

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – FEBRUARY 4, 2015

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on February 4, 2015. Ms. Tyler called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors: Kristin Tyler, Chair  
Dan McLaughlin, Vice Chair  
Jeff Benedetto, Secretary  
Dobby Dobson, Treasurer  
Ronald Smith, Supervisor

Others: Terry Fedorchak, Township Manager  
Jeffrey Garton, Township Solicitor  
Mark Eisold, Township Engineer  
Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road, expressed concern with the State debt and finances of the Pennsbury School District.

Mr. Tom Conoscenti asked if a revised Application was submitted for the Patterson Farm open space, and Mr. Fedorchak stated it was. Mr. Conoscenti asked if there is a copy of the revised map available, and Mr. Fedorchak agreed to check that this was posted on-line. Mr. Conoscenti asked who will be overseeing the Application through the process, and Ms. Tyler stated this will be done by the Township Manager.

Mr. Conoscenti stated the subdivided Satterthwaite Parcel on Patterson Farm has not been sold, and the buildings are deteriorating. He stated the Township continues to use an area for the leaf collection program as well as the large bank barn. He stated he is looking for a solution that would relieve the Township taxpayers of the expense of maintaining/rehabbing the Satterthwaite House and moving the sale forward for this R-1 parcel. Mr. Conoscenti stated he is also looking for a solution that would preserve the public and Township access and use of the leaf pile area and the bank barn. He stated he would propose that they further subdivide the 5.14 acres into two parcels consisting of one that includes the access road, the leaf pile area, and the bank barn area and another of approximately 2.3 acres that includes the portion fronting and closest to Mirror Lake Road.

He urged the Board of Supervisors to act with urgency so that they can take advantage of the current conditions in the real estate market and not wait for it to go through another down cycle.

Ms. Tyler stated at the moment they are tied from taking any action on this property. Mr. Garton stated although he is not actively participating in this, there is an Appeal pending from the Denial by the Zoning Hearing Board of the relief. Mr. Benedetto asked Mr. Garton why this is taking so long adding that he understood that Ms. Kirk, the Zoning Hearing Board solicitor, had sent a letter at least six months ago to the Applicant's attorney to get this on the docket. Mr. Garton reiterated that he is not participating in this matter. He stated he would be willing to contact Mr. VanLuvanee, Mr. Murphy, and Ms. Kirk and report back at the next meeting.

Ms. Tyler asked if Mr. Conoscenti had any information about this matter; and Mr. Conoscenti stated Mr. VanLuvanee is his attorney in this matter, and as of early January when he last spoke about this, there has been no action at all. He stated if there is to be any action, it has to be by Dr. Bentz to pursue her Appeal. He stated nothing can move forward until Dr. Bentz requests a Rule 27 Conference. Mr. Garton stated Mr. VanLuvanee could request this since any participant can request a Rule 27 Conference. Mr. Smith stated he feels there should be some time limitations. Mr. Garton stated any one with Party Status can request a Rule 27 Conference with the Court. He also noted that the Pennsylvania Supreme Court has certain rules with respect to the prompt disposition of matters; and the Judge assigned will soon fall within that list of cases that have not been resolved, and a Case Management Order will be entered. Mr. Garton agreed to reach out to Ms. Kirk, Mr. Murphy, and Mr. VanLuvanee for an update.

Mr. David White, Yale Drive, stated there are new markings on Stony Hill Road, and he asked if there has been any notification from the Railroads as to the proposed construction start dates or the closure of the crossings. He asked if they will also repair the existing two tracks. Mr. Eisold stated SEPTA been good about notifying the Township when they are doing work, and he has not heard anything since they laid the tracks out. He stated they did talk to SEPTA about the existing condition of the current tracks, and he e-mailed SEPTA that the Township was concerned about the existing conditions and continuing deterioration of the wooden beams; and they agreed to look into this and make it a part of the project.

Dr. Helen Heinz, 1355 Edgewood Road, expressed her concern about comments made at a previous meeting about certain buildings in Edgewood Village being considered “blight.” She reviewed the importance of the homes with respect to the history of African-Americans in Lower Makefield. Mr. Benedetto noted the Freeman’s Farm development where the developer sought to change the name of the development to Reserve at Yardley, and the developer did agree to use the word Freeman in one of the streets.

Dr. Heinz stated with respect to the home in Edgewood Village that was previously discussed in relation to the Delorenzo’s proposal, she feels the owners of the property should be “held to task.” She stated the building she saw proposed for Delorenzo’s was incredibly large for the site. Dr. Heinz stated when they created the TND they looked to create a Village, and they were looking for small little houses; and what the developers are presenting is not what they were looking for. Ms. Tyler stated the HARB Board does review all the Plans, and anything that takes place in the Historic District goes through an even more stringent development review process than other developments go through. Dr. Heinz stated what is goes in along the street edge needs to be addressed as a “small Village” and not as a Town like Newtown. She stated they could have connections through back passages, but they should not have something three stories high with massive frontages and extreme parking lots.

