

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES - JULY 15, 2015

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 15, 2015. Ms. Tyler called the meeting to order at 7:33 p.m.

Those present:

Board of Supervisors: Kristin Tyler, Chair
Dan McLaughlin, Vice Chair
Jeff Benedetto, Secretary
Dobby Dobson, Treasurer
Ron 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 stated on September 14 he has a U.S. Tax Court trial in Philadelphia, and he needs to rent a Police car with an Officer to transport his four boxes of evidence. He asked if the Board would agree to this, and how much he would be charged. Mr. Kupersmit also discussed financial matters related to the City of Philadelphia and the Philadelphia School District.

Mr. Richard Eisner, Chair of the Golf Committee, thanked the Board for putting up the banner about the Golf Course between McCaffrey's and the Fire House. He stated he will advise the Board of the date in September when they will be putting in a bench at the Golf Course in honor of Pete Stainthorpe and the work he did with the Golf Committee. Mr. Eisner stated Inside Golf, a Comcast television show, will be broadcasting from the Golf Course in August. He also advised that there was a U.S. Open local qualifier held at the Course, and it was the first time that a Philadelphia Section Course has held a U. S. Open qualifier. He thanked the Township for all their support.

Ms. Bonnie Gannon, Burgundy Place, thanked the Park & Rec Board, the Board of Supervisors, and especially Donna Liney for listening to her request and allowing the Township to have pickle ball in the Township. She stated it is the fastest growing sport in America, and she provided information on the sport. She stated the solution was to convert the tennis courts at Heacock Meadows to multi use so

they will be used for both tennis and pickle ball. She stated in less than two weeks she had forty-four people sign up on meetup.com. She stated she is offering beginning clinics on Tuesday nights, and she has a wait list. Ms. Gannon stated she plans to start a League and apply for Permits.

Ms. Tyler thanked Ms. Gannon for this wonderful idea adding it was one of the quickest turnarounds she has ever seen on a request, and it was wonderful seeing people playing pickle ball on the courts during last evening's Road Tour. She stated she also likes the fact that it does not interfere with tennis so it is multi use. She stated she would like to see the Seniors become involved in this sport as well. Ms. Gannon stated she does have Seniors signed up already.

Ms. Phyllis Maguire, 1100 Buckingham Way, asked about the consideration of an Ordinance to regulate invasive bamboo. She stated she understands that Tinicum Township passed an Ordinance last month. She stated she also understands that at the Statewide Supervisors meeting, the Supervisors passed a Resolution to recommend to the State that they put invasive bamboo on the noxious plant list; but she understands from Mr. Alan Dresser that they have decided not to put it on the list in Pennsylvania because if they did so it would require homeowners who have invasive bamboo to take it all out. Ms. Maguire stated none of the Ordinances require this, and they are trying to find some way to contain the invasive bamboo so it does not invade other peoples' property.

Ms. Tyler stated the EAC has been very helpful in providing sample Ordinances. Ms. Tyler stated she is inclined not to pass an Ordinance because there is a private right of action as it is a trespass issue, although she recognizes that it is expensive. Ms. Tyler stated she was not aware that the State was not going to adopt putting it on the noxious plant list as the group at PSATS did make that recommendation, and she will look into this further. Ms. Tyler stated she feels the dialogue should continue on the issue as to what the Township can do with invasive bamboo.

Ms. Maguire stated it would cost approximately \$25,000 for a lawsuit, and the cost is not recoverable. Ms. Tyler stated if the Township were to pass an Ordinance, those costs would be borne by the Township if there were an enforcement action.

Mr. Smith stated he would like to get rid of the bamboo, and he would like the Township solicitor to tell them the positives and negatives of enacting such an Ordinance. Mr. Garton stated Newtown is looking into this issue, and he has numerous versions of Ordinances. He stated the one that he feels has the most reception is the one that permits the non-invasive bamboo which does not spread, and permits the invasive bamboo provided there are certain constraints on its expansion. Mr. Garton stated he will circulate to the Board a sample of the various

Ordinances he has seen. Mr. Smith asked if this would cover those who already have bamboo so that they would be “grandfathered” in. Ms. Tyler stated this would then not help Ms. Maguire. Mr. Garton stated this is a difficult issue because it is hard to regulate something after the fact, and it would be difficult for the Township from an enforcement standpoint to go after someone who lawfully had it previously planted.

Mr. Benedetto stated he feels this is a private right action. He asked Ms. Maguire if there has been any resolution between her and her neighbor, and Ms. Maguire stated there has not.

Ms. Maguire stated Yardley passed an Ordinance last year, and there has already been one enforcement where there was a property planted with bamboo that had invaded four to five contiguous properties. She stated they may want to speak to the Yardley Borough Manager to find out what was involved, since that situation has been resolved. Mr. Fedorchak was asked to do this, and Mr. Garton stated he will also contact the Yardley Borough solicitor.

Mr. John Lewis, 1550 Surrey Brook Court, stated on April 1 the Board of Supervisors unanimously directed the Township solicitor and the Township Manager to report to the Board within sixty days viable recommendations that do not entail any outlay of taxpayer funds to permanently preserve the Patterson Farm, and he asked the status of this. Mr. Garton stated he provided a detailed letter to the Board in June indicating all the options. He stated this a public record at the Township Office.

Ms. Judi Reiss, 969 Princess Drive, provided copies of Minutes from Board of Supervisor and Park & Recreation Board meetings going back to 2014 regarding the Garden of Reflection. She stated the Park & Recreation Board had let the families know that there was a shortage of funds. Ms. Reiss stated in September there was a report from the Committee about the issues they had with regard to the morning and evening 9-11 ceremonies, adding last year was a “horrible situation.” Ms. Reiss stated in April, 2015 she was told that a meeting was going to be set up with Mrs. Saracini, and she asked for an update on this.

Mr. Fedorchak stated a short time ago Dave Fritchey and Dave Gordon, members of the Park & Recreation Board, asked him to broker a meeting between Mrs. Saracini and anyone else Mrs. Saracini would like to have in attendance to discuss what the Park & Recreation Board and the Township could expect in the way of contributions from the 501C3 that Mrs. Saracini had established approximately three to four years ago. Mr. Fedorchak stated for at least the last four years, the Township has not received any monies from her 501C3 which should be used to support the maintenance of the Garden of Reflection. Mr. Fedorchak stated while a meeting date

was set, for a variety of good reasons, they had to re-schedule that date. He stated a few weeks ago he reached out, and they are targeting a date in August to bring the parties together.

Ms. Reiss stated she does not want to see tax money having to be used, and she would like to have it continued to be maintained by contributions.

Mr. Fedorchak stated there are a number of fundraising events including the Golf Outing and the 5K Run from which prior to four years ago, the Township was receiving all of the proceeds from those activities; and they were putting those proceeds into the Garden of Reflection Fund and using that exclusively for operating expenses and capital improvements for the Garden of Reflection. Mr. Fedorchak stated that stopped, and the Township has not had that revenue stream for approximately four years to fund expenses; and consequently they are getting close to exhausting the monies they have in the fund.

Mr. McLaughlin asked why the contributions stopped coming to the Township; however, Mr. Fedorchak stated he did not know.

Ms. Reiss stated up until four years ago, they had a candlelight vigil the night before the daytime 9-11 ceremony; however, after the 10th Anniversary Mrs. Saracini decided she did not want a morning program since it was not relevant to her, and she did not let anyone know until August that she had not gotten the Permit.

Ms. Tyler stated the Garden of Reflection Committee has evolved into two groups, and the Township has been put in the unenviable position of trying to bridge this. Ms. Tyler stated she trusts that Mr. Fedorchak and the Park & Recreation Board will try to get the issues resolved.

Ms. Reiss stated they do not want a repeat of last year to take place this year when those involved in the evening program were disruptive to those involved in the morning ceremony. She stated those involved with the evening program were supposed to do their set up the night before, and they did not do this. She also noted that there is a donation box, and it was "super glued" shut and blocked with bales of hay.

Mr. Dobson stated they will not allow what happened last year to happen again, and the Township will dictate what can and cannot be done. Mr. Smith stated they want to make sure that there is not a problem this year during the 9-11 ceremony. Mr. Dobson stated he feels letters should be sent now to everyone with a set date for obtaining a Permit; and if they do not meet the date, they will not receive a Permit.

Mr. Smith stated while Mrs. Saracini has done a great job, there are tax implications dealing with a non-profit; and if they are not doing what they are supposed to do with the 501C3, there are definite issues. Ms. Reiss stated she brought this up at a Park & Recreation meeting but she would prefer not going that route as she does not feel it is in the best interest of the community. She stated she understands that Mrs. Saracini wants to build a Foundation, but there are immediate expenses. Ms. Reiss stated the two largest fundraisers are the Golf Outing and the 5K Race, and the Preservation Committee would not want to duplicate these activities which bring in significant dollars because you are then asking the same people for money. She stated there should be a way to keep some of the funds raised from those activities to go into the fund to provide for the Garden in perpetuity, but also some of the funds should be used by the Township for maintenance.

