget Workshops. Mr. Smith stated he was concerned that the User Fees were being used to subsidize non-residents who use Township fields, and he feels there needs to be a difference between the fees charged to residents and non-residents. He stated there has been some informal discussion, and there was a proposal to accept the Park & Rec recommendation of \$15 for residents noting that there has not been an increase for a number of years, but that they go higher for the non-residents and suggested \$36 rather than \$30. Mr. Smith stated he does not feel this will be onerous to non-residents who are coming to the Township using the fields. He stated there have been requests for additional fields and improvements/modifications to existing fields. Mr. Smith stated he feels \$36 would be a fair amount and all Supervisors present at the meeting were in favor of this. Mr. Caiola stated he feels this is a reasonable compromise.

Mr. Maloney stated he feels it is incorrect to state that non-residents are not paying their fair share since their rates were already double those paid by residents. He stated he feels what is now being proposed taking the non-resident fee to \$36 will hurt the residents since the Leagues pass through the non-resident rates to all players in the League. Mr. Smith stated he is only aware of YMS taking the User Fees and coming up with a uniform fee for all players. He stated while this is their choice, he is against this since it is forcing the residents to subsidize the non-residents. He stated he is not sure if PAA has this same policy. Mr. Smith stated when the organizations are charged by the Township, they are charged per resident and per non-resident; and if the various organizations decide to make the Township residents pay for the non-resident players, the Board of Supervisors cannot control how the organizations do their billing. Mr. Maloney stated while they cannot control their billing, he questions why the Board is insisting on changing the rates if they know it will not have any effect. Mr. McLaughlin stated the Board of Supervisors is not present to manage the sports organizations, and he does not believe that they should put the burden on taxpayers to pay for non-resident participants. He stated he also feels the in-house Leagues should pay lower fees than the travel team fees. He stated the in-house Leagues are not able to play on the premier fields. Mr. McLaughlin stated the only thing the Board of Supervisors can do is change the way the Township charges for the use of the Township fields.

Mr. Truelove suggested that they first make a Motion to approve the Budget and they can then discuss all aspects of the Budget.

Mr. McLaughlin moved and Mr. Stainthorpe seconded to approve Resolution #2216 Adopting the Township Budget with an Amendment resulting in \$62,000 in further reductions as follows:

- 1) Central Government - Supervisors salaries reduced by \$4,375
- 2) Central Government - Auditing/Accounting reduced by \$3,000
- 3) Central Government - Management Consultants reduced by \$1,000
- 4) Central Government - Advertising and Printing reduced by \$1,000
- 5) Central Government - Unplanned Projects reduced by \$2,000
- 6) Elm Lowne Maintenance reduced by \$21,000 in preparation for the sale
- 7) Information Technology - Miscellaneous reduced by \$1,500
- 8) Planning - Grading Fees reduced by \$1,000
- 9) Public Works Building - Maintenance and Repairs reduced by \$4,000
- 10) Public Works - Tires reduced by \$1,000
- 11) Public Works - Minor Equipment reduced by \$3,000
- 12) Public Works - Repairs and Maintenance reduced by \$2,500
- 13) Park & Recreation - Contracted Services reduced by \$2,000
- 14) Park & Recreation - Engineering Fees reduced by \$7,000
- 15) Park & Recreation - Repair and Maintenance reduced by \$6,000
- 16) Park & Recreation - Macclesfield Parts and Supplies reduced by \$1,000
- 17) Park & Recreation - Macclesfield Minor Equipment reduced by \$1,500
- 18) Park & Recreation - Macclesfield Contracted Services reduced by \$3,000

Add an additional \$4,000 for the Veterans Parade

Mr. Smith asked if any of these figures result in less money than last year, and Mr. McLaughlin stated they do not.

Mr. Maloney asked Mr. McLaughlin if he discussed with the Department Heads why they may have asked for more money in these areas he has recommended be cut, and Mr. McLaughlin stated he feels this was discussed to his satisfaction at the Budget Workshops. Mr. Maloney stated he does not recall talking about the number of tires they needed to buy at the Budget Workshops. Mr. McLaughlin stated he went off the projected fiscal year 2010 ending point of \$4,500. He stated he does not foresee using more tires than last year.