Mr. Smith thanked Dr. Heinz for information she provided him recently regarding the history of taverns in Lower Makefield. He also noted that he understands that they have an obligation historically to pass onto the next generation.

#### APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve the Minutes of January 21, 2015 as written.

#### PRESENTATION OF ENVIRONMENTAL STEWARDSHIP AWARD TO AFTON ELEMENTARY PTO

Mr. James Bray, EAC, stated the Afton Elementary PTO created a garden in the courtyard of the School. He stated the garden is organic, and he feels this is a good example of teamwork by the parents, the PTO, the Administration, and the children.

Mr. Dave Kelliher, Chairman of the Garden Committee, presented a slide show of the garden project. He noted Shady Brook Farm donated the soil and Sandy Guzikowski, a local farmer, helped with the planting. He also thanked Waste Management, the Afton PTO, the Afton parents and teachers, and the Lower Makefield Environmental Advisory Council for this award.

Ms. Tyler stated she knows that this garden not only teaches the children about sustainable foods, but it is also an area where the children can meet and do classwork.

Mr. Bray read the words from the plaque into the record, and parents and children involved who were present this evening were introduced. Ms. Tyler presented a donation to the Afton PTO in the amount of \$500 on behalf of the Township.

#### DISCUSSION ON REGULATING OF BAMBOO

Mr. James Bray and Mr. Alan Dresser of the EAC were present with resident, Ms. Phyllis Maguire. Mr. Dresser stated they would like input from the Board on whether the Environmental Advisory Council should go forward with an Ordinance on the control of running bamboo. He stated approximately one month ago Ms. Maguire sent a letter to the Township describing an on-going situation she has with a neighbor's bamboo which is aggressively crossing her property line and spreading into her yard which has resulted in a major burden and expense. Mr. Dresser stated she also indicated in her letter that a number of Municipalities in this area of the Country have passed Ordinances for the control of running bamboo; and Mr. Dresser stated the Municipalities in the immediate area that have passed Ordinances include New Britain, Doylestown, and Yardley Borough.

Mr. Dresser stated the EAC has looked into this, and they feel the Board should consider an Ordinance which would be similar to the Ordinances regarding open burning and noise. He stated if the Board is in favor of this, the EAC will draft an Ordinance to be reviewed by the Planning Commission and the Township solicitor and hopefully come back in the spring with a proposed Ordinance for the Board's consideration.

Mr. Bray discussed the invasive nature of running bamboo which may be one of the most invasive plants that has ever entered the United States. He stated some of them can grow 20' to 45' high, and can grow 2' in a day. He stated they are resistant to herbicides and it takes repeated doses to kill the root structure. He stated it can spread up to 20' in a year by underground rhizomes. He stated the problem with invasive plants like bamboo is that they have no natural "enemies" in this Country to

keep them in check. He stated in order to dispose of the bamboo, you need to dig up the roots which could be 36" deep and burn them which is a very difficult procedure. He stated the plant is ruinous to structures, and he has seen photographs where it has pierced swimming pools, basements, and concrete.

Mr. Bray stated they have reviewed some of the existing Ordinances, and Mr. Garton has indicated that he is in the process of drafting an Ordinance of this type for Newtown Township. Mr. Bray stated in general these Ordinance stipulate that for new plantings, the running bamboo must be placed in a contained planter or you have to prepare an underground depository that is vinyl coated with thick vinyl to prevent any lateral movement of the plant. He stated some Municipalities also stipulate that you cannot have an existing grove within 40' of the edge of any pavement or public thoroughfare and that it can be no closer than 10' to any other property line.

Mr. Bray stated Pennsylvania has a noxious weed list on which there are approximately fourteen plants; however, bamboo is not on that list. He stated he recently spoke to a specialist at the Pennsylvania Department of Agriculture, and he asked why bamboo was not on the list; and she indicated that they are drafting new Legislation in Pennsylvania which has bi-partisan support which will stratify them by risk, and she feels running bamboo will be one of the main contenders to be put on this new list. Mr. Bray stated it is anticipated that this will occur the end of the year, although he is concerned that it could take at least two years to be put in place. He stated once the running bamboo is put on the noxious weed list, its sale, growth, and transportation is strictly prohibited. Mr. Bray stated if an Ordinance is passed, a property owner could not have bamboo on their property encroach within 10' of the property line or 40' to the public right of way; and if they do, abatement would have to take place. He stated if abatement does not take place, fines could be levied in a very similar fashion to the noxious weed Ordinance that is already in effect in Lower Makefield.