Ms. Tyler stated representations were made when the concept of the Garden was presented that it would be supported by donations.

Mr. Benedetto stated he agrees that the issue with regard to the maintenance money is very important. He noted he did have a discussion with Ms. Valerie Mihalek who indicated that there would not be an evening vigil this coming year. Ms. Reiss stated she and her daughter have started planning the morning ceremony, and she will be getting the Permit shortly. Ms. Reiss stated she had heard that they were threatening not to have the evening event which she feels is disappointing as a lot of people work during the day, and the evening event provides an opportunity for those people to attend. Mr. Benedetto stated he feels they need to find out if they are planning on having the evening ceremony.

Mr. Smith stated the Board of Supervisors is only meeting one time in August on August 5, so they need to have a definite plan about the ceremony; and he asked that this matter be considered at the August 5 meeting so that they know what is going to happen on September 11. Mr. Fedorchak stated he will ask Ms. Liney to make the phone calls and find out what is planned. Ms. Tyler asked if there is no plan for an evening ceremony does the Township want to undertake doing that, and Mr. Fedorchak stated they will have to look into this.

Mr. David White, Gayle Drive, asked for an update on the Quiet Zones. Mr. Eisold stated they have met with the PUC, and they have been told that it all looks good and the Township should receive the letter by the end of the month. He stated the PUC acts as a mediating body for comments on the project, and they have not received any negative comments. Mr. Eisold stated Notice of Intent letters were sent out to all the stakeholders some time ago, and they have not received any comments negative or positive; and the next step is to send out a "No Response" letter to all those stakeholders, and this will go out in the next week from the Township. Mr. Eisold stated he has contacted PennDOT about who will be the

coordinator from PennDOT for the multi-modal part of the process, and PennDOT indicated that the project will be monitored by the Bureau of Public Transit which is a Department of PennDOT; and Mr. Eisold stated they have been trying to find out who that person will be to determine if there will be any other requirements that will be put on the Township going through the process.

Mr. White asked if there is a way to expedite this, and Mr. Dobson stated they did get help from Senator McIlhinney on this, and they could reach out to his office to see if he could assist with this. Mr. Fedorchak stated he has been copied on all the emails the Township engineer has been sending to PennDOT, and the impression he gets is they are working on how they will be administering the multi modal program. Mr. Fedorchak stated they could get the Senator involved and request his help with this portion of the project which relates to the funding. Mr. White stated the Township indicated previously that they will get the project funded one way or another, and the Board agreed that they are going to get this done.

Mr. McLaughlin asked who would actually put in the Quiet Zones, and Mr. Eisold stated it would be the Township who will bid it out and hire a contractor. He added that there will be flagmen from CSX and SEPTA, and he did receive an Agreement from CSX that the Township will have to agree to so that if there are flagmen, the Township will reimburse CSX for any work they have to do.

Mr. Eisold stated he feels they are still close to the original timeframe as the Plans and specs are basically ready to go out Bid once they get the other issues resolved. He stated he still hopes that by early October they can start the work.

Mr. Jeff Hirko, Dolington Road, asked for an update on the Satterthwaite property and their "no-touch Zone." Mr. Garton stated he participated in a Rule 27 Conference with Judge Mellon approximately a week and a half ago, and the Judge established a time line for the consideration of the Township's position that the Agreement of Sale had lapsed. Mr. Garton stated he was required to file documentation by this Friday which he filed yesterday. He stated Sunflower Farm has until August 10 to file a response, and there will be a Hearing on September 10.

Mr. Benedetto asked about the "no-touch" zone in relation to work Mr. Hirko has been doing on the garage; and Mr. Garton stated while he is not familiar with that term, until such time as the Judge agrees that the Agreement of Sale has lapsed, theoretically Sunflower Farms is the equitable owner of the property. He added Mr. Hirko would therefore basically be working on a property that someone else has an equitable interest in. Mr. Benedetto asked if there has been any contact from Dr. Bentz or her attorney regarding a "no-touch" zone; and Mr. Fedorchak stated there was once they saw that there was work being done on the garage.

Mr. Benedetto stated it seems that they are going to have to wait until September to get any work done at the Satterthwaite parcel, but there other buildings on the Patterson Farm property that have maintenance needs. He stated there is a volunteer group ready to do work, and he asked if they could go out there and do some of that work. Mr. Fedorchak stated he and Mr. Hirko have had a number of discussions about the Satterthwaite property; but if Mr. Hirko is willing to look at other structures on the Patterson Farm, he can meet with him and Mr. Jones to decide how to approach this.

Mr. Benedetto asked when Mr. Stewart's Lease expires, and Mr. Fedorchak stated he feels it is within two years. Mr. Benedetto asked if there is a possibility that Mr. Stewart could paint the barns in exchange for getting an extension on his Lease. Ms. Tyler asked if the Lease does not have to be bid out, and Mr. Fedorchak agreed that every five years, they put this out to public bid. Mr. Fedorchak stated he does not recall if there are options for extensions of the Lease, but they could look into this. Mr. Smith stated he does not feel they could extend it without giving other farmers the opportunity to bid. Mr. Garton stated he is not certain that there is a legal obligation for the Township to do that; however, he believes that in the past the Board has said the only fair way to do it in order to maximize the recovery was to do it by a competitive bid process. Ms. Tyler stated the Lease they are discussing was entered into as the result of a competitive bid, so she feels it may not be proper to extend it because it was through the bid process. Mr. Dobson stated there may be language in the Lease that provides an option for a renewal; and Mr. Garton stated while he was not involved in this Lease, if there is language in the Lease that provides for an extension opportunity, they would not need to re-bid it. Mr. Dobson asked that they look into this.

Mr. Benedetto stated when he was on the Patterson Farm property, he saw that there were millings under one of the trees near the leaf pile, and the tree is in jeopardy of dying because of these millings. Mr. Fedorchak agreed to look into this.

Mr. Michael Brennan, 6 Maplevale Drive, asked for an update on the Canal access. Mr. Fedorchak stated he is continuing to have discussions with Mr. Jennings, and they continue to look at a number of alternatives. He feels there is a willingness by Mr. Jennings to consider the Township's involvement in his property. Mr. Fedorchak stated they will meet again within the next two weeks, and the hope is to provide some sort of access for the general public running from Taylorsville down to where the bridge is. Mr. Fedorchak stated Mr. Jennings has certain concerns and plans for his property, and they are trying to accomplish the access and still allow Mr. Jennings to get to where he wants to be which is where the challenge has been. Ms. Tyler stated Mr. Jennings submitted a Plan to the Township, and this is a complicated endeavor; and they will continue to work on this.

Ms. Helen Heinz stated she received an email that a gentleman was interested in buying the Scammel House and restoring it, and when she stopped at the House she found that all the doors were open and children were riding bikes in the ballroom. She stated the House is inviting vandalism by the way it is being kept. She stated she received information that there is a new plan proposed by Orleans which demolishes one of the 20th Century sections that she feels would violate the Façade Easement. Mr. Dobson stated the developer has not come before the Board of Supervisors with this, and he would not be in favor of that happening.

Mr. Fedorchak stated a few months ago representatives from Orleans sent to the Township revised Plans that were different from the Court Agreement. Mr. Fedorchak stated he had asked the Historical Architectural Review Board, specifically Jennifer Stark and her team, to look at these Plans and report back to the Board of Supervisors. Mr. Fedorchak stated while this is not necessarily within the HARB's jurisdiction, he looked at HARB as a group that has the proper expertise since there are two historical architects on HARB. He stated he feels HARB is a group that understands what is right for the Township and that house.

Ms. Heinz stated she feels the proper group is the Historic Commission; and unfortunately they are setting precedent by getting HARB to rule on properties elsewhere in the Township, and she does not feel this is a good idea. Ms. Tyler stated HARB is not ruling on anything, and they will report back to the Board of Supervisors whether the Plan that has been submitted by the developer is in accordance with the Stipulation. Ms. Heinz stated that is what the Historic Commission does, and they need to re-constitute the Historic Commission since that is the job that they would have. Ms. Heinz stated she is not sure that Ms. Stark understands the 20th Century architecture of the structure. Ms. Heinz stated she herself put in a lot of time lately into investigating the Scammels family. She stated the Façade Easement should protect the front of the House, and they cannot just demolish the 20th Century ballroom.

Mr. Garton stated someone from the Township should make sure that the property is secured, and Mr. Fedorchak was asked to take care of this.