Mr. Maloney asked Mr. Fedorchak to provide a summary of all the accounts that were “capriciously” cut at the beginning of 2010 to determine whether or not those cuts were warranted, and Mr. Fedorchak agreed to provide this.

Mr. Stainthorpe stated he was very concerned about the discussion held two meetings ago about the Veterans Parade. He feels the Township has done a great job honoring the Veterans, and he greatly admires the work that is done by those working on behalf of the Veterans. He stated at the prior meeting it was stated that the Veterans Parade must be funded by tax dollars and it was wrong to fund it through contributions as was done this year. Mr. Stainthorpe stated he disagrees with this and feels that when someone chooses to give their money to support something, it is called charity and it means a great deal. He stated taxes are “confiscation,” and the Government takes your money and decides what to spend it on. Mr. Stainthorpe stated he feels a Parade funded through contributions is a greater honor to the Veterans than money that is taken through the confiscation of taxes. He stated the reason that the Supervisors salaries are proposed to be reduced is because Mr. McLaughlin is going to take his salary to fund the Parade, and he feels Mr. McLaughlin deserves a lot of credit for doing this. Mr. Stainthorpe stated the Board is 100% behind the Veterans, are donating the land for the Veterans Memorial, and support the work of the Veterans Committee. He stated he took umbrage with people telling the Board that they were not doing enough. He feels most Veterans feel that a simple ceremony is fine, and that they served for the love of their Country and not to have a Parade.

Mr. Smith stated he agrees with Mr. Stainthorpe. He stated the Veterans are a great group reminding that he had started that group. He recognized Mr. Caiola who took the lead last year to have the Parade take place using contributions. Mr. Caiola thanked Mr. McLaughlin for his actions this year, but stated this does not preclude them from keeping the community involved to help fund the Parade. Mr. Smith stated there may also be a way for them to find a way to raise funds so that they can have Community Pride Day in some form.

Mr. McLaughlin asked for a discussion about some of the decisions the Board made in terms of capital investment noting especially the request made from EMAC. Mr. Fedorchak stated they set aside \$20,000 for the EMAC initiative. Mr. Smith stated during the Budget Workshop, Mr. Rubin discussed improvements needed to the Website and some other items; and the Board had decided to fund \$20,000 toward that purpose. He stated they are also working toward an e-file system to make the Government user friendly. Mr. Maloney thanked the Electronic Media Advisory Committee for working on this.

Mr. Maloney stated he has a fundamental disagreement about how to do business in the Township. He stated he does not feel taxes, particularly at the local level, are “confiscation.” He stated the tax revenue raised does not go outside of the Township but goes to fund the needs of the Municipality. He stated through their taxes, the residents are getting services that they could not buy themselves as individual consumers. He stated he feels they are under funding the Roads program \$400,000 this year. He stated while Mr. Fedorchak did what he was asked to do which was not to raise taxes, he did it by not funding the road improvements that are needed this year. Mr. Maloney stated there is a twenty year road improvement plan which costs \$700,000 per year. Mr. Maloney stated the Department Heads were asked to work with Mr. Fedorchak to develop a Budget, and he feels for the Board to cut \$60,000 just to bring it down to past levels, is not managing the Township correctly; and to say that the Board knows more than the Department Heads is “ignorant.”

Mr. Smith stated Mr. Maloney indicated that they were “capricious” last year and “ignorant” this year, and he does not feel this is correct. Mr. Smith stated previously Mr. Maloney had indicated that they had not done what they were supposed to do with the roads, and Mr. Fedorchak had previously indicated that there were on path for what they were supposed to do with the roads. Mr. Fedorchak stated this is correct up through 2010. Mr. Maloney stated this is not the case for 2011.

Mr. McLaughlin stated the Budget that was re-opened in January, 2010 included no reduction in the Road Program that the previous Board in December had agreed to. He stated Mr. Maloney voted for that Budget in December and it had the exact same amount for the Road Program that was included in the Amended Budget in January. Mr. McLaughlin stated they did not reduce the Road Budget at all. He stated in December the leaf program was going to be cancelled, and they were going to get \$5 million worth of fields through debt issuance. He stated they are now getting a baseball complex for free and keeping the leaf program. He stated last December the Board had voted on a Budget increase which was then amended to zero in January, and he has the facts to show that they are in better shape today than they were in December. He stated no services were cut that were in any way detrimental services provided by the Township. He stated both Mr. Maloney and Mr. Jason Simon voted for the same Road Program that Mr. Maloney is now chastising the Board about.

