

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – SEPTEMBER 21, 2011

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 21, 2011. Chairman Caiola called the meeting to order at 7:30 p.m. Mr. Smith called the roll.

Those present:

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

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

PUBLIC COMMENT

Mr. Stainthorpe stated he has been a candidate for office three different times; and whenever they get into the political season, there is a temptation that the Supervisors meetings are a terrific forum to run the campaign. Mr. Stainthorpe stated Public Comment at the last Supervisors meeting lasted one hour when typically it lasts for approximately twenty minutes. He stated all the candidates are present this evening; and out of the five candidates in the audience, four of them spoke at the last meeting; which is their right as citizens of the Township. He stated in 2008, he and Mr. Santarsiero were running for State Representative; and in January, they both agreed that they would not run their campaign at the Board of Supervisors meetings. He asked all the candidates to respect this; and while they have a right to speak and comment on anything that happens at the meeting, he would ask that the Supervisors meetings not be used as a forum for their campaign.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated at the last meeting she offered to take on a Lease for the Satterthwaite property and restore the property. She stated she wanted it clarified that she would not need to occupy the farmhouse in order to begin the restoration work.

Ms. Doan also stated there was justification for the sale of the Satterthwaite property because there was not sufficient income, and it was felt that it was costing the taxpayers too much money to maintain. She stated the farm acreage brings in approximately

\$15,000 a year, and the stone cottage has the potential to bring in about \$9,000 a year. She stated the Patterson House has the potential to bring in approximately \$52,500 a year or more. She stated the Artists of Yardley are really using it for Commercial purposes, even though it is Zoned Residential, since it is used as a school, and there are hundreds of people that attend functions there so really it is outside the realm of Residential; and this would put it into Commercial rent. Ms. Doan stated there is also garage rent that could be collected at approximately \$150 per month, so there is almost \$80,000 in rental income that is not being collected because of the way things are being managed now. Ms. Doan stated she feels that if changes were made, they could get the Farm restored in short order without selling off the parcel.

Ms. Doan asked if there has been a date set for the Dalgewicz Hearing, and Mr. McLaughlin stated he understands that it is at the Supreme Court of Pennsylvania, and they will define when the ruling will take place. Mr. Truelove stated they expect to get into Argument within a few months, but they have not yet received notification of an exact date. He stated at the earliest the Argument would be November or December. He stated it could then be six to eighteen months before they get a Decision.

Ms. Doan stated with respect to the Patterson house, she noticed that the copper gutters were removed from the house and replaced with aluminum. Mr. Fedorchak stated they were taken illegally some time ago. Ms. Doan asked if a Police Report was filed, and Mr. Fedorchak stated his staff took care of this. Ms. Doan asked if the Artists of Yardley have insurance that would cover the cost of replacement with the same material, and Mr. Fedorchak stated it was taken over a year ago which predates the Artists of Yardley coming there. Ms. Doan asked if an insurance claim was filed that would have enabled the Township to put back the copper gutters that were appropriate for the historic structure, and Mr. Fedorchak agreed to look into this and report back to Ms. Doan.

Mr. Sean Ragan stated he is present on behalf of his Uncle, Rick Ragan, who owns land in Lower Makefield. Mr. Truelove stated this involves the property at West Ferry and Big Oak Road near the Church of Latter Day Saints. Mr. Ragan stated he has mailed the Township a number of letters and has met with the EAC on two occasions with Mr. Bray and Mr. Goll regarding preserving the land in open space. He stated it is a seven-acre parcel on the corner of Big Oak Road and Ferry Road.

Mr. Fedorchak stated the EAC has made certain recommendations to the Board of Supervisors as far as what properties they feel the Township would be well advised to pursue as part of the Open Space Program, and this is one of the properties they are looking into.