Mr. Benedetto stated he feels the Board of Supervisors should see what Orleans submitted. Mr. Benedetto stated it is his understanding that Orleans is looking to not only violate the Stipulation but also the Court Order and the Agreement. Mr. Benedetto stated he is less concerned about the Façade Easement than he is about more than half of the House coming down. Mr. Benedetto asked if the Board could get a copy of what was submitted by Orleans, and Mr. Fedorchak agreed to provide this. Mr. Benedetto asked if HARB is just weighing in or also having discussions with Orleans, and Mr. Fedorchak stated he would think that they are doing both. Mr. Benedetto stated he is concerned about this, and he has no interest

in HARB having discussions with Orleans since the Board did not give them authority to do that. He stated he does not want Orleans to be under any pretense that HARB is speaking for the Board. Mr. Benedetto noted the June 17 meeting Minutes which indicate that Mr. Fedorchak stated that “possibly HARB could weigh in on this.” Mr. Benedetto stated he does not feel that “weighing in on this” means that HARB should be talking to Orleans. Ms. Tyler asked who should speak to Orleans, and Mr. Benedetto stated HARB can provide a report and Orleans should come to a meeting in September as was noted in the June Minutes to discuss the Plan. Mr. Benedetto stated he has no problem with HARB providing their expertise, but he does not want HARB having any meetings with Orleans. He stated the Board has not seen what Orleans is proposing. He stated he does not want Orleans thinking that HARB is speaking for the Board of Supervisors.

Mr. Smith stated he agrees that HARB should advise the Board and not negotiate for the Board. Ms. Tyler stated she does not feel that HARB is negotiating for them, rather they are on a fact-finding mission. Mr. Smith stated he does not want Orleans to feel that HARB has been delegated responsibility by the Board. Mr. Smith stated he sees a trend where developers are not living up to what they have agreed to. He particularly noted Flowers Field. He stated he also feels that the Township has been complicit in the fact that if the developer has not lived up to their agreement, we have to make sure that they do live up to the agreement. Ms. Tyler stated that is what they are trying to do. Mr. Smith stated he feels the Township is not enforcing their own rules, regulations, statutes, and Ordinances. He stated he would like the Board to take a more proactive role in enforcing these so that historic buildings are not collapsing because of neglect.

Ms. Tyler stated with regard to the Scammel House the way they arrived at the Façade Easement was through the input of the Historic Commission, and they are now asking HARB what they would have asked the Historic Commission to do expect for the fact that they do not have an able-bodied Historic Commission at this time. She stated whether Orleans is proposing to comply or not with the terms of the Agreement is an unknown; and she asked the other Board members how they propose they should move forward.

Mr. Benedetto stated at the June 17 meeting he advised the Board that there was an interested buyer. He stated he feels Orleans wants to take down as much as they can of the House. He stated he feels it is “ridiculous” that HARB members have already seen the revised Orleans proposal when the Board of Supervisors has not. He stated the Board of Supervisors did not give HARB any authority to negotiate on the Board’s behalf or have any discussions with them, and the authority came from Mr. Fedorchak. Mr. Benedetto stated he feels the Township is “opening the door” for

Orleans to come in, and he wants to have Orleans come in and answer whether there is an interested buyer. Mr. Benedetto stated HARB should not be having any private discussions with Orleans since the Board never authorized this.

Ms. Tyler asked Mr. Garton to provide the Board information about the obligation of Orleans with respect to the Façade Easement and the agreement that was reached. Mr. Garton stated Orleans is required to comply with the Stipulation that was reduced to a Court Order and the Recorded Façade Easement that was the subject of what Ms. Heinz just discussed. He stated the only way that it can be deviated from is if it is discussed by the Board of Supervisors in public and a majority of the Board agrees to amend the Façade Easement and the Court Order which is a complicated process.

Mr. McLaughlin stated if Orleans thinks HARB has any jurisdiction or power that is their mistake. He stated if Orleans wants to change anything, they have to come before the Board of Supervisors.

Mr. Fedorchak stated he asked HARB members to look at this because of their expertise, and they are doing this because he felt it would be helpful to the Board of Supervisors. He stated HARB understands that they are advisory, and they are only offering recommendations; and it was clear to everyone that the final decision will be made by the Board of Supervisors.

Mr. Benedetto stated he feels the Board was misled on June 17 by Mr. Fedorchak saying HARB was going to "weigh in," and he felt that meant HARB was going to speak to the Board of Supervisors. Mr. Benedetto stated he wanted to make sure Ms. Stark knew that there was an interested buyer since he feels this changes everything. He stated he was advised that the interested buyer approached Orleans about buying the property, and Orleans stated "no," and that they were going to submit a proposal to the Township. Mr. Benedetto stated this is why he brought this up at the June 17 meeting. Mr. Benedetto stated having an interested buyer makes a huge difference because the Court Order requires them to rehab the House and is not just about the Façade Easement. Mr. Benedetto stated when Orleans came before the Board previously to get the Agreement, Orleans indicated that there was a buyer, but that individual backed out.

Ms. Tyler stated she does want HARB to speak to Orleans so that when Orleans comes in the Board of Supervisors has as much information as possible. Mr. Benedetto stated Orleans has the ability to answer the Board of Supervisors' questions when they come in before the Board. Mr. Benedetto stated he is concerned that HARB is going to be negotiating the proposal.

Mr. McLaughlin moved and Mr. Dobson seconded to authorize HARB to discuss with Orleans the proposal for the Façade Agreement.

Mr. Benedetto stated HARB is having a discussion on what was submitted by Orleans which the Board of Supervisors has not seen. He stated the only reason he knew about this is because he is the HARB liaison, and he asked Ms. Stark about it. He stated he was also copied on the letter between Ms. Heinz and Ms. Stark.

Mr. Smith asked Mr. Garton who has the responsibility for securing the property and preventing vandalism inside the Scammel House, and Mr. Garton stated it is the property owner. Mr. Smith stated if this is the case, they have the obligation to make sure that the property is not damaged by vandals. He asked if they do not, he asked if the Township has a plan to make them live up to the Court Order so that they do not lose another property to demolition by neglect. Mr. Garton stated the Township has the right to enforce the maintenance of the building. He stated he indicated earlier that the Township staff should go out and do an inspection; and subject to the Board's concurrence, he will notify Orleans that if the Board elects to have HARB enter into discussions with them, that HARB has no authority to render any decisions, and it is a Board of Supervisors' matter so that there are no misunderstandings.

Mr. McLaughlin moved and Mr. Dobson seconded to amend the Motion to approve HARB meeting with Orleans and also for them to clearly delineate with Orleans that they have no negotiating powers whatsoever.

Mr. Benedetto stated they are authorizing HARB to "waste their time and Orleans' time" so they can have a discussion that ultimately will be decided by the Board of Supervisors. Ms. Tyler stated it is not a "waste of time," since it is fact-finding.

Ms. Tyler stated she would like to clarify the Motion and moved to authorize HARB to discuss the Scammel House with the developer and to report back to the Township on their findings. At the same time, Mr. Garton is authorized to clearly notify the developer of their maintenance obligations as well as who has the authority to make decisions which is the Board of Supervisors. Mr. Dobson seconded. The Motion carried with Mr. Benedetto and Mr. Smith opposed.

APPROVAL OF MINUTES

Mr. Benedetto moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of June 17, 2015 as written.

APPROVAL OF JUNE 15, 2015 AND JULY 6, 2015 WARRANTS LISTS AND JUNE, 2015 PAYROLL

Mr. Dobson moved, Mr. Smith seconded and it was unanimously carried to approve the June 15, 2015 and July 6, 2015 Warrants Lists and June, 2015 Payroll as attached to the Minutes.

DISCUSSION AND REJECTION OF ALL BIDS FOR THE COMMUNITY CENTER

Mr. Dobson stated the Township Manager sent the Board copies of the Bids received for the Community Center, and they came in much higher than anticipated with a low Bid of \$2.7 million.

Mr. Dobson moved and Mr. McLaughlin seconded to reject all Bids.

Mr. Dobson stated he feels the Township Manager should be directed to start fresh with the engineer to downsize the building so that they can get it within the allowable amount of money that they have to spend. Mr. McLaughlin stated he feels the Board should determine a number that they feel comfortable with and tell the architect to build to that number. He stated he feels at one point there was a discussion about \$1.7 million, but they need to discuss a number they are comfortable with.

Mr. Zachary Rubin, 1661 Covington Road, stated over four years ago State Representative Santarsiero secured a Grant for \$1 million, and he asked if there is a time constraint to spend that \$1 million. Mr. Fedorchak stated the original Contract which was signed with the State was for a five-year period, and that will end in January, 2016. He stated he asked the engineers to reach out to the State to see if an extension was possible, and they have indicated that they are certain they will give at least a one-year extension and possibly they could get a two-year extension. Mr. Rubin asked if that is in writing, and Mr. Fedorchak stated they are working on getting it in writing. Mr. Fedorchak stated he feels there is an opportunity for them re-visit the Plan.

Motion carried unanimously.

Mr. Benedetto stated the low Bid they received was in the amount of \$2.74 million and this was just to build the structure and did not include professional services. He stated when they discuss how much they want to spend on a Community Center, they need to take professional services into consideration as well.