Mr. Maloney stated the Budget they are ready to vote for tonight is cutting \$400,000 out of the Road Program for 2011. Mr. McLaughlin stated Mr. Maloney voted for the same amount last year. Mr. Maloney stated the Road Program Capital needs for 2011 are \$650,000 according to Mr. Majewski – not \$250,000. Mr. McLaughlin asked why fields were at the top of Mr. Maloney’s Agenda this time last year if he was so concerned about the roads. Mr. Maloney stated this was because he would have had the dignity to vote for the roads that needed to be paved in 2011 in this Budget being voted on tonight.

Mr. McLaughlin stated it appears that the fields were more important to Mr. Maloney last year than good roads that he is chastising the Board about tonight, and he does not feel this logic holds. Mr. Maloney stated when they reviewed the Budget for 2010, the road needs for 2010 were \$250,000, and the projected needs for 2011 were \$650,000.

Mr. McLaughlin asked Mr. Maloney why he approved a Budget in December, 2009 for \$350,000 when he knew they needed \$650,000; and Mr. Maloney stated this was because they did not need \$650,000 in 2010. Mr. McLaughlin asked if the roads have deteriorated this much in twelve months. Mr. Maloney stated there is a Plan in place over the course of twenty years, and it called for \$350,000 in 2010 and \$650,000 in 2011.

Mr. Fedorchak stated they are proposing to increase the hourly rate for Police services from \$50 to \$60 an hour. He stated the Police perform a number of security and traffic control functions for private groups such as Shady Brook Farm during the light show, etc. and this will help cover their overtime costs and make it expense neutral for the taxpayers. Mr. Smith stated he understands that when they had the Budget Workshops they had an agreement with the Police Department on what would be acceptable amounts, and Chief Coluzzi agreed.

Mr. Smith stated they are also funding the DARE Program, and Mr. Fedorchak agreed. Mr. Smith stated the Budget process is a very difficult process, and he thanked Mr. Fedorchak, the Department Heads, and Mr. Menard and the Citizens Budget Commission for their work throughout the year.

Mr. Zachary Rubin, 1661 Covington Road, stated he feels they should take the issues one at a time. Mr. Rubin asked the aggregate amount of money Mr. McLaughlin is proposing to take out of the advertised Budget, and Mr. McLaughlin stated it is \$62,000. Mr. Rubin asked if this passes, what will be done with the \$62,000; and Mr. McLaughlin stated it would go to the surplus. Mr. Rubin stated the surplus is already at Safe Harbor. He stated he is against the proposed reductions and asked how these reductions were arrived at. Mr. McLaughlin stated the list was distributed via Mr. Fedorchak to the Supervisors. Mr. Rubin asked Mr. McLaughlin if he came up with this list himself or was he in consultation with other Supervisors. Mr. McLaughlin stated it was a bi-product of the Budget meetings and was an accumulation of all the notes, feedback, and analysis that was done during the Budget sessions put into this schedule. Mr. Rubin stated after the Budget Workshops there was a proposed Budget brought in front of the Board of Supervisors which was advertised, and he asked why the reductions were not made at that time. Mr. McLaughlin stated they had not had time to put the list together.

Mr. Truelove stated he feels Mr. Rubin is concerned whether there was a Sunshine Act violation. Mr. Truelove stated he feels from what Mr. McLaughlin is describing, this was an evolving practice; and there was no deliberate process outside of what is taking place this evening. Mr. McLaughlin stated there were no separate meetings.

Mr. Rubin stated at the beginning of this meeting, it was not indicated what was discussed during Executive Session, and Mr. Caiola stated the Budget was not discussed in Executive Session. Mr. Truelove stated they discussed litigation, real estate, and personnel matters.

Mr. Rubin stated he agrees with Mr. Maloney that taxation is an essential part of having a community, a society, and an orderly way or organizing people. He stated the Board of Supervisors is to provide for the general welfare of the community. He stated they are also to maintain the property values and make it a nice community. He stated the residents who pay taxes get services in return; and he does not feel it is a “confiscation,” and they are contributing to the good of the community. He stated he opposes the reductions proposed given the fact that there is no millage increase proposed for 2011. He feels the services are being arbitrarily cut since they were not done through discussion with the Department Heads and professionals. He did thank the Board for including the \$20,000 for EMAC adding that this is a Capital expense and not an Operating expense.