Mr. Ragan stated the property is in an established Residential community and has mature woodlands, and they feel there is long-term value in seeing the property preserved. He stated his Uncle has owned the property for over thirty years, and has paid over \$200,000

in taxes. Mr. Ragan stated they understand that there are funds available to the Township to preserve land. He stated if there is an opportunity to discount the sale of the land based on the appraisal price so that it would count toward the 25% contribution the Township is required to meet for the Bucks County Open Space Program, they would be open to this possibility so that the Township would not have to expend any of its own money.

Mr. Caiola stated they have been discussing this property since they felt this was a good location not to have additional houses.

Mr. Fedorchak stated he has formally engaged an appraiser. Mr. Ragan asked when the Board would be looking into purchasing the land, and Mr. Caiola stated the appraisal is a critical step, and he would like to see this happen before the end of the year. Mr. Ragan asked if there is a deadline when the Township has to use the funds, and Mr. Fedorchak stated it is 2017.

Mr. McLaughlin asked if there is a way for the Township to mediate its contribution requirement, and Mr. Truelove stated this is a possibility.

APPROVAL OF MINUTES

Mr. Smith moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the Minutes of 9/7/11 as written.

APPROVAL OF SEPTEMBER 6, AND SEPTEMBER 21, 2011 WARRANT LISTS AND AUGUST, 2011 PAYROLL

Mr. McLaughlin moved, Mr. Stainthorpe seconded and it was unanimously carried to approve the September 6, and September 21, 2011 Warrant Lists and August, 2011 Payroll as attached to the Minutes.

APPROVAL OF ENACTMENT OF ORDINANCE WHICH AUTHORIZES THE ISSUANCE OF BONDS TO REFINANCE THE 2006 GENERAL OBLIGATION SERIES

Mr. Zach Williard, Consultant, was present with Mr. Bucky Closser, Bond Counsel. Mr. Williard stated they had the Auction today to refund the 2006 Bond, and it was very successful and was a record Auction. He provided this evening the Final Financing Report. He stated this was a good time to refinance the bond given the economy.

Mr. Williard noted Pages 1 and 2 of the Report which is the Bid Summary. He stated there were six firms involved with seventy-two total bids, and Morgan Keegan was the winning bidder. Mr. Williard noted Page 3 shows the interest rates with a final maturity of 9/1/31 which is the same final maturity as was the bond being refinanced. He stated Page 5 shows that they will close on October 27, 2011; and the yield of the issue is 2.80. Mr. Williard stated Page 6 shows that they will have a total savings of \$1.15 million. Mr. Williard added Moody's confirmed the Township's AA1 rating which helped with the Bid.

Mr. Truelove stated he has the items members of the Board need to sign this evening. Mr. Closser stated they have prepared and advertised the Ordinance for consideration this evening which basically accepts the Bid and authorizes the necessary action to work toward closing on October 27, 2011.

Mr. Stainthorpe moved, and Mr. Smith seconded to approve the Ordinance as presented by the Bond Counsel.

Mr. Joe Menard, 917 Putnam Drive, asked if the \$1 million savings is net or gross, and Mr. Williard stated it is net of all expenses.

Motion carried unanimously.

UPDATE ON MUNILOGIC IMPLEMENTATION

Mr. Fedorchak stated at the conclusion of the last meeting, the Board directed him to look into what hardware requirements would be necessary in order to make the system compatible to what the Township has. Mr. Fedorchak stated he had a discussion with the Township's IT representative who has recommended a dedicated server at a price of approximately \$5,000. Mr. Fedorchak stated they had Budgeted \$40,000 for this changeover; and the Munilogic software will cost approximately \$35,000 so that with the additional \$5,000 for the hardware, they will be at the Budget.

Mr. McLaughlin stated there was a concern expressed at the last meeting about the infrastructure in the "back office;" and Mr. Fedorchak stated all of the "key players" have the right infrastructure and software in place to utilize the system once it is up and running. He stated over the course of time they may need to upgrade a computer or a printer, but this will not hinder getting the system on line and running.

Mr. Smith asked when this project will begin, and Mr. Fedorchak stated he will meet with the representatives of Munilogic to determine this. Mr. Smith asked how the Township employees feel about this system, and Mr. Fedorchak stated he feels they are very positive.