Mr. Benedetto stated Aria did come to the Board and discussed building a Community Center, and he asked the other Board members if they feel this is a viable proposal. Mr. Benedetto stated Aria would not be subject to prevailing wage so they would potentially have the ability to build a bigger structure than would the Township. Mr. Smith stated he felt for the Township to get the \$1 million, the land would have to be owned by the Township. Mr. Benedetto asked if the Board would consider abandoning the Grant from the State and have Aria build the Community Center to a scale the Township would be happy with. Mr. Garton stated this would be tied to reaching a resolution with Aria along with terms and conditions that were the subject of the discussion at the last meeting. Mr. Benedetto stated while this was not on the Agenda for this evening, he feels they should discuss it further at the next meeting on August 5.

Mr. McLaughlin stated he does feel that there is some expediency to this, and on August 5 he wants the goal to be to direct the Township Manager and the architect to present Plans before October. He stated the Seniors are owed getting something done. Mr. Fedorchak stated he understands what the Board is looking for, and he will go back to the architect to discuss this.

Mr. McLaughlin asked the Chair to put this matter on the Agenda for August 5.

PRESENTATION OF 2014 AUDIT

Mr. Peter Place from Lopez, Teodosio & Larkin was present. Mr. Place stated this is the third year that they have audited the Financial Statements of Lower Makefield. He stated Pages #1 and #2 of the Audit is the Opinion Letter which states that the Financial Statements are the responsibility of the management of Lower Makefield, and the auditor's responsibility is to render an Opinion which they do by sampling, making inquiries, observations, and confirmations. He stated the end result is that is a clean Opinion of the Financial Statements for December 31, 2014. He stated it is an unqualified Opinion.

Mr. Place stated Page #3 through #12 is the Management Discussion and Analysis which is prepared by the management and gives highlights of the year and some comparative between 2014 and 2013. He stated on Page #6 it compares the activity of 2013 versus 2014, and looking at the Government Activities, the Revenue has increased a little more than a half million dollars. He stated the Business Activities, the Sewer, Pool, and the Golf Course basically came in at break even. He stated the Pool Fund did much better than it had in the past which had been a concern, and the pool membership rebounded.

Mr. Place stated Pages #13 and #14 are the Statement of Net Position, and this indicates that the entire Township is on the full accrual method including the fixed assets, infrastructure, debt, etc. and the net position shows that the assets exceeds the liability by approximately \$85 million which is very healthy. He noted that Transfer Taxes have increased approximately \$200,000 from the year before. Mr. Place stated Pages #19 to #22 are statements that deal with the proprietary funds of which the sewer and the Golf Course have the majority of the assets as it relates to the proprietary funds.

Mr. Place stated Pages #23 and #24 deal with the Fiduciary Funds that are administered by the Township with the largest one being the Pension Trust Funds for the Police and non-Uniform Pensions.

Mr. Place stated Page #36 has more detail on the Township's biggest asset which are the Capital Assets. He stated Pages #37 through #39 give details on the outstanding Bonds. He stated a subsequent to this report in 2015 the Township refunded the 2010 Bond which had a Bond premium on it of close to \$700,000 so the Township was able to borrow more than what they were paying back. He stated the Township was able to do this because the Township has an excellent Bond rating. He noted Page #39 shows that the total outstanding debt was \$34 million, but when it is disclosed as to how it will be paid back over the years the total will actually be \$33.7 million. He stated this is what the Township would have had to pay if they had not refinanced. Mr. Place stated the Township was able to refinance the 2010 Bonds in 2015 so the outstanding debt is now down to \$33 million.

Mr. Place stated Pages #40 through #45 discuss the Pension and it does discuss the unfunded liability between the Police Pension and the non-Uniformed Pension. He stated he understands that in 2015 the unfunded liability has gone down with the actuarial report of January, 2015; and Mr. Fedorchak agreed. Mr. Place stated what is in the Audit is for January 1, 2013; and next year they will see the unfunded liability being less because the market is doing better.

Mr. Benedetto stated he is concerned that they have debt on which they are only paying interest which he feels is approximately \$11 million of debt which includes the General Obligation Note Series A of 2002 of \$3.47 million, the General Obligation Note Series B of 2002 which is a little over \$5 million, which were both for the construction of the Golf Course, and the General Obligation Bond Series B of 2013 which was for the litigation settlement of the Golf Course and the construction fund for the Golf Course. Mr. Benedetto stated it appears they are not making principal payments on these at least until June, 2022. He stated this \$11 million is approximately one third of the Township's debt.

Mr. Fedorchak stated across all the Issues, they have been reducing the principal each year on all the Township debt. He stated in 2006 the outstanding principal on all Township debt including Golf was approximately \$42.1 million. He stated at the end of 2014 the principal on all Township debt was approximately \$34.5 million so they have reduced principal on all Township debt during that period of time by over \$8 million. He stated they also reduced principal every year over the last ten years on the Golf debt. He stated since 2007 they have reduced it by approximately \$3 million. He stated there are four different pieces to the Golf Debt, and for some of those Issues principal does not start to paid off for another five to seven years. He stated in the case of the 2013 Issue they are now reducing principal on that debt each year. Mr. Fedorchak stated when the financing was done for the Golf Course they looked for a number they projected would be the Revenues, and then to match those, the Expenses could not exceed that. He stated in order to break even, they had to keep the Debt Service for the Golf Course at approximately \$1 million per year. He stated the different programs for paying off the different Issues of debt work their way into that \$1 million a year so that they can guarantee to the taxpayer that they will not need tax dollars to retire any part of the Golf debt or pay for any Golf expense. He stated a great deal of financial planning went into that to determine what the number would be and to make sure that when they structure the debt they can keep it around the \$1 million so that they can guarantee over time that it does not involve tax dollars to pay for the Golf debt.

Mr. Benedetto noted the 2002 Series A and B and they do not pay principal on that until 2022. Mr. Fedorchak again stated that there are multiple pieces to the Golf debt. He stated for one of the Issues, the principal will drop off entirely in approximately five years. He stated when you look at all the different pieces it makes sense. He stated they can make adjustments if they see that the interest rates are starting to go up significantly, and they can lock in a rate; however, over the last several years, they have saved several hundred thousand dollars with the variable rate.

Mr. Place stated Pages #51 through Page #54 discusses Budget versus Actual, and he noted the Actual did better than was Budgeted for the General Fund.

Mr. Place noted Page #56 and stated ten years ago GASB 34 came about which requires Townships to capitalize their infrastructure. He stated there was a choice whether or not to depreciate certain infrastructure provided every three years an engineering report was done on the evaluation of the roads, etc. Mr. McLaughlin asked what the evaluation rating of 67 mean, and Mr. Place stated that would come from the engineer. Mr. McLaughlin asked if that is a good rating, and Mr. Place stated it is an acceptable rating and is higher than it was three years ago. Mr. Eisold stated this is based on a range from 0 to 100, and the goal was to have 65 or higher.

Mr. Eisold stated every few years it is adjusted based on the work that has been completed recognizing that over the time frame there is some deterioration of other streets so it is a combination. He stated there has been a 3% increase from where it was and it went from 65 to 67.

Mr. Place stated Pages #57 through #60 deal with the Pension funds. He noted Pages #61 and #62 are details of some of the non-major funds the Township has.

Mr. Place stated they started the Audit in January and finished in May, and the Township is fiscally sound. He stated the Township has a lot of wealth to it with well over \$75 million of capital assets after depreciation so there is a lot of equity. He stated the debt ratio to the value of the infrastructure, etc. is very good which is why the Township's rating is so good and why when they refunded the debt in 2015, the Township was actually able to get more money than was actually needed to pay off the debt. He stated the Township's Bond rating is so high because of the Township's financial stability. Mr. Place stated he is also impressed that Lower Makefield is one of the few Townships that does not have an Earned Income Tax or a Business Privilege Tax which he feels "speaks volumes." He stated there are Townships in the area that are adopting Earned Income Taxes because they need to get more revenue, but in Lower Makefield this is not the case. He stated he feels the financial condition of the Township is very good, and they will not need an Earned Income Tax at any time in the near future.

Mr. Smith commended the Township Manager and his staff as well as the Supervisors who were on the Board in 2014 for their excellent work. Ms. Tyler thanked Mr. Fedorchak for the great job as well. Mr. McLaughlin stated the Board is very demanding of the Township Department Heads to provide excellent services without tax increases. He stated the Board started a program in 2009 to get to the position they are at today. He stated Mr. Fedorchak and Chief Coluzzi have exceeded his expectations adding he does not feel they are providing less services than they were in 2009, and in fact they have spent even more on roads and on the Police so they can provide for the safety of the residents.