Mr. Smith asked Mr. Rubin how he had suffered over the last year as a result of cuts which were made to the Budget for 2010. Mr. Rubin objected to this comment. Mr. Smith stated Mr. Rubin had indicated that the taxpayers had been deprived of services which is why he asked Mr. Rubin how he had suffered. Mr. Rubin stated he indicated that if \$62,000 was going to be cut, this would deprive the residents of services. Mr. McLaughlin stated they have not proposed reducing anything below what was spent last year; and in most cases, it is higher. He stated he has not proposed taking services away for 2011 that were provided in 2010, but they have reined in the increases that were proposed. Mr. Rubin stated the cost of living has increased and costs are up. He feels there should be a commensurate increase in expenses.

Mr. Smith stated the Board of Supervisors has a fiduciary duty to make sure that all residents of the Township are protected. He stated a number of residents have asked the Board to cut spending because they are suffering financially. He stated the Board will continue to make sure that they will provide for public safety, roads are okay, bills are paid, and that they live within their means.

Mr. Rubin asked if the proposed Budget also had cuts in Operating Expenses for 2011 versus 2010, and Mr. McLaughlin agreed that it was \$40,000 less not including the additional \$62,000 they are now discussing. Mr. Rubin stated he is objecting to the additional cuts being discussed this evening but is not objecting to the cuts that were already in the advertised Budget. Mr. Smith stated when the Department Heads come before the Board of Supervisors they make recommendations, and the Board of Supervisors then decides what they want to do as they continue to review the Budget.

Mr. McLaughlin stated the process does not stop once the Budget is advertised. He stated with the advertised Budget, they were proposing to spend \$94,000 more than the revenues; and until the revenues are equal to or greater than the expenses, he will try every day to make it balance which was the genesis of finding \$62,000 of additional cuts. He stated in 2011 they are projecting in the advertised Budget to spend \$185,000 more than they are projected to bring in. He stated he does not feel Government should spend more than they bring in. He stated he will work throughout the year on this adding that he feels a Budget is a guideline; and every day they run a deficit, he will challenge the Township and the Board to equal this equation at the very least.

Mr. Smith stated since Mr. McLaughlin joined the Board he has insisted that there be a monthly Budget review. He stated last year they had three major snow storms which hurt the Township financially. He stated despite this, the Township is in good condition; and there was no tax increase last year and none is proposed for the coming year. He stated he is proud of the work the Board has done.

Mr. Maloney stated spending what is taken in ignores the fact that they have the opportunity if needed to take in more than they did the year before. He stated when they raise the Park & Rec user fees, the Police hourly rate and other types of fees, it just does not use the word, “taxes.” He stated the only person on the Board who has personal experience in the crisis of unemployment is himself to his knowledge. He stated there has been no conversation of changing the tax rate, and he is troubled by this since they assume they have to cut things rather than determine that what was proposed in the Budget that are needs.

Mr. Smith stated last year at a meeting in December, Mr. Maloney attempted to deprive the Township of leaf services but not the leaf tax which he proposed to put toward ball fields. Mr. Smith stated that decision was reversed due to public pressure. Mr. Maloney stated at this year’s Budget Workshops every Board member indicated that the leaf program might be unsustainable, and they have asked Mr. Fedorchak to look into this further.

Mr. Joe Menard, 917 Putnam Drive, Chair of the Citizens Budget Advisory Committee, stated last year when Mr. McLaughlin proposed the cuts, he had sent Mr. McLaughlin an e-mail indicating that he was concerned about the cuts being made and did not think enough thought was given to what the Department Heads were thinking; but he stated the Township did survive. Mr. Menard stated with regard to the \$60,000 being proposed to be cut from this Budget, if you take out the \$20,000 as a result of the sale of Elm Lowne, they are down to \$40,000 in cuts; and he does not feel this is a significant enough amount to be concerned with given the Township’s total General Fund expenditure of \$9.5 million. He feels it was a worthwhile exercise to try to find additional cuts. He stated last year the Budget for the Road Department was exceeded by \$103,000 due to overtime. Mr. Menard stated just because there is not a Budgeted line item, it does not

mean that the services will go unprovided if circumstances require. Mr. Menard stated the Budget is managed throughout the entire year. He stated when they had \$100,000 in overtime in February, 2010, Mr. Fedorchak and the Department Heads did an excellent job in trying to control the expenditures and decide what changes could be made.