Ms. Phyllis Maguire, 1100 Buckingham Way, stated they moved into their home in 1986 and they share their western border of approximately 300 to 400 feet with one neighbor. She stated in 1986 about 50' of that border on the other side of their fence on the neighbor's side had been planted with bamboo. Ms. Maguire stated when she moved here, she knew nothing about invasive bamboo which is what was planted at her neighbor's home. She stated it was also planted incorrectly without an underground barrier which is designed to contain the lateral growth of the rhizomes which can grow through foundations in several directions up to 20' every year. She stated they almost immediately began having problems not with the rhizomes which are underground but with hundreds of the bamboo falling over their fence and needing to be removed. She stated they did not know about the

underground rhizome problem for years. Ms. Maguire stated the neighbors' stance has always been that it is her problem, and that the bamboo was there when Ms. Maguire moved in.

Ms. Maguire stated they approached the Township in the last 1980s and there was nothing in the Ordinances that applied. She stated her husband did discuss with Mr. Dillon, the Township Manager at that time, that because the bamboo is 35' to 50' tall it would constitute a "fence" because it is directly on her property line and was therefore in violation of the fence height restrictions. She stated Mr. Dillon did not agree with that argument; however, he did have to send a letter to this neighbor on an unrelated matter, and at the bottom of the letter he included a note that the bamboo was encroaching on other properties, they had received complaints, and he asked that they remove this growth. She stated twenty-five years later that request has still not been complied with, and now the original 50' has grown an additional 50' to the south on the common border and to the north along the common border it has extended more than 400' and onto another adjacent property. She stated the only reason it has not gone further is because of the Canal, and it is spreading along the Canal. She stated the rhizomes have also grown east into her property and up to 80' from the property line so they have hundreds of square feet of their property invaded with rhizomes which have invaded a stone fence will now need to be dismantled, and the root system of 150 year old trees. She stated last spring she spent sixty hours breaking off 3,000 bamboo shoots. She stated if she was not vigilant about this, one third of her property would be a bamboo grove. She stated the only way to remove the rhizomes is with a bulldozer to take out the top two to three feet and then replace the soil and re-seed it all of which would be a waste of time if the original mistake is not corrected which is the neighbor's root system needs to be contained with an underground barrier.

Ms. Maguire stated the estimates she has received to remove the rhizomes from her property and for placing a barrier on her own property would cost between \$14,000 to \$28,000. She stated the estimate for a lawsuit which, in the absence of an Ordinance, is her only recourse is approximately \$25,000. She stated this is the potential financial liability they have currently to correct someone else's mistake. She stated her property has also been "stigmatized" which will impact the value of her home and their ability to sell it. She stated this proposed Ordinance would assign accountability so that if you want to grow this plant, you need to make sure that you contain it and maintain it and not have it invade other properties; and this would be a big step forward.

Mr. Bray stated the genesis of the Yardley Borough Ordinance was from a woman who had a next door neighbor who had a huge growth of bamboo which ultimately encroached onto the woman's property, and she wanted to sell her property, and the real estate professional who looked at it indicated that she could not ethically market the property in the shape it was in until the situation was resolved.

Ms. Tyler asked Mr. Garton what remedy the residents would have without an Ordinance; and Mr. Garton other than a prime equity action on a trespassing theory, they would not have any remedy unless the Township would regulate the bamboo. Mr. Garton stated the Newtown draft provides standards if you want to plant bamboo, and you have an obligation to contain it within your property; and if you fail to do so, you are subject to citations, and the Township has the right to remove it and charge the property owner and place a lien on the property for the cost on the basis that it is a public nuisance. Mr. Garton stated if the bamboo was adjacent to smaller-sized properties, it could go from one neighbor into the next neighbor; and Ms. Maguire was very accurate in her assessment of the problem. Ms. Tyler stated she is familiar with this since she has a similar situation on her own property where the barrier installed failed, and she has dug up over 200' of the runners. She stated a barrier also had to be installed on her own side of the fence. Ms. Tyler stated she recognizes that this is a serious problem, but the Board needs to discuss if this is something the Township wants to regulate and what "teeth" would be in any contemplated Ordinance. She stated she questions how this would work were the Township to put themselves in this situation and whether Public Works would have to be involved digging up bamboo on private property.

Mr. McLaughlin asked how "grandfathered" properties would be treated, and he asked if this Ordinance would be retroactive to existing conditions. Mr. Garton stated it would require the containment on your property for both new and existing bamboo because it is a trespass. Ms. Maguire stated most of the Ordinances do have requirements for new and existing plantings. She also stated that many of the Ordinances have included the banning of planting of any new bamboo going forward.

Mr. Dobson asked Mr. Bray if they have any idea as to the number of properties that have this problem in the Township. Mr. Bray stated they do not; however he walks the Canal daily, and in the last five years the Canal is blossoming with bamboo. He stated walking north one day following a snowstorm, he was unable to proceed because of fallen bamboo.

Mr. McLaughlin asked Mr. Fedorchak if they have received any other complaints, and Mr. Fedorchak stated they have not.

Mr. Smith stated since seeing this issue listed on the Agenda on Friday, he researched the matter and found that what Mr. Bray has indicated is mostly correct. He stated he is concerned about the issue of enforcement and the expense to the Township to enforce this as well as the expenses to the residents who have it on their property to remove it. He stated he would like to see some sample Ordinances to see the potential burden to the residents who have the planted bamboo on their property as well as the residents who did not plant it but who are being victimized by it coming onto their properties.