Mr. John Lewis asked if Mr. Place's firm provided audit tests to ensure that the General Fund spent less than they took in, and Mr. Place stated the General Fund had a surplus. Mr. Lewis asked if they sampled all inter-fund transfers to insure that they were all properly approved and documented, and Mr. Place stated they did. Mr. Lewis asked about the unfunded Pension liability; and Mr. Lewis stated this is on Page #42 as of January 1, 2013, and the numbers will be different when the Audit is completed for 2015. He stated for January 1, 2013, it was \$3.8 million for the Police and \$1.6 million for the non-Uniform. Mr. Lewis asked if this is included in the long-term liability section, and Mr. Place agreed. He stated the new GASB 69 will become effective for 2015, and these will become long-term liabilities. Mr. Lewis stated in

2013 there was an additional borrowing, and total outstanding long-term liabilities increased in 2013; and Mr. Place stated he believes that is correct but added this is not a comparative statement.

Mr. Fedorchak stated at the end of 2012 the total outstanding Principal was approximately \$33 million, and by the end of 2013, it went to \$36 million. Currently it is at approximately \$33 million. Mr. McLaughlin asked the cause of the increase in 2013, and Mr. Fedorchak stated this included the Dalgewicz Settlement.

Mr. Kupersmit asked for a copy of the Audit, and this was provided to him this evening. Mr. Kupersmit asked if it is important that the unfunded liabilities on the Pensions gets down to zero; and Mr. Place stated this unfunded liability is something that is done by the actuaries, and he feels that for 2015 it has actually been reduced. Mr. Fedorchak stated under Act 205 the unfunded liability has to be dealt with every year. He stated the pension actuaries produce an MMO which is a statement as to what the Township needs to pay toward each of the Pension Plans each year to cover the entire obligations. He reviewed how the actuaries determine this.

Mr. Kupersmit asked Mr. Place how much revenue the Sewer, Golf Course, and the Pool bring into the Township in lieu of taxes since they are using that to pay for roads, etc. Mr. Place stated the revenues from those activities are being used to pay their own operating expenses. Mr. McLaughlin stated the Sewer, the Community Pool, and the Golf Course net a \$9 million Revenue stream; and their Operating Expenses are \$8.7 million.

Mr. Zachary Rubin stated earlier this year the Township passed a procedure where all new non-Uniform employees were put in a 401K with a defined contribution, and he understands there is a 3% match with the 401K. Mr. Fedorchak stated the defined contribution plan is set up such that the Township matches the employee's contribution up to 6%. Mr. Rubin asked with regard to the long-term unfunded liability of the existing Pension Plans with this new procedure where new employees are not putting into the existing defined benefits Plan, will the unfunded liability go up even though there is a 6% match in the 401K. Mr. Place stated there are lot of factors involved when it comes to the unfunded liability, and this is determined by the actuaries. Mr. Fedorchak stated if you push it out ten to fifteen years, and assuming that there are no substantial increases in the basic benefit of the existing defined benefit plan, he feels the unfunded liability will go down; and Mr. Place agreed.

Mr. Fedorchak stated for the defined contribution, the Township is obligated only to put into the fund as much as the employee is putting in. He stated in the case of the defined benefit plan there is a target number after a certain number of years that the Township has to provide to the employee as part of that defined benefit. He stated

because they are subject to what happens with the stock market, if they find that the stock market is having a few bad years, they may find that they may have to put more into the fund based on what the actuaries tell the Township in order to ensure there is enough money in the fund to provide the specific amount of money at the time an employee retires.

Mr. Benedetto asked Mr. Place if the percentages they are at for the unfunded liability is okay; and Mr. Place stated he feels for a Township, this is in the norm if not better based on his experience. Mr. McLaughlin stated a former Supervisor was an actuary, and he indicated that they would not want to be above 80%. Mr. Fedorchak stated under Act 205, they do have to speak to the unfunded liability. Mr. Place stated Page #43 shows what has been funded, and the amount is determined by Act 205.

Mr. Smith asked when the Golf Course will be paid off, and Mr. Fedorchak stated he believes that it is 2031.

Mr. David White commended Mr. Fedorchak on the work he has done for the Township.

PRESENTATION BY ELECTRONIC MEDIA

Mr. Zachary Rubin, Ms. Lisa Gage, Mr. Fred Young, Mr. Josh Waldorf, and Ms. Jill Lauinaitis were present from the Electronic Media Advisory Council along with Mr. Dave Kelliher. Mr. Rubin stated on February 17, 2015 Mr. Smith convened a Communications Forum and EMAC took from that meeting that the LMT Website needed to be updated, that the Township needed a way to improve its system to contact residents during emergencies, and that there was a need for better interaction between the Township and its residents.

Mr. Rubin stated with regard to updating the Township Website, it was the consensus that the Website had to be more friendly to mobile devices and more responsive. He stated they sought out and received bids to do this and they ranged from \$7,500 to \$30,000 from local and National firms. He stated they provided their recommendation to the Board to award the bid to the current Webmaster in the amount of \$8,500; however, the Board indicated that they did not have that proposal printed out. Mr. Rubin stated the Webmaster indicated that he would continue to use Word Press as the way of inputting material from the staff into the Website.

Mr. McLaughlin stated one of the key things he was looking for in the Website enhancement was a linkage for billing with payment options. Mr. Rubin stated that was not in their proposal. Mr. McLaughlin stated they asked the billing provider to have an on-line link, and Mr. Rubin stated that would be part of the software package that the Township spent approximately \$35,000 on a few years ago. Mr. McLaughlin asked who would do this link to the Website, and Mr. Fedorchak stated he would have to look into this. Mr. Rubin stated the MuniLogic software was supposed to have a new Government add-on; however, Mr. Fedorchak stated they did not pay for that. Mr. Rubin stated all they were asking the Webmaster to do is to make it more responsive for mobile devices.

Mr. Rubin asked Mr. Fedorchak if he has seen a copy of the proposal which he emailed to the Township last week, and Mr. Fedorchak stated he had not looked at that. Mr. Rubin stated since the Board does not have it before them this evening, he asked that it be distributed to the Supervisors so they can consider it in the future.

Mr. Rubin stated the second item was the need to improve the system of contacting residents during emergencies. He stated the hardest part is “harvesting” e-mails. Ms. Gage stated they had information placed on the reverse side of the Real Estate bills that recently went out asking people to submit their e-mails, and they also provided information about the new ReadyBucks system which replaced the ReadyNotify system. Ms. Gage stated they also put information on the Facebook page “Lower Makefield is a Great Place to Live.” Mr. Benedetto suggested that they put something in the next Newsletter as well.

Ms. Tyler asked Mr. Waldorf if the Pennsbury School District is permitted to share e-mail addresses, and Mr. Waldorf stated they work through the PTOs with a telephone system to reach out. He stated the School Board did approve that the notice Mr. Gage referred to could go out with the Tax Bill.

Mr. Rubin stated a few months ago he read that Morrisville had purchased a system to contact their residents in the case of emergencies, and he later found out that company was purchased by everbridge who provided him with a proposal for \$10,000 a year. He stated in the interim he found out Bucks County had purchased this system, and Lower Makefield is now participating in this system. Chief Coluzzi stated ReadyBucks was previously ReadyNotify, and it is a mass notification system for emergencies which is now in full operation. He stated there were approximately 1,800 residents signed up for ReadyNotify but only 400 have converted to ReadyBucks so it is important to let everyone know they need to make this conversion which is simple to do through the Lower Makefield Township Website. Chief Coluzzi stated there are a number of options that can be chosen as to what types of information you wish to receive and how you wish to receive it.

Mr. Rubin stated the third item was to have a way of interacting with the residents, and they decided the best way to do this was to establish an official Facebook page. Ms. Jill Laurinaitis stated EMAC feels the Township should establish an official Facebook and Twitter presence so they can disseminate information immediately, keep people informed during emergencies, reach another segment of the population, and control what information is distributed and make sure it is correct. She noted the number of Facebook and Twitter users who use these platforms as their main source for news about events and issues.

Ms. Laurinaitis stated with regard to Facebook this would be the official Lower Makefield Government page and not a group like "Lower Makefield is a Great Place to Live." She stated unlike a private group this official page would be visible to everyone on the Internet to get updates. She stated the administrator would also be able to see demographics as to who is using the site. She stated it would be set up as a Government page and only Lower Makefield Township would publish posts and new topics on the page. She stated people can comment on the posts, but followers would not be able to start threads of their own on new topics. She stated you cannot turn comments off and anyone would be able to comment on what the Township posts, and because of this it is important to have a Comments Policy in place as well as a Public Records and Retention Policy.

Mr. McLaughlin asked if there is not a way to turn off comments; and Ms. Laurinaitis stated while you cannot turn off comments, you can turn off posts, and people cannot start their own conversations and can only comment on what the Township has posted. Ms. Laurinaitis stated she has reviewed a number of different Comment Policies from other local Municipalities including Doylestown Township. She stated the key is to stay within the parameters of the law but respect First Amendment Rights while maintaining control and respect on the page. Mr. McLaughlin stated he feels this is fairly broad. He stated while he is in favor of the page he is concerned about the ability of people to comment whatever they want and something could be on the page for some time before someone in the Township catches it; and it can get out of hand quickly.