Mr. Menard stated with respect to Park & Rec, he is not sure that the proposed cuts really impact what the Board is trying to do since it goes back into the Park & Rec surplus, and does not impact the General Fund. He stated the Park & Rec Operating Budget has been “thin,” and there have been expenditures that have been curtailed. He stated with respect to the discussion about the fields, last year the switch of the leaf collection for the ball fields was proposed as a non-Budget increase. He stated any time you take an expenditure on a group of people and move it outside the Budget and add something else in and indicate there is not a tax increase, it is wrong as they are still paying for it. Mr. Menard stated with regard to increasing the User Fees, it has been approximately seven years since there was an increase, yet the expenses of maintaining the active fields have gone up. He stated the Township is already paying additional costs for the active fields of approximately \$250,000 so the increase in User Fees is quite justified. He stated when they look at spending money for new infrastructure for the fields, they still have not been able to get an adequate analysis of whether they would need these fields if they did not have non-Township participants.

Mr. Menard stated he feels the Township should have a fiscally-responsible Plan. He stated he feels everyone has done a tremendous job in trying to keep the Budget under control especially compared to neighboring Townships. He stated the Township did have an \$800,000 Capital need for roads this year, and he is confused as to where that stands. He asked how much is in the Capital Improvement Fund for the roads. Mr. Fedorchak stated they have set aside \$255,000 for road resurfacing for next year. He stated the target number for 2011 was \$650,000. He stated this is a difference of approximately \$380,000. Mr. Menard asked where this \$380,000 will come from since if they do not keep to a good road maintenance program, the roads will deteriorate and they will spend more money in repairs and other related expenses. Mr. Smith stated he feels the roads will be taken care of adding the Budget is fluid, and money will be moved around depending on the needs. He stated last year they had three significant snow storms which cost the Township additional money that was not anticipated. He stated last year they were fortunate to have some refinancing that was not anticipated, and they also had funds come in from recycling.

Mr. Caiola agreed that \$380,00 is a significant amount of money to make up. He stated in October they did discuss trying to get closer to this figure, and he asked Mr. Fedorchak if he foresees anything that could help this situation. Mr. Fedorchak stated when they close the books on 2010 and have hard numbers, he can look at the Budget across a number of funds and make recommendations to the Board.

Mr. Koopersmith stated it was the policy of the Board through the Budget Workshops in 2007 and 2008 when the revenues plunged, that this was exactly the way the Board was going to deal with the Township funding. He thanked Mr. McLaughlin for the way he is looking at the Budget.

Ms. Gail McFadden, 280 Marble Court, thanked Mr. McLaughlin for what he is doing for the Veterans. She stated they cannot expect Mr. McLaughlin to do this every year, and she feels if the Veterans Committee continues working, the Township residents and businesses would be more than happy to help. He stated the Seniors have been helped by the residents and businesses as well. She thanked the Supervisors for all they do and for working so hard on the Budget. Mr. Smith stated while the Board members may differ on some issues fundamentally, they all want to do what they feel is right.

Ms. Alexander, 257 S. Flint Court, stated with regard to volunteer work, when she walks she picks up trash; and other people should think about what they can do with their spare time. She thanked the Board of Supervisors for all the work they do. Mr. Smith stated when requests go out for help in the Township, the Township residents and businesses always come through.

Mr. Russ Davidson, 20 Manor Lane North, stated he is Commander of VFW Post 6393 and Finance Officer for American Legion Post 370. He stated they are very proud to be part of the community and thank everyone for their support. He stated the Veterans cannot do it alone, and he stated the willingness of the future generations to go to war is directly proportional to how they perceive the previous generations who went to war were treated. He thanked the Board of Supervisors for what they have done to help preserve the community and the American ideals. Mr. Smith stated it was a pleasure to participate in the Veterans Day Parade, and they look forward to when Veterans Square will come to fruition.