Mr. McLaughlin stated he feels it would be unfair to put a financial burden on someone who planted the bamboo on their property when it was not a violation to have planted it at the time. He stated he would like to see an Ordinance that would prohibit it from this point forward. He stated he does believe that this is an invasive species that really provides no value in the future. Mr. Garton stated according to most Ordinances he has seen the "grandfathering" would relate to containment, and they could not let the bamboo leave the property or encroach into rights-of-way.

Ms. Tyler asked Mr. Garton if he has seen any Ordinances that would help Ms. Maguire with her current situation. Ms. Maguire stated many of the Ordinances she has seen indicate that for existing bamboo, you have to make sure that it is contained usually with a barrier; and the bamboo is not allowed to invade other properties.

Mr. McLaughlin stated he feels the Board also needs to understand the extent of this problem in the Township. He stated he wants to make sure any new Ordinance is fair and equitable to both parties. Mr. McLaughlin asked Ms. Maguire if her neighbors do not see this as a problem; and Ms. Maguire stated they feel that since the bamboo was there when she moved in, she somehow tacitly agreed to it. She stated a major portion of her back yard is now infested with bamboo, and her ability to use her land has been "high jacked" by someone else's mistake. Ms. Maguire stated she has not seen any Ordinances that would completely eradicate bamboo; and what they are discussing would still allow people to grow bamboo if they wish to, but they would need to contain it with a barrier. She stated her neighbor would still be able to have the acres of bamboo that they have. Mr. McLaughlin asked how far it would have to be contained from the property line, and Ms. Maguire stated this varies. She stated Yardley requires ten feet from the property line, and she believes that Doylestown requires twenty-five feet. Ms. Maguire stated in some places her neighbor has bamboo that is a couple hundred feet deep.

Mr. Dobson asked Mr. Bray if the EAC has discussed any recommendations; and Mr. Bray stated while he and Mr. Dresser have discussed the issue, the EAC Board will meet next week, and this will be an Agenda item. Mr. Bray stated he feels the new plantings can easily be regulated but the Ordinance must address containment. He stated he feels what essentially is happening is the same thing that would happen if your neighbor moved their fence one foot a day onto your property.

Ms. Tyler stated she feels that the Board would like to have this matter explored further, and she asked those who have an issue with bamboo to attend the next EAC meeting or send an e-mail to the Township Manager so they can find out if this issue is effecting other residents. Ms. Tyler stated she is also concerned about the bamboo impacting the towpath. Mr. Bray discussed the extent of the bamboo along the Canal. Ms. Tyler stated she would also like to know if there is any bamboo on Township property.

Mr. Smith stated there is a full disclosure form required to be completed when you sell property in Lower Makefield so that potential buyers would have to be made aware of this issue. He stated he is also concerned that there may be Senior citizens or others living on a tight budget who have planted this on their property and the Township might be sending them a letter to correct the bamboo situation at considerable expense. He stated he would still encourage the EAC to follow up on the issue.

Mr. Benedetto stated from what has been described by Ms. Maguire he does not feel her neighbor will correct the situation even if an Ordinance is passed, and he is concerned about Township enforcement which he feels is an issue in general with the Township enforcing some of the Ordinances. He stated he is not in favor of passing another Ordinance that they are not going to enforce. He stated he believes in limited Government; and while he feels what Ms. Maguire is going through is unfair, it would become a burden to the Township to take this on by passing this Ordinance which would have to be enforced and becomes an expense to the Township taxpayers. Mr. Benedetto stated if there is consideration under Pennsylvania law to add running bamboo to the noxious list by the end of the year so that it would be prohibitive, he feels the Township passing an Ordinance would be duplicative of what they are trying to accomplish since Pennsylvania law would handle this. Mr. Benedetto stated he understood from Mr. Garton that this could be handled through trespass or nuisance, and this is an enforcement issue that Ms. Maguire has. Mr. Benedetto stated he discussed this with Ms. Kirk who indicated that under the Property Maintenance Code, the law allows enforcement of a summary expense which imposes a \$1,000 a day fine. Mr. Benedetto stated there are already laws on the books that could be enforced, and he is not in favor of

passing another Ordinance since he believes in limited Government. He stated they always talk about too much regulation, but they keep coming up with more regulations. He feels if there is something already there, he would prefer that it be taken care of that way.

Ms. Maguire stated she feels that this is an area where Municipalities need to establish regulations. Mr. Benedetto asked about the State, and Ms. Maguire stated she is not sure what it means when a plant is on an invasive list. She stated the tide has turned with regard to invasive species, and people are now aware of what these invasive species can do; and Ordinances have begun to be passed more recently.