APPROVE GRANTING EXTENSION OF TIME TO FIELDSTONE AT LOWER
MAKEFIELD

Mr. Stainthorpe moved, Mr. Smith seconded and it was unanimously carried to grant an extension of time to Fieldstone at Lower Makefield (496-N) to December 30, 2011.

APPROVE GRANTING CERTIFICATE OF APPROPRIATENESS FOR 1730
YARDLEY-LANGHORNE ROAD

Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to grant a Certificate of Appropriateness for 1730 Yardley-Langhorne Road – T.P.N. 20-14-8 to repaint the exterior of the building.

ZONING HEARING BOARD MATTERS

With regard to the Thomas J. Mack Construction Appeal of the determination of the Zoning Officer for the property located at 1705 Westover Road stating the existing conditions predate current Zoning Ordinance impervious surface requirements and a Variance to remove a screened porch and construct an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Mr. Maloney stated the Park & Recreation Board discussed the Samost Tract and the Memorial Park installation.

Mr. Smith stated the Planning Commission had another presentation on Flowers Field.

Mr. Smith stated the Citizens Budget Commission is working on a recommendation for the Board of Supervisors on inter-Governmental transfers, and this will be put on an upcoming Board of Supervisor meeting Agenda. Mr. Caiola asked Mr. Menard if he feels this could be ready for the Board's first meeting in October, and Mr. Menard stated they will have something to the Board by the end of the week subject to Mr. Fedorchak's approval and should be available for discussion at the Board of Supervisors' first meeting in October. Mr. Smith stated they are also working getting ready for the Budget Sessions for the 2012 Budget. Mr. McLaughlin asked if there are dates set for the Budget Sessions, and Mr. Caiola stated usually they start them in late October/early November. Mr. Caiola stated he feels they should establish the schedule the first meeting in October.

Mr. McLaughlin stated the Lower Makefield Township officials, Special Events Committee, and Veterans Committee invite everyone to participate in the Fifth Annual Veterans Day Parade which will take place on Sunday, November 13 beginning at 1:00 p.m. He stated they are looking for organizations that would like to walk in the Parade to honor the Veterans. He asked those interested to contact the Township Special Events Committee or Veterans Committee.

Mr. Stainthorpe stated EMAC has done an outstanding job as an advisory committee in moving things forward in the Township with regard to electronic media. He stated when the Board of Supervisors made the decision to change their role from just monitoring the Cable providers to helping to improve the Township's electronic communication, they set out and met their goals of putting the Supervisors' meetings on the Township Website, improving the Township's Cable TV Channel, and improving the look of the Website. He stated the Committee only meets every other month and takes the summer off, but have been able to accomplish all of their goals. He thanked Mr. Zachary Rubin and the Committee members for a job extremely well done.

Mr. Caiola stated on October 29 the Citizens Traffic Commission will be holding their fourth safe driving event at the Pennsbury High School. He stated flyers will be available indicating the session times, date, and discussing the program. He stated it will be co-sponsored by LFYT and other organizations. He stated they want to get young drivers and their parents to the event to discuss safe driving habits.

Mr. Caiola stated the Bucks County Performing Arts Society is holding a fundraiser on October 6, and information is available on the Township Website. He stated this organization is thirty-five years old and is funded by the Township and private donations. He stated it is the only organization in the area providing eclectic arts performances for all ages. He stated they are also looking for volunteers and to raise more money to take pressure off of the funding given by the Township.

Mr. Caiola stated the Artists of Yardley will be participating at Harvest Day on October 6.

Mr. Caiola thanked all the volunteers for the work they do in the community.

APPROVAL OF RESOLUTION ON DECLARATION OF DISASTER REGARDING TROPICAL STORM LEE

Chief Coluzzi asked the Board to approve by way of a Resolution a Declaration of Disaster for Lower Makefield Township regarding Tropical Storm Lee. He stated this Declaration would enable the Township to recover funds if/and when available from FEMA.