Mr. Jeff Benedetto, 22 Greenridge, thanked the Board for holding the line in the Budget as they did last year with no tax increase. Mr. Benedetto asked about the \$10 increase for leaf collection in 2011 which raises it to \$50. He asked that they expand on the need for future capital purchases, and Mr. Fedorchak stated they will need to purchase two additional leaf collection machines over the next few years which would cost approximately \$60,000 per machine. Mr. McLaughlin stated as the Township matures, the volume of leaves increases. Mr. Fedorchak stated they went from 22,000 cubic yards up to 27,000 cubic yards of material in one year. He stated they will still pick up the leaves twice a season. Mr. Smith stated when they discussed the leaf collection issue last year, it was an opportunity to advise the residents of the cost of the leaf collection; and after significant discussion, the majority of the residents indicated they wanted to have this collection and were willing to pay more money for it if necessary.

Mr. Dobby Dobson, 2028 Trowbridge Drive, stated Mr. Fedorchak indicated that the surplus in the General Fund at the end of 2010 would be \$867,000, and the projection for the end of 2011 is \$657,000. He thanked Mr. McLaughlin for suggesting the cuts and feels they need to go even further since people he talks to in the Township are concerned that they are reducing the surpluses. He stated most economists have indicated that unemployment will not be much better next year. He stated he does not feel revenues will be increasing much more, and they need to be careful about dropping the reserves. Mr. Fedorchak stated the Board is concerned about this as well, but added they are within Safe Harbor.

Motion carried to approve Resolution No. 2216 with the amendments noted by Mr. McLaughlin for a net reduction of \$62,000, increase in User Fees as noted with residents paying \$15 and non-residents paying \$36, and the Police hourly rate going from \$50 to \$60. Mr. Maloney opposed.

APPROVAL OF RESOLUTION NO. 2217 FIXING TAX RATES AND SPECIAL LEVIES

Mr. Stainthorpe moved, and Mr. McLaughlin seconded to approve Resolution No. 2217. Motion carried with Mr. Maloney opposed.

APPROVAL OF RESOLUTION NO. 2220 ESTABLISHING THE 2011 PARK & RECREATION FEE-IN-LIEU

Mr. Fedorchak stated Mr. Majewski has prepared these numbers, and Mr. Majewski stated the 2011 Park & Rec Fee-In-Lieu of dedication of land will be \$3,988 per unit. This comes from the developers as required by Ordinance.

Mr. McLaughlin moved, Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve Resolution No. 2220.

APPROVAL OF RESOLUTION NO. 2223 FIXING THE 2011 SEWER RENTAL RATES

Mr. McLaughlin moved, Mr. Caiola seconded and it was unanimously carried to approve Resolution No. 2223.

APPROVAL OF RESOLUTION NO. 2221 ESTABLISHING THE 2011 TRAFFIC IMPACT FEE

Mr. Caiola moved and Mr. Stainthorpe seconded to approve Resolution No. 2221.

Mr. Majewski stated the Township had done a Township-wide Traffic Study (Act 209) that looked at what improvements would be needed that should be funded by future development. As a part of that a base Fee was established a number of years ago, and that Fee is increased every year based on the Construction Cost Index. He stated this is for new construction and is paid per housing unit. Mr. Smith asked if Regency at Octagon will have to pay this Fee, and Mr. Majewski stated this is not applicable to that project because of the Stipulation Agreement. He stated it would be applicable to every other Land Development project.

Motion carried unanimously.

APPROVAL OF RESOLUTION NO. 2218 PROVIDING THAT NO EMPLOYEE CONTRIBUTIONS ARE NECESSARY TO FUND THE POLICE PENSION

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to approve Resolution No. 2218.

APPROVAL OF RESOLUTION NO. 2219 PROVIDING THAT NO EMPLOYEE CONTRIBUTIONS ARE NECESSARY TO FUND THE NON-UNIFORM PENSION

Mr. McLaughlin moved, Mr. Caiola seconded and it was unanimously carried to Approve Resolution No. 2219.