Ms. Laurinaitis showed what is included in the Doylestown Social Media Policy which gives them the right to delete submissions that contain vulgar or obscene language, defamatory or disparaging content, false, misleading, or deceptive information, personal attacks, and clearly off topic comments. Mr. McLaughlin stated most of these are subject to interpretation, and someone is going to have to police this which will be a "Herculean" job; and Ms. Laurinaitis stated while she agrees that it is, having the right person administrating it who is familiar with this kind of work and these policies they should be able to do it. She added that in extreme cases, legal counsel would be a presence. Mr. McLaughlin stated this is his concern.

Mr. Waldorf stated the type of information which will be posted would be information about the recycling yard, Pool pass information, and activities that are going on and not the type of posts that are on "Lower Makefield is a Great Place to Live." He stated he feels this will also be an opportunity for Economic Development to promote the Township. Mr. McLaughlin stated he agrees with this if the Township can control the narrative, but they cannot.

Mr. Fred Young stated the person they would hire to monitor this would be a contemporary "Editor" to control the flow of information.

Mr. Fedorchak asked if the Township would be able to delete comments, and Ms. Laurinaitis stated they would. Mr. Fedorchak asked if they could not state in the Policy that the Township at its sole discretion will delete any comment they deem to be irrelevant; and Ms. Laurinaitis stated they could, and that would included in the Policy.

Mr. Rubin stated they are not recommending that the Township would have to hire someone, and someone on the staff can do the monitoring; however, Ms. Tyler stated their employees already have jobs they need to do. Ms. Laurinaitis stated they need to decide if they want to proceed with this before they decide what resources would be put toward it. Mr. Smith stated he feels it is great.

Mr. Benedetto stated he is in favor of establishing a Social Media presence; however, he agrees with Mr. McLaughlin that even the most benign comment will generate vitriol. He stated despite this, he still feels the Township should do this recognizing that that will happen. He stated he would like to have someone come in from Doylestown Township who has done this. Ms. Tyler showed this evening what Doylestown is posting. She asked Mr. Garton if he reviewed Doylestown's Comments Policy, and Mr. Garton stated he has. He stated he does not feel there have been a lot of issues in Doylestown, and it has worked well recognizing that they do not have the heated Elections that there are in Lower Makefield.

Mr. Smith asked if Yardley Borough and Falls Township also have Facebook pages; and Ms. Laurinaitis stated they do although they do not have any formal Comments Policy or a Records and Retention Policy. Mr. Smith stated he understands it is working in Yardley and Falls, and Ms. Laurinaitis stated they have not gotten a lot of negative comments.

Ms. Tyler asked what they are trying to communicate, and Mr. Smith stated they are trying to communicate Governmental issues and things of interest in Lower Makefield. Mr. Rubin stated Facebook and Twitter is a way of directing people to go to the Township Website for official information from the Township.

Mr. McLaughlin asked Chief Coluzzi if the Police Department has a Facebook page; and Chief Coluzzi stated they do not. Mr. McLaughlin asked if the School District has a Facebook page, and it was noted that they do not. Mr. McLaughlin asked why not, and Mr. Waldorf stated as a School Board member he has been encouraging them to get “ahead of a curve.” He stated his concern is when they have a lock-down situation at a School and the parents are learning about it because their children are Tweeting about it even though the School is posting the information on the School District Website. Mr. Waldorf stated the Township has an obligation to be more proactive about getting the message out. Mr. McLaughlin asked why the School District did not want to do this, and Mr. Waldorf stated they indicated that they did not have the time or the staff to do it. Mr. Waldorf stated he feels whatever the Township will be posting will not be generating comments the Board would be concerned about.

Mr. McLaughlin stated he is concerned about a “rogue person” making inappropriate comments about the Police force, the safety of the Pool, etc. He stated comments could get out and distributed very quickly before the Township could control it. Mr. McLaughlin noted his concern with the comments on the Facebook page “Lower Makefield is a Great Place to Live,” but Mr. Waldorf stated that is an open forum and what they are proposing would be different. Mr. McLaughlin stated there is still the ability to put up posts twenty-four hours a day, and in fact it would be an open forum until someone from the Township staff polices it.

Ms. Laurinaitis stated with regard to the negative comments, she has been considering this over the past few months. She stated “Lower Makefield is a Great Place to Live” is a private group, but this page would not be a private group and would be a public forum where everyone can see it and people’s behavior on the official Government pages available for all the public to see will be different. Mr. McLaughlin stated the Bucks County Courier Times publishes public comments, and some of them are “vicious.” Ms. Laurinaitis agreed, and she stated that is why they would have to have someone monitoring the Township’s Facebook page. Mr. McLaughlin stated that is his concern because they do not have someone who could be a 24/7 presence. He stated something very bad could be posted Saturday morning when no one is monitoring it, and Ms. Laurinaitis stated whoever is monitoring it could get notifications sent to their e-mail. Mr. McLaughlin stated he is concerned about getting these e-mails on Saturday morning and then having to contact his fellow Supervisors. He stated he understands the desire to have communication, but there is a huge responsibility. Mr. Rubin stated while they do have concerns, their charge was to suggest a way not only to reach the residents, but also to have the residents to reach the Township. He agrees that there will be some problems, but EMAC feels the good outweighs the bad.

Mr. Benedetto asked if Doylestown has a Social Media Director monitoring this, and he asked what the Township is planning to do about having someone monitor this. Mr. Fedorchak stated his understanding is that Doylestown has a Special Projects Coordinator on their staff who monitors these activities. Mr. Benedetto asked if this is the Township's plan as well, and Mr. Dobson stated he does not feel they want to hire anyone to do this.

Ms. Tyler asked Chief Coluzzi how many people are signed up for the Lower Makefield Township Police Department Twitter feed, and Chief Coluzzi stated he believes it is in the hundreds. Mr. McLaughlin asked if they ever get negative comments, and Chief Coluzzi stated they do not get comments. He added the good part about Twitter is that you can put information out and links on the information to various Websites, but they do not have to worry about comments back. Ms. Laurinaitis stated people can still reply.

Mr. Dave Kelliher stated approximately seven years ago a decision was made to broadcast the Supervisors' meetings, and the big fear was that "crazy people" would turn up, and this has not been realized. Mr. McLaughlin stated Social Media allows people to anonymously attack. He noted the issues with cyber bullying. He stated he does not feel Social Media is the same as televising the meetings. Mr. Kelliher stated EMAC has provided examples of Townships that are doing this correctly, and they have not had problems. Mr. McLaughlin stated he could also provide examples where things have gotten out of hand.

Ms. Tyler asked what type of items EMAC foresees Lower Makefield posting on a Facebook page, and Ms. Laurinaitis stated it would be used as a public relations tool to let people know all about the events and services as well as new information and directing them to the Township Website for the details. Mr. Rubin stated it would also be useful in the event of an emergency. He stated he also does not feel there is anything wrong with the Administration and the Board of Supervisors getting the pulse of the feelings of the community; and while there are horrible examples, in general it is a good way of interacting with the residents.

Mr. Smith stated when they enacted televising the Township meetings, people were very much against it; and while there have been some problems, he does not feel they can ignore the 21st Century. He stated it is working elsewhere, and he feels the Township should aspire to this as well and not impede communication. He stated he endorses moving into the 21st Century.

Mr. Benedetto stated he agrees with Mr. McLaughlin's concerns, but there are other local Townships doing this and it seems to be working. He stated he is in support of it recognizing that there is very real concern that it will get out of hand. Mr. Smith stated if it does, he is sure there are steps that can be taken taking into consideration the First Amendment issues. Mr. Benedetto stated he would like to have someone come in from Doylestown Township to speak to the Supervisors. Ms. Laurinaitis stated San Mateo County has a flow chart as to how to reply to negative comments and how to resolve situations which may be helpful for the Township to look at. She stated for repeat offenders particular users can be banned from liking the page.

Ms. Tyler thanked EMAC for doing all of this research. She stated she has been doing some research herself, and one of her concerns is dedicating employee resources to monitor the Website. She stated they also need to determine what it is they want to communicate.

Mr. McLaughlin stated he would be in favor of what Chief Coluzzi has through Twitter where there is no comment. Ms. Laurinaitis stated you can still reply to Twitter but if someone is not a follower of the person commenting they could not see that reply. Mr. McLaughlin stated what Chief Coluzzi has shown him which the Police Department uses is exactly what he would want where they would not run the risk of someone writing back something inappropriate. Mr. Waldorf stated the Police Department is not following anyone back so it is only one-way communication, and Mr. McLaughlin stated he would be in favor of this so they could get out the information. Ms. Tyler stated she feels with Facebook there is an expectation of response back and forth whereas with Twitter it is information being put out which she feels could be done easily if they wished to so that when Ms. Todd updates the Website, she could put this in Twitter as well which she feels is doable. Mr. McLaughlin stated he would be in favor of this.