Mr. Benedetto asked Ms. Maguire if she will proceed with a lawsuit if they do not pass an Ordinance, and Ms. Maguire stated she would; and this is the situation the Township is putting landowners in. Mr. Benedetto asked if an attorney indicated it would be a nuisance action, and Ms. Maguire agreed that it would be a continuous nuisance. Mr. Benedetto stated if there is existing law in place, he feels they should proceed with that since it appears that those homeowners understand that they are doing something wrong but they continue to do it; and if the Township passes another Ordinance, they will still continue to do it.

Ms. Tyler asked that the EAC compile some Ordinances that have been passed in other Municipalities and States. She also asked Mr. Garton to do some research about recent cases. She suggested that Ms. Maguire contact Ms. Kirk about the Property Maintenance Code. Mr. Garton stated the Property Maintenance Code relates to trash, debris, etc., but he will look into how it relates to bamboo.

Mr. Benedetto stated you can see what bamboo does at Scammell's Corner. He stated there is also a wall of bamboo on Spring Lake.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated in effect Ms. Maguire's neighbor has taken Ms. Maguire's property. Ms. Tyler stated that would be a legal conclusion and a Court would have to decide this, and this is why she is asking the Township solicitor to look into this. Mr. McLaughlin stated a Court would have to decide the issue of trespass.

Ms. Tyler asked that interested residents attend the next EAC meeting when this will be discussed.

Mr. Bray noted the plant specialist he spoke to at the Department of Agriculture sent him a number of Ordinances which he could email to the Board and the Township solicitor.

## DISCUSSION AND MOTION TO TOWNSHIP MANAGER TO PROCEED ON CONTRACTING OUT SEWER BILLING SERVICES

Mr. Fedorchak stated during the Budget Workshops, he recommended to the Board that they consider looking into the feasibility of outsourcing the sewer billing. He stated they have done this in-house for the last forty years. He stated there are two full-time employees who are dedicated to that task. He stated Ms. Lynne Allaker is the consultant who was hired, and she is exceptionally well credentialed in this field.

Ms. Allaker reviewed her experience in billing, collections, and customer service; and she stated she started working with the Township in November. She stated one of the two members of the team who is experienced in this is planning to retire so it was decided to consider what would be the right way to deliver the services moving forward. She stated one benefit of contracting out this service is risk mitigation. She stated currently there are only two employees trained to do this complicated manual process; and when one of them retires, there will only be one employee. She stated if they were to replace and train another person, there would still be a risk if there were illness or the loss of that staff and the work may not get done or get done properly. Ms. Allaker stated currently it is a time-consuming operation, and a lot of manual work is required of these two staff members to generate the bills accurately; and by contracting out this work, a lot of that manual work should be automated with the technology they would have available.

Ms. Allaker stated she also feels that there would be benefits to the residents since currently the services offered are quite basic and only cash and check payments are accepted. She stated if this were to be contracted out, there could be enhanced services which would include new payment options for residents including credit card and debit card payments and automatic payment from the customer's bank account. She stated there would also be the opportunity to enhance the bill itself moving away from the "post-card bill to a proper bill." She stated this would give the Township the opportunity for better communication since they could include bill messages each quarter about their bill or other activities that may be happening in the Township. She stated they also looked into introducing options such as electronic billing so that the residents would not receive a paper bill but access the bill on-line. They could also access transaction history of bills and payments on-line. Ms. Allaker stated they would also ask the vendor to do customer care for any calls, e-mails, or letters pertinent to the billing operation; and they would be expected to handle those and demonstrate how they would do this in a timely, courteous, and knowledgeable way. Ms. Allaker stated the Township does not want to lose connection with their residents, so in parallel to that the residents would be getting better service but also still be able to come to the Township office and talk to the Township staff and get full service. She stated what they are proposing would not

take away access by the Township staff to data or customer information with regard to the billing operation, and they would still have full access and still be able to make changes to bills, take payments if required, and maintain their relationship with the residents.

Ms. Allaker stated there is an opportunity to contract with a vendor who would be able to continue to add enhancements and improve services moving forward. She stated the services she is listing are the billing services, processing payments, enhanced options, and customer care. She stated they are presenting this with the request to be able to move forward to issue an RFP with the proposal that Bids would be closed on April 30 so that they can access the Bids, interview Bidders to insure that they can demonstrate that they can do what they include in the proposal, and they would come back to the Board at some point after May 29 to present the findings and make a recommendation for Approval.

Ms. Tyler asked how she foresees residents still being able to come to the Township Building to get full service. Ms. Allaker stated currently there are a lot of customers that come to the Township Building asking about their bills and also making payments with cash or check. She stated this could still happen following this implementation. She stated currently customers can also send in their check to the Township which must then be opened by the Township employee, processed, and deposited to the Bank; and the difference would be if they introduced the service, the customer would send their check to the vendor who would process the payment and deposit them for the Township. She stated the Township still wants residents to be able to come into the Township if they wish.