APPROVAL OF RESOLUTION NO. 2222 AUTHORIZING APPLICATION FOR A TRANSPORTATION ENHANCEMENT GRANT TO COMPLETE IMPROVEMENTS AT THE INTERSECTION OF EDGEWOOD AND HEACOCK ROADS

Mr. Fedorchak stated this is the Grant Application the Township was required to submit to PennDOT by November 30, and came to the Township's attention only a few weeks before that deadline. He thanked Mr. Majewski and TPD who worked very hard to put together this Application so that it could be submitted before the deadline. Mr. Fedorchak stated the project is part of the Automated Red Light Enforcement Program, and it focuses on intersections where there are existing traffic signals and they make certain improvements. He stated they selected the Edgewood/Heacock intersection and identified improvements there totaling \$600,000. Mr. Fedorchak stated it is their

understanding that there may be no local match required as PennDOT was not clear on that criteria. He stated they have submitted the Application, and they will report back to the Board of Supervisors once they get feedback from PennDOT. He stated approving this Resolution does not obligate the Township.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to approve Resolution No. 2222.

Ms. Virginia Torbert, Citizens Traffic Commission, stated this is an intersection the CTC identified in their initial report as needing improvements. She asked the improvements that are recommended. Mr. Majewski stated it would add left hand turn lanes on Edgewood Road in both directions. He stated there will also be some minor pedestrian improvements in that area to connect some of the different pedestrian paths. Ms. Torbert asked if PennDOT does not pay for all of this, is it possible they would be willing to simply put in left-hand turn signals even without the actual lanes; and Mr. Fedorchak stated it is possible they may only give the Township \$400,000, and they would then sit down with the professionals to see if they could reduce the scope of work to make it fit the \$400,000 Budget.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to the Leroy and Theresa Alexander Variance request to construct an addition resulting in encroachment into the special setback of River Road and the resource protected area and Floodplain District, it was agreed that the Township would participate.

APPROVAL OF EXTENSION FOR GATHERINGS AT YARDLEY

Mr. Caiola moved, Mr. McLaughlin seconded and it was unanimously carried to grant an Extension of time for the Gatherings at Yardley to April 15, 2011.

AUTHORIZE ADVERTISEMENT OF AN ORDINANCE AMENDING HEIGHT SETBACK ISSUES IN THE OFFICE/RESEARCH DISTRICT

Mr. Truelove stated this matter was discussed previously and is now up for consideration for advertisement only. He stated the proposal is to give flexibility for the remaining parcels in the O/R District. He stated this was generated through the experience with the Frankford/Aria litigation matter where they found that the Ordinance they were working

with was antiquated and not worded in a way that helped the Township in terms of the litigation. He stated while that Applicant has not filed for Land Development, this proposal would give the Township more flexibility in the review process should an Application be filed. He stated it would also be applicable to the remaining undeveloped parcels in the O/R District.

Mr. Truelove stated there are other Municipalities in the Southeast Pennsylvania region that have enacted similar Ordinances. He stated the other motivation was the enactment of the Low Impact Development Ordinance. He stated the purpose of that was to manage stormwater and other environmentally-conscious approaches to development. He stated the purpose is to allow a developer, if they are so inclined and the Township feels it is appropriate, to build a building slightly higher than what is currently allowed provided there is a commensurate increase in the setback from the roads. He stated what is proposed is an increase in height of a building of up to ten feet for up to one hundred feet of increased setback.

Mr. Truelove stated a landscape architect spoke about this matter during public discussion and indicated that he felt this was a good idea for aesthetic and other purposes. Mr. Truelove stated from an LID and footprint perspective, this does give the Township the ability to reduce the potential for run off; and the slight increase in height with the increased setback will not have the appearance of having a taller building. Mr. Truelove stated this gives the Township during the Land Development process more flexibility in reviewing the Plans.

Mr. Truelove stated the Board is only considering advertising the Ordinance this evening, and the matter will be up for a vote on January 19, 2011 when there will be an opportunity to discuss it further.

Mr. Truelove reviewed the current height restrictions, but added he feels the Ordinance as it is currently worded is unclear. Mr. Smith stated he understands that this means a building could have up to two more stories, and Mr. Truelove agreed.

Mr. Stainthorpe moved and Mr. Caiola seconded to approve advertisement of the Ordinance.