Mr. Smith suggested that they move forward with Twitter and see how that works out; and if they want to in the future, they could move forward with Facebook. Mr. McLaughlin stated while he would like to learn more about Twitter, this seems to be appealing, and it would be a good first step and address his concerns. Mr. Smith asked that EMAC move forward putting together a Twitter program to be put in place as soon as possible. Ms. Tyler asked who they would like to have put out information, and Mr. Smith stated he feels it would be the Township Manager. Mr. McLaughlin stated he also feels Mr. Liney, the Township engineer, and Mr. Kall would be contributors. Mr. Fedorchak stated he feels the Twitter approach as a first step would be more appealing to him than getting into a Facebook page, and he asked EMAC to look into that approach further. Mr. Ruben stated he does not feel they need EMAC to establish Twitter as it can be established tomorrow by the Township Manager.

Ms. Tyler asked who runs the Police Department Twitter account, and Chief Coluzzi stated only three people have authorization – himself, the Captain, and the Lieutenant.

Mr. Fedorchak was asked to look into establishing the Township Twitter account. EMAC was thanked for doing this work.

DISCUSSION AND TABLING OF DEVELOPMENT AGREEMENT FOR REGENCY AT YARDLEY SOUTH PARCEL RESIDENTIAL DEVELOPMENT PHASES I AND II

Mr. Garton stated this is the Phase which includes the five acre parcel and the pavilion that goes to the Township.

Mr. McLaughlin moved and Mr. Benedetto seconded to approve the Development Agreement for Regency at Yardley South Parcel Phases I and II.

Mr. Dobson asked for an update with regard to the Yardley Hunt tennis courts on Revere. Mr. Fedorchak stated during last evening's Park & Rec Tour, they visited the tennis courts; and while there was not a consensus reached by those present, he will be meeting shortly with representatives from Toll to talk about a number of approaches. Mr. Fedorchak stated he believes that Toll is willing to participate in helping the Township fix the tennis courts although to what extent at this point it is unclear. He stated he hopes in approximately one week he will have something more concrete to report to the Board.

Mr. Benedetto stated there are four tennis courts, and he asked Mr. Fedorchak to speak to a dollar amount. Mr. Fedorchak stated Toll Bros. did get a contractor involved to look at fixing up the wearing surface and installing new netting, and they came up with a figure of \$100,000 for all four which would be \$25,000 per court. He added this does not include new fencing. He stated there was also discussion about whether they should perhaps just have two courts considering the limited use in the area rather than four courts. He stated he feels that has some value since the Township will have to maintain whatever is there, and it would be less expensive over the long run for the Township to maintain two courts rather than four.

Mr. Fedorchak stated what started this was that Toll Bros. has been removing landfill material in Yardley Hunt, and there was a portion of fill that was underneath one section of these tennis courts which involved possibly two courts. He stated to restore the tennis courts located on top of the fill area may not be such a good idea as they expect in the years to come that area will continue to sink. Mr. Dobson asked why it would sink. Mr. Smith stated he is concerned about this, and he feels strongly that Toll was responsible for this problem in Yardley Hunt for decades;

and only when it was discovered about the fill, did they take steps to correct it; and this should have been done decades ago. Mr. Dobson stated it should never have been buried in the first place. He added that since Toll Bros. caused the problem, they need to re-do it to get it back the way it was. Mr. Dobson stated he does not want to proceed with the Development Agreement for Regency at Yardley until Toll Bros. comes to a definitive correct action that the Township can agree with as the residents deserve this.

Mr. Garton stated at this point, they would need a Motion to Table.

Mr. McLaughlin moved and Mr. Dobson seconded to Table Approval of the Development Agreement for Regency at Yardley South Parcel Residential Development Phases I and II.

Ms. Tyler asked for Mr. Garton's opinion; and Mr. Garton stated the Board does have the right to Table this, and it would be appropriate to send a message to Toll Bros. that they want resolution to the issue. Mr. Benedetto asked if there is legal recourse, and Mr. Garton stated probably not because it is long since past the statute. He noted they have also taken out the fill so that remedy has been effectuated.

Mr. Benedetto asked if they have taken out all of the trash yet or is there still some underneath the court. Mr. Fedorchak stated he understands that they have removed all of the landfill material. Ms. Tyler stated they did remove the material that they found, but she is concerned that there is no way to determine if there is more underneath the existing courts without taking up the courts. Mr. Eisold stated where the courts settled substantially is where the fill was. He stated there are cracks on the rest of the courts due to the age, etc., but they are not sinking. He stated the area that was dug out was sinking.

Mr. Smith stated he saw the courts yesterday and they were not in good shape. He stated they then looked at the courts they discussed earlier where they are having pickle ball, and they were pristine. Mr. Fedorchak stated those courts were just resurfaced, but based on their experience with that type of wearing surface, cracks will expand again after the winter; and they will have to go back in next year doing the work they just did. He stated there are annual maintenance requirements needed to keep the courts in decent playing condition.

Mr. Dobson stated thirty to forty people came to the Park & Recreation Board meeting about the Revere tennis courts, and he feels the residents deserve to get this fixed. Mr. Dobson asked who took the fence down, and Mr. Fedorchak stated it was Toll Bros. Mr. Eisold stated he feels Toll Bros. is fully responsible for the fence and the one and a half courts where they did the work as well as some trees that

they took out which they will have to replace. Mr. Eisold stated in the previous sections where trash was found Toll Bros. did meet with the residents and addressed the issues. He stated in this instance with the tennis courts it was a bigger issue. Mr. Dobson stated he would not ask them to rebuild four tennis courts, and just wants them to get it back the way it was.

Ms. Tyler showed a Plan showing the condition of the courts. She stated while there are nets on two of the courts, they are really not playable. She stated the Board needs to consider what they want Toll Bros. to do. She stated the tennis courts are approximately thirty years old, and she does not feel Toll Bros. is responsible to provide them with four brand new courts, but they should fix the courts that were ruined because of Toll Bros. She stated the Board needs to consider if they want four tennis courts at this location or two courts with green space with a swing set or some other kind of play area. Mr. Smith stated he feels Mr. Fedorchak should tell Toll Bros. to do the right thing. Mr. McLaughlin stated he feels the Board should decide what they want done, and Toll Bros. could provide a sum of money to the Township. Mr. McLaughlin stated he feels they should poll the area residents as to what they want. He stated they should also determine what Toll Bros. is willing to do to make this right. Mr. Benedetto stated the residents were clear that they wanted it back to how it was. Mr. McLaughlin stated he feels there is a dollar amount that Toll Bros. should be required to pay, and they need to determine what that amount is and what the Township wants to do with that.

Mr. Dobson stated if there are four courts that are in disrepair, and Toll Bros. caused one and possibly two to be in that condition, he feels Toll Bros. should be asked to replace two, and the Township will need to decide what to do about the other two courts. Mr. McLaughlin stated they could have Toll Bros. provide a sum of money and then decide what they want to have there. He stated he does not want to put in four tennis courts and then find out that there is more trash under the other two. Mr. Fedorchak stated he feels they should ask Toll Bros. for at least \$25,000 per court. Mr. Dobson stated he feels they should ask Toll Bros. for \$50,000 since there were two courts that they infringed on.

Ms. Tyler stated her concern is that she is not confident that there is not more trash under the other two courts noting the extent of the crack from end to end.

Mr. Eisold stated while his firm does not have the equipment to determine if there is trash under the other courts, that equipment can be obtained to look into this.

Mr. Eisold stated where it settled at the end of the one court was definitely a different situation as opposed to where the cracks are on the rest of the courts; however, he cannot guarantee that there is not also trash under the other courts although the settlement was much more severe in the area where the trash was found. He stated when they took the trash out, they made Toll Bros. go out in every

direction until they came to virgin ground around that pit, although this does not mean that there is not another pit somewhere. Ms. Tyler stated she does not feel the court with crack from end to end is a usable court, and she asked if they could do a 3 by 3 and dig down to make sure there is nothing under it. Mr. Eisold stated the could do a core boring to determine what is underneath.

Mr. Smith asked how much trash was found in the area of the courts; and Mr. Smith stated while this was one of the smaller areas in the development, there was a lot of material there. He stated they made sure that none of it was hazardous, and it was building materials.

Motion to Table carried unanimously.

Ms. Tyler stated the residents in that area want a recreation space. She stated she feels there should be at least two courts; and if they do not have four courts, they will put some other amenity in that area. Mr. Dobson stated while he agrees with this, he does not feel 100% of this is Toll's responsibility, and Ms. Tyler agreed. Mr. Dobson stated they need to determine what would be fair.

Mr. McLaughlin moved and Mr. Benedetto seconded to direct the Township Manager to approach Toll Bros. for an amount of \$100,000 for the remediation of the tennis courts.