Mr. McLaughlin asked if the outsourcing would be restricted so that they would find a provider that is domestically-based; and Ms. Allaker stated she would recommend that it be domestically-based, and in the RFP, they would require that any vendor identify where the service would be provided from. Mr. McLaughlin stated he would be interested in excluding off-shore providers especially since they would be collecting sensitive information such as credit card numbers, e-mail addresses, etc. He stated anything done on-line is potentially exposed, and he would like to have this tight with reputable firms that are domestically-based which have a long, strong track record in making sure that they provide very good services.

Ms. Tyler asked if there is an estimated cost for the service. Ms. Allaker stated this would depend on the services they are asking the vendor to provide and whether they are asking them to provide it for a short or long period of time. She stated in her experience a shorter term contract would result in a higher cost than a longer-term contract. She stated they have put together over the last few months what the costs are in the Township currently so they have a good benchmark, and they understand what the operation is currently costing the Township so they can make

a comparison. She stated they would not want to move forward if all the Bids come in at twice the cost of what they are paying now since that would not be in the best interest of the residents or the Township. She stated they are also trying to identify good quality vendors so that they can get good competition in the Bids. Ms. Tyler asked if the Bid specs would consider different term lengths, and Ms. Allaker stated they could do this. She stated there could also be an initial term with an option to renew.

Mr. Smith asked Mr. Fedorchak if he sees significant savings to the Township by following through with this proposal; however, Mr. Fedorchak stated he cannot answer this until they go through the process and see what the Bids are. Mr. Smith stated he understands that one of the two people currently doing this job is in the midst of retiring and the other employee may be retiring in two years; however, Mr. Fedorchak stated he does not feel that is correct. Mr. Smith stated he hopes that the person who is still working for the Township will not be “outsourced” herself, and he would like to make sure that person has a job. Mr. Fedorchak reiterated that there are two full-time employees dedicated to this task, and as Ms. Allaker has indicated the Township very much wants to continue to have a sewer billing presence at the Township Building; and the remaining employee will be very involved in that. He stated once the system is in place as they envision, he does not feel the remaining employee will be doing this task as much as she did before, and she may only be doing it 75% of the time and he will be able to find other tasks for her to do. Mr. Smith stated he is in favor of technology and cost savings, but he does not believe this should be at the expense of the human factor.

Mr. Benedetto asked Ms. Allaker what she estimates the cost will be for a vendor to do the job for a Township the size of Lower Makefield; however, Ms. Allaker stated she does not know how the Bids will come back. She stated she is aware of one vendor who is extremely interested in this Contract because they want to get into Municipal billing. She feels they could get a very competitive Bid from them. She stated she does not feel that there will be thousands of dollars of savings, but she feels they should look for a reasonable cost and be able to offer the enhancements she has discussed. Mr. Benedetto stated he feels there will be an increase in costs using an outside vendor, and Ms. Allaker stated she does not feel that there will be a significant increase in cost. She stated she feels it would be very difficult for a vendor to come in and match what the annual costs are at this time, and she would expect that there will be an increase in costs going with an outside vendor.

Mr. Benedetto stated he does feel it is important that they have on-line billing and to move into the Twenty-First Century which is long overdue, but he is concerned with the perception that this would be a precursor to selling the sewer system. He asked Ms. Allaker if she has had discussions with Bucks County Water and Sewer; and

Ms. Allaker stated she did have a discussion with them because they outsource their billing at the moment, and she wanted to find out who they outsource to which she has learned is called Level One. She stated they primarily outsource the bill printing and mailing of the bills so it is not exactly what the Township is looking for.

Ms. Allaker stated from her discussions with Bucks County Water and Sewer she learned that they do offer services to the Municipalities, but she has not discovered exactly what those services are.

Mr. Benedetto asked what is the difference between “required” and “preferred” and the services offered. Ms. Allaker stated they need to consider if they want the vendor to provide for electronic billing and on-line bills, and she feels they do. She stated they would probably ask them to show the costs related to those enhanced services distinctly in any proposal. Mr. Benedetto stated the vendor would not be involved in collection activities, and Ms. Allaker agreed.

Mr. Smith asked if the Sewer Authority has provided a recommendation on this, and Mr. Fedorchak stated they are aware of it.

Ms. Rebecca Cecchine, Manor Lane, stated she did speak to Mr. Fedorchak about this situation before he got Ms. Allaker involved. Ms. Cecchine stated Lower Makefield took sewer billing in house in 1990, and in 1991, they went live; and prior to that they had used a third party. She stated at the time she was hired she was the third person hired as the others had quit because they were trying to reconcile the balances from the third party. She stated she was hired in 1990, and she got sewer billing on line in three months balancing books and since then she has billed approximately \$15 million a year in the eleven to twelve years that she was at the Township so she is very aware of the sewer billing process. She stated she has worked directly with the Auditors and knows their needs.

Ms. Cecchine stated she is concerned that they are looking at services that are comparable to Bucks County Water and Sewer which services over 63,000 compared to Lower Makefield which services around 10,000. Ms. Cecchine provided to the Board this evening a print out showing the fifty-four Municipalities in Bucks County and who handles sewer and who handles water.