Ms. Irene Koehler, 25 Spring Lane, stated she is co-Chair of Residents Against Frankford/Aria. She stated she understands there are only two sites that would be impacted by this, and she feels they are giving Frankford two to three more stories without any setback. Mr. Truelove stated the proposed Ordinance does require additional setbacks if there is increased height. Ms. Koehler stated she feels this Ordinance should have been discussed with the EAC. Mr. Truelove stated the EAC did provide input, and Mr. Majewski stated the EAC will also have this matter on their next Agenda.

Ms. Koehler stated she is still concerned that they are granting the Hospital two stories or more plus equipment on the roof. She stated there are only two sites left. Mr. Truelove stated while there are four sites, there are only two that could take full advantage of this.

Mr. Caiola stated he would prefer to see something taller rather than a larger footprint, and Ms. Koehler stated she feels if it were taller it would become aesthetically more offensive. Mr. Caiola stated this is incorrect as they would be pushing it further back from the road. Mr. McLaughlin stated Mr. Maloney had provided a mathematical equation describing how this works. Mr. Maloney stated the basic premise is that the proportions that they allow the setback to go further compared to how much the building gets taller, actually makes the building look smaller from the road. Ms. Koehler stated she still feels it will help the Hospital, and she objects to this. Mr. McLaughlin stated something will be developed at that site; and if the Hospital does not proceed, it could become an office campus. He stated this Ordinance would allow the Township to control it in a much more environmentally-friendly and aesthetically-pleasing way. Mr. Maloney stated he would prefer that any building there be taller and further back from the road.

Mr. Zachary Rubin read the current Ordinance, and stated this proposal would raise it to five stories and 65' not including mechanical; and Mr. Truelove agreed. Mr. Rubin stated according to the proposed Ordinance it appears that there is a problem with the way it is written. Mr. Majewski agreed that there is a typo that needs to be corrected, and Mr. Truelove agreed to make that correction before the matter is advertised.

Ms. Bobby Moore stated she works for Prudential, and they have their offices at 1010 Stony Hill Road; and she would prefer that any building be set back further. She stated there is a lot of traffic existing at that location.

Motion carried with Mr. Smith opposed.

SUPERVISORS REPORTS

Mr. Caiola stated the Veterans Committee wanted to acknowledge all those in the community who have contributed this year to the Veterans Monument Fund. He stated they have been able to raise \$85,000 in a challenging economy through the generosity of local businesses, civic groups, religious institutions, Pennsbury Elementary Schools, area Boy and Girl Scout troops, and various non-profits. He stated they also received help from the Yardley-Makefield Fire Company, Makefield Women's Association, the Artists of Yardley, the Bucks County Performing Arts Center, and the Environmental Action Committee. They also thanked the many individuals who contributed as well.

Mr. Maloney stated with regard to the Golf Course, it has been a year since the new management company took over, and feedback from the Golf Committee and the public is unanimous that the management company did an outstanding job in terms of managing the Budget and delivering a top-notch service. He stated they have also invested in capital with the surplus they had in their Budget this year.

Mr. Maloney also thanked all the other Committees for the great work they did this year for no pay and no credit.

DISCUSSION OF BOARD VACANCIES

Mr. Smith stated there is a vacancy on the Zoning Hearing Board as well as vacancies on other Boards. He stated the Zoning Hearing Board is extremely important. He stated the vacancies are listed on the Township Cable channel, and he asked that those interested in serving send a letter of interest to the Township Manager. He stated the Board will conduct interviews after the first of the year.

CHAIRMAN'S CLOSING REMARKS

Ms. Smith stated this is the last meeting for 2010. He stated it has been a pleasure to serve as Chairman this year, and he appreciates the hard work done by the Supervisors, the volunteers on the Township Commissions, those attending their meetings, and those who watch at home. He stated his goal was to have civility on the Board and to exercise fiscal responsibility, and he feels they have met these goals. He stated he was proud to serve with his colleagues and the Township professionals. He stated he looks forward to working with his colleagues and his successor next year.

Mr. McLaughlin stated being Chairman is a very difficult job, and he feels Mr. Smith has performed with honor and distinction as have all of his colleagues on the Board.

There being no further business, Mr. McLaughlin moved, Mr. Caiola seconded and it was unanimously carried to adjourn the meeting at 10:05 p.m.

Respectfully Submitted,

Matt Maloney, Secretary