Ms. Tyler stated if they ask Toll for a sum certain they would not give that without a release of further liability on the property, and she feels they need to know the extent of what is there. Mr. Dobson stated while he agrees, he would be willing to accept the \$100,000 donation. Mr. McLaughlin stated he feels \$100,000 would be an equitable settlement. Ms. Tyler stated she does not know how much it is to build a tennis court especially if they have to dig everything up, since it is \$25,000 just to resurface a tennis court. Mr. McLaughlin stated he feels \$100,000 would make them whole. Ms. Tyler stated she does not feel that there is enough information to put a sum certain on this. Mr. Smith stated he is in favor of pushing Toll to do the right thing, but he feels a different approach would be that the Township Manager get a definitive answer within a time certain of what they will do as opposed to asking them for \$100,000.

Mr. McLaughlin stated he feels they should tell Toll Bros. what they want, and he feels they want \$100,000 and then the Board would be willing to approve the Development Agreement. Mr. Garton stated while the Board can Table the Development Agreement, they cannot preclude executing the Agreement forever because Toll Bros. is not meeting their demand for \$100,000. Mr. McLaughlin stated he feels this is a starting point and the Township does have to offer them something, but agrees they cannot delay them in perpetuity. Mr. Smith asked if they should

consider having Toll Bros. just replace the two tennis courts rather than asking for the \$100,000 as Toll Bros. could probably replace the tennis courts for less money than \$100,000 since they do not have to pay prevailing wage.

Motion did not carry as Mr. Dobson, Mr. Smith, and Ms. Tyler were opposed.

Mr. Smith moved, Mr. McLaughlin seconded and it was unanimously carried to direct the Township Manager to continue talks with Toll Bros. giving them the option of paying \$100,000 to replace the courts or replace two courts at their own cost and install fencing and trees.

Mr. Garton noted that the Board met in Executive Session for approximately twenty minutes prior to the meeting to discuss the Zoning Hearing Board matters.

ZONING HEARING BOARD MATTERS

With regard to the Darin W. Martin Variance request for the property located at 1202 Dickinson Drive in order to permit construction of a paver patio resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the James Osterstock Variance request for the property located at 2224 Stackhouse Drive in order to permit construction of a garage and expanding of driveway resulting in greater than permitted impervious surface and encroachment into the side yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to have the Township solicitor participate in the Bosha and Stella Ebo Variance request for the property located at 1257 Holly Court in order to permit continued construction of an addition resulting in greater than permitted impervious surface and report back to the Board.

With regard to the James and Colleen Corte Variance request for the property located at 390 Trend Road in order to permit construction of a fence resulting in encroachment into an easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Barry and Barbara Deacon Variance request for the property located at 1 Fairway Drive in order to permit construction of an addition and extension of driveway resulting in greater than permitted impervious surface and encroachment into the front yard setback, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS REPORTS

Ms. Tyler stated they will have Caribbean Night at the Pool this Saturday night which is free for members. She stated there was a prior sign-up and those who signed up and purchased tickets will get a refund. She stated the Pool will be open until 10:00 p.m. that evening, and it is a family event with special menu items. Guest fees will apply that evening.

Mr. Dobson stated the Planning Commission saw a Sketch Plan which will be coming before the Zoning Hearing Board for a property at the corner of Dobry and Oxford Valley for a 11,000 square foot building which will require a number of Variances.

Mr. Benedetto asked about the landscaping around the ball fields, and Mr. Fedorchak stated he has had discussions with the staff and Park & Recreation Board members, and it is their intention to install trees to hide the traffic. Mr. Benedetto stated he understands from the EAC that the Township is owed a number of trees from Bright Farms and Mr. Troilo; and Mr. Fedorchak agreed that he has a number of sources for the trees.

Mr. Benedetto stated at the July 21 meeting of the Zoning Hearing Board, the Delorenzos development will be on the Agenda. He stated they had requested a Continuance; and they listened to what the Supervisors and the residents had said, and they have scaled down the project.

Mr. Smith stated the Golf Course has a very aggressive, positive summer program for young people. He announced that the Golf Committee is planning to honor the memory of Pete Stainthorpe in September with a bench and a plaque, and members of the Board, the public, and members of his family will hopefully be in attendance.

APPROVAL OF PUBLIC WORKS CONTRACT 2014 – 2019

APPROVAL OF EARLY RETIREMENT WINDOW RESOLUTION

Mr. Fedorchak stated he and Mr. Garton have concluded lengthy negotiations with the Public Works employees, and they are recommending approval of the six year labor agreement. He stated with regard to wages, starting in January, 2014, there was a wage freeze, in years 2015, 2016, and 2017 there is a 2 ½% increase, and for 2018 and 2019 a 3% wage increase; this averages 2.25% over the six-year period. Mr. Fedorchak stated there are two significant changes with the first in regard to pensions, and starting this year, Public Works employees will be required to contribute 2% of their wages towards their defined benefit program; and in the year 2017, they will be required to contribute an additional 1%.

Mr. Fedorchak stated three years ago they discussed initiatives and changes to have the public sector be more like the private sector, and starting in 2012 the Board implemented for the first time a defined contribution program, and that covers all non-Uniformed employees. He stated the Police are covered by Act 600 so they are locked into a defined benefit. He stated as time goes on and the defined benefit employees retire, it will transition out to the defined contribution plan and at some point in the not too distant future approximately half of the workforce will be under the defined contribution plan. He stated in the Police Contract, they also introduced for the first time Police Officer contributions; and starting in 2015, the Police are paying 1%, and in 2017 an additional percent so that they will be paying 2% of their salary as their employee contribution. He stated that year all of Public Works will be paying 3%. Mr. Fedorchak stated non-Uniformed Administrative personnel starting in 2014 began contributing 3%. Mr. Fedorchak stated in 2017 with these employee contributions, there will be a reduction in the Township's payment toward the Pension program of at least \$120,000. He stated this is all part of reducing expenses in the future in a meaningful way.

Mr. Fedorchak thanked both of the Unions for considering this and negotiating this change in their Contracts.

Mr. Fedorchak stated he had also discussed with the Board establishing a contribution toward the health care premiums, and they have included for new hires in this Contract for the first time a contribution toward the premium of the health care of 10%. He stated there have also been some Health Plan adjustments.

Mr. Fedorchak stated with respect to early retirement, they are recommending that the Board consider an early retirement window in the years 2017 and 2018, and the actuarial recommendation is based on a rule of 80 with the minimum age of 60. He stated there will be four Public Works employees who during that period of time would become eligible for the early retirement. Mr. Fedorchak stated as they look ahead and they hire people to replace those who are retiring, in the case of Public Works it would mean bringing in a new person and the starting salary would be \$8,000 less than what the retired employee would be making and there would also be in a defined contribution plan rather than a defined benefit plan, and they would be paying 10% toward their hospitalization premium so that the Township will be paying a lot less in the future.

Mr. Benedetto asked if there is an incentive for taking early retirement, and Mr. Fedorchak stated you want to give an incentive that is attractive enough for the employees to retire but at the same time is not too expensive for the Township and this is sometimes difficult. He stated in this case the incentive is that they can retire at an earlier age prior to 65 without being penalized.

Mr. Benedetto moved and Mr. Dobson seconded to approve the Public works Contract 2014 – 2019.

Mr. Rubin asked with regard to the current employees in the defined benefit plan how many years do they have to be vested, and Mr. Fedorchak stated it is five years. Mr. Rubin stated a current employee in the defined benefits plan that leaves the system before five years would get their contributions back, but the money that has been in there has been earning some returns. He stated in a defined benefits plan where people leave before they are vested, it is very advantageous to the Township, and Mr. Fedorchak agreed.

Motion carried unanimously.

Mr. Fedorchak asked that the Board approve the early retirement window he just discussed. He stated in accordance with Act 205 when they consider an early retirement window, they are obligated to first have an actuarial evaluation which he has included as part of the Board's packet; and that evaluation tells what the early retirement window will cost, and in this particular case, he feels the number is approximately \$36,000 a year.

Mr. Fedorchak stated he would recommend that the Board amend the non-Uniform Pension Plan to provide an early retirement window for the years noted 2017 and 2018 with the eligibility established in accordance with the actuarial cost study dated 6/30/15 which will be made part of the Record.

Mr. McLaughlin so moved and Mr. Dobson seconded.

Mr. Fedorchak stated he feels this needs to be in the form of a Resolution.

The original Motion was withdrawn.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve a Resolution for the non-Uniform Pension Plan to provide an early retirement window for the years 2017 and 2018 with eligibility established in accordance with the actuarial cost studies performed dated 6/30/15.

APPOINTMENTS

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to appoint Charles Halboth to the Planning Commission.

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Mr. Dobson moved, Mr. Smith seconded and it was unanimously carried to appoint Joan Kamens to the Economic Development Commission

There being no further business, Mr. McLaughlin moved, Mr. Smith seconded and it was unanimously carried to adjourn the meeting at 11:25 p.m.

Respectfully Submitted,

Jeff Benedetto, Secretary