Ms. Cecchine stated she is the Tax Collector for Lower Makefield and also has a part-time job where she is the tax searcher for the State of Pennsylvania; and in that position she has interacted with hundreds of Municipalities and knows how they are billing their water and sewer. She stated since she has been the Tax Collector for the Township, the services have increased. She stated most of the Municipalities in the area that are Authorities use a third party called MuniPAY and Warminster uses a company called BEI. She stated these are comparable to what she is using as a third party for debit cards, e-checks, and credit cards. Ms. Cecchine stated the Township

has existing software, AMS, which has the ability to interface. She stated as a resident she is concerned that the Township has bought assets which they will now lose because they will be using a third party.

Ms. Tyler asked the age of the AMS program, and Ms. Cecchine stated she believes it was bought in 2002, but AMS does keep up with technology. She stated Morrisville uses the AMS software. Ms. Cecchine stated since Lower Makefield has the same vendor as Morrisville, she does not know why the readings they get from Morrisville have not been automated. Ms. Cecchine stated the Board may want to talk to Morrisville since they did look into automating debit cards and credit cards, but the Business Manager said no at this time because of the cost. Mr. Benedetto asked if Lower Makefield has the software or do they just do it manually, and Ms. Tyler stated the Township has AMS. Ms. Cecchine stated Lower Makefield does not key in the readings, and they get their files from Pennsylvania American which is imported in. She stated with what Lower Makefield already has, they could get into the Twenty-First Century because they have the ability with the existing software to create a file and send it to a third-party vendor who will not charge them because they would count on the activity of the residents whether they use a credit card at 2.45%, ACH for \$1, or their debit card at \$2.95. She stated as Tax Collector she has taken credit cards for ten years, and last year she did approximately 300 payments. She stated she has a lap top and printer at her counter and has included in the bill that you can come in and pay and most payments are still coming in from their home. She stated either the Township or the residents could activate ACH and it would cost \$1 to do that.

Ms. Cecchine stated she agrees that the way the Township does the batches is time consuming, but there are ways they could cut their labor time.

Ms. Cecchine stated a lot of the work that she does as Tax Collector and the work that Sewer does is duplicated. She stated she does the same foreclosures, bankruptcies, Sheriff Sales, new construction, and sales as sewer. She stated she asked Mr. Fedorchak if there is any way she could do this since she has the experience and knows the water company and sewer service for every house in the Township. She stated she did this job for twelve years. Mr. Benedetto asked Ms. Cecchine if she is aware of any situation like this where the Tax Collector is responsible for this, and Ms. Cecchine stated the Tax Collector for Yardley Borough is also the Billing Clerk for the Borough.

Ms. Cecchine stated in the 1990s, Pennsylvania American sent letters to the Municipalities asking to do their billing and made a number of promises. She stated Yardley Borough did take them on as their third party billing; however, two to three years ago Pennsylvania American stopped doing the third party billing because it was not profitable enough. She stated Yardley Borough had to go to a third party,

and it is costing them about \$100,000 a month for 1,100 parcels. Ms. Cecchine stated one month \$47,000 was allocated and sent to the wrong Township. Ms. Cecchine stated since then they have been doing their own adjustments and they are looking into doing their own billing. She stated she feels it is better to have someone at the Township who is vested in their job and provides "old-fashioned customer service" as well as technology. Ms. Cecchine stated a number of years ago Mr. Steil told her that Lower Makefield is a service-oriented Township, and the residents expect that kind of service.

Mr. Benedetto stated he understands from tonight's discussion that they will still have one dedicated employee to provide that customer service. Ms. Cecchine stated they could have that one dedicated employee and service out the rest to her, the Tax Collector.

Mr. Fedorchak stated they are going through a process where they will create a Bid spec; and as he indicated previously to Ms. Cecchine, she would be welcome to bid along with everyone else. Ms. Cecchine stated she is an individual, and she cannot bid against United Water. She stated she feels the Township will be losing the assets that they paid for; and she feels that the Township should keep it or sell it to her, and they could have the status quo.

Mr. Benedetto asked if they are currently using an AMS software from 2002, and Mr. Fedorchak agreed. Ms. Cecchine stated there have been updates on the software.

Mr. Fedorchak stated he would continue to recommend to the Board that they complete the process that was started and put this out to bid since it will put everyone on a level playing field adding Ms. Cecchine is welcome to bid as well. Ms. Cecchine stated no one has stated what the estimate was, and she heard a rumor that it was \$1 million; and Mr. Fedorchak stated they would not be outsourcing the billing if the cost is \$1 million or a fraction of that.

Ms. Cecchine stated her experience with the bidding process is she would not be able to have the same specs as everyone else. She stated she wants to save money for the Lower Makefield residents, and there are existing assets that will be dismantled that she would buy or she would be the second person. She stated currently they are doing double duty, and the Sewer Department helps her a lot and she helps them as well and they share information.