Mr. Stainthorpe moved, Mr. Maloney seconded and it was unanimously carried to approve the Resolution.

APPROVE DIRECTION TO SOLICITOR REGARDING CONSOLIDATION OF TAX PARCELS FOR PATTERSON FARM

Mr. Truelove stated as part of their efforts going forward to do the Bid documents for the Patterson Farm, they discovered when they attempted to file the Mylars, that two small parcels which are part of the larger parcel of the Patterson Farm, but not those involved in the Subdivision, had never been merged or consolidated into the larger parcel which they need to do in order to subdivide from the larger parcel. Mr. McLaughlin stated this has nothing to do with the Satterthwaite House, and Mr. Truelove stated it does not.

Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to direct the solicitor to file the necessary papers with the Recorder of Deeds to consolidate Tax Parcel #20-16-38 and #20-16-39 into Tax Parcel #20-16-49.

RACP GRANT – AUTHORIZE EXECUTION OF CONTRACT WITH THE STATE

Mr. Fedorchak stated the Community Center Committee met Monday night with all Committee members in attendance, and Mr. Majewski made a presentation laying out approximately one dozen different Township-owned sites within the Township where it would be possible to locate a Community Center. The Committee evaluated all of the sites and has come up with a short list of approximately five to six sites, and in one month they will schedule a site visit which the Supervisors could also attend. He stated they will then decide the next step.

Mr. Caiola stated they had previously discussed restrictions on the site, and Mr. Fedorchak had confirmed that they could use any Township property and not just the Patterson Farm. Mr. Fedorchak stated the Board of Supervisors could locate the Community Center anywhere within Lower Makefield Township; and it would not have to be located on public property, although in this case, they feel it makes the most sense

to go in that direction first. Mr. Fedorchak stated this was the last outstanding issue, and he asked the Board to approve the execution of the Contract with the State relative to this issue.

Mr. Maloney moved, Mr. McLaughlin seconded and it was unanimously carried to approve execution of the Contract with the State.

OTHER BUSINESS

Mr. Smith noted that Mark Ellison who serves on the Special Events Committee has recently undergone surgery, and he asked everyone to send him their best wishes and prayers.

Mr. Maloney stated at the last meeting they discussed the need for discussions with PECO following the storm; and Mr. Fedorchak stated he did speak to a PECO representative, and they are planning on scheduling a meeting to determine what evaluation process PECO should engage in and establish time lines. He hopes to have the PECO representative before the Board of Supervisors in the next two to three months. Mr. Fedorchak stated he would welcome a Supervisor to attend the meeting with the PECO representative.

Mr. Maloney stated he feels the follow-up to the Munilogic presentation was appropriate in the concept of what they need to get this done; but comments he has heard peripherally outside of that discussion about the datedness of the building's computers, is giving him concern. He stated he has heard that some of the machines are running Windows 98. Mr. Maloney stated Mr. Fedorchak's task would be an uncertain and unfavorable agenda of balancing both the books and priorities which oftentimes are in conflict with each other. He stated Mr. Fedorchak's job is primarily to make sure it gets done; and the job of the technician is to make sure if something breaks, it gets fixed. He stated he feels a reasonable project for the EAC would be to do a comprehensive inventory of what the Township has in terms of technology and consider recommendations.

Mr. Stainthorpe stated while he agrees with Mr. Maloney, EMAC is really about communications and not really the internal working; and he asked that this be tasked back to the Township Manager. Mr. Maloney stated they have discussed how much Mr. Fedorchak has to do, and Mr. Fedorchak stated he would like to delegate this to the Township's IT professional to develop a Capital Improvement Program since he understands the system. Mr. McLaughlin stated he would like to have this discussed during the Budget session. Mr. Fedorchak stated he would like to bring Jay in to discuss this with the Board.

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There being no further business, Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 8:15 p.m.

Respectfully Submitted,

Ron Smith, Secretary