Ms. Tyler asked why assets they have in Sewer; and Mr. Fedorchak stated they do not own the program, and all they have is the hardware which is not just dedicated to the Sewer function and it is shared.

Mr. Dobson stated he feels part of the RFP process would be to ask for an alternative if Ms. Cecchine feels she could do something better at a lower price.

Mr. McLaughlin moved and Mr. Dobson seconded to direct the Township Manager to proceed with the RFP process for the outsourcing of the Sewer billing services.

Mr. Smith stated he does not want to lose the "small-town feel," and he does not want to have employees terminated.

Mr. Benedetto asked Ms. Cecchine if she would do this under her duties as Tax Collector, and she stated she would do it as the Tax Collector and as a 1099. Mr. Garton stated Ms. Cecchine could not do it under her duties as Tax Collector although she could engage in other services that she would be paid for. Mr. McLaughlin asked if she could use the facilities of the Tax Collector, and Mr. Garton stated she could use her office.

Mr. Smith asked if it is an onerous process to reply to an RFP, and Mr. Garton stated it is not onerous because there is no Bid Bond required to respond.

Motion carried unanimously.

Mr. Garton stated the Board met in Executive Session for approximately forty-five minutes prior to the public meeting to discuss a personnel matter for which no action will be taken at the public meeting and also to discuss the Zoning Hearing Board matters.

#### ZONING HEARING BOARD MATTERS

With regard to the Ralph C. Dumack Variance request for the property located at 391 Roelofs Road in order to subdivide property resulting in greater than permitted lot density, less than required lot width, and greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Kathleen Harbison/Firsttrust Bank Variance request for the property located at Langhorne-Yardley Road and Stony Hill road (Flowers Field) in order to allow greater than permitted number of signs, it was agreed to leave the matter to the Zoning Hearing Board.

## SUPERVISORS REPORTS

Ms. Tyler stated the Seniors will have a luncheon for new Senior Board members, and they need the Seniors to step forward and consider leading this wonderful group. She asked those interested to contact the Lower Makefield Seniors.

Mr. Smith stated that due to the bad weather they could not hold the Communications Forum, and he asked Mr. Fedorchak to provide a new date that could be published that would not conflict with other meetings.

## OTHER BUSINESS

Mr. Benedetto stated he had a discussion with Ms. Sandy Guzikowski about an adjoining property owner encroaching onto her farm. Ms. Guzikowski was present, and Ms. Tyler thanked her for assisting Afton Elementary with their garden. Ms. Guzikowski stated two weeks ago they were clearing the property adjacent to hers and their truck was parked in her field, and her field had been "turfed up." She stated the individual doing the land clearing had no idea as to the boundary lines. The individual stated he had driven by the property with the property owner who also was not clear on the boundary lines either. Ms. Guzikowski asked at what point someone would have to do a survey before they could clear land. She also noted that when the property changed hands in 2006 she came to a Planning Commission meeting to advise them that they would need to understand that they are adjacent to a farm and to understand the activities that would take place there. She stated she was advised that there would be a Disclosure Statement attached to the Deed, and she wants to make sure that Condition still exists and that any new property owner would be aware of the farm activities.

Mr. Garton stated there is a disclosure requirement for developers when they sell lots to individuals, but there is not a disclosure requirement for transfer of other real estate. He stated if a developer is selling lots that are adjacent to an existing farm, the developer must disclose this.

Ms. Tyler asked how much clearing was done, and Ms. Guzikowski stated she understands that they own 1.75 acres; but she feels the developer felt he owned about five acres.

Mr. Benedetto asked that someone be sent out to the site to check on the tree clearance. Ms. Tyler stated tree removal is something that they can look into. Ms. Guzikowski stated the trees cut were 1 ½" to 2" caliper. Mr. Garton stated if they are doing clearing, they may run into issues where the Conservation District would be involved.

Mr. Smith advised Ms. Guzikowski that she may need to contact an attorney and have a letter sent to the developer putting them on notice . Ms. Tyler stated when the Township looks into the tree clearing issue, they will be able to provide Ms. Guzikowski with contact information for the owner of that property. Mr. Fedorchak agreed to have the Township engineer look into this matter, and Ms. Tyler asked Ms. Guzikowski to follow up on this with the Township Manager.

Mr. Benedetto stated he understands the Lower Makefield Farmers Market is looking for volunteers. Ms. Tyler asked Ms. Guzikowski when the Farmers Market will be started; and Ms. Guzikowski stated the management team has openings for volunteers, but she will not be able to participate this year. Mr. Benedetto thanked Ms. Guzikowski for all she has done for the Farmers Market.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Tyler stated they are actively interviewing individuals for appointments to Boards and Commissions.

Ms. Tyler moved, Mr. McLaughlin seconded and it was unanimously carried to appoint Adrian Costello to the Budget Committee.

There being no further business, the meeting was adjourned at 10:00 p.m.

Respectfully Submitted,

Jeff Benedetto, Secretary