

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – OCTOBER 21, 2015

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on October 21, 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  
Ron Smith, Supervisor

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

Absent: Dobby Dobson, Board of Supervisors Treasurer

#### PUBLIC COMMENT

Ms. Kaaren Steil and Ms. Judith Grant from the Historic Commission were present. Ms. Steil stated the Historic Commission is digitizing the Township "treasures" with the help of the Newtown Historic Society. She reviewed the work they have done researching the development of the Township and collecting artifacts. They showed this evening a steamer truck from the 1920s which they are now custodians of. She stated they would like to come to future Board meetings to show some of the other items they have found.

Ms. Gudrun Alexander, 256 S. Fieldstone Court, stated she feels the public channel runs too quickly for her to read. She also noted speeding on Bluestone Drive including speeding by Pennsbury School buses. Ms. Tyler asked Chief Coluzzi to look into the speeding and encouraged Ms. Alexander to contact the Pennsbury School District as well. Ms. Alexander stated she feels there should be a time limit on Public Comment to ten to fifteen minutes per person. Ms. Tyler stated she is reluctant to limit public comment but appreciates her comment.

Mr. Jeff Hirko, 1450 Dolington Road, stated he sent a letter to the Board of Supervisors and Mr. Fedorchak on October 8<sup>th</sup> regarding Patterson Farm Preservation, Inc. cleaning out the pack house on the Farm so that Patterson Farm Preservation, Inc. could use the back room for materials to do maintenance on the property and allowing the farmer, Sam Stewart, to use the rest of the building for what it was intended for as a pack house. Mr. Hirko stated Mr. Stewart had to take 4,000 boxes of tomatoes from the Patterson Farm to his farm to process them further when that all could have been done in the pack house. Mr. Fedorchak stated he will be meeting with Mr. Stewart tomorrow on a number of items, and he could discuss this with him. Mr. Fedorchak stated Mr. Stewart does have unrestricted use of the large barn where there is much more room than in the pack house; but if he needs more space, they could discuss that.

Mr. Benedetto asked if the Artists of Yardley were using the pack house; and Mr. Fedorchak stated they were discussing using that for some of their activities, but he is not sure that this is still part of their long-range plan, and he will discuss that with them. Mr. Benedetto asked if that is part of their Lease, and Mr. Fedorchak stated it is not.

Mr. Larry Borda, 508 Heritage Oak Drive, stated the last time he was at a Board of Supervisors meeting was when he was with Bryan McNamara and they were fighting the Matrix site along with RAM as they were one of the early organizers of that group long before Steve Santarsiero got involved. Mr. Borda stated he feels the residents usually do not come to the Supervisors' meetings because they are relatively happy and they have busy lives. He stated he came tonight to make special note of Dan McLaughlin who has spent a lot of time and effort to help the Township become financially viable and to stay that way. He stated he knows that has been a big sacrifice for Mr. McLaughlin, and he wanted to personally thank him on behalf of himself and his family for the effort he made on behalf of the Township.

Mr. James McCartney, 1324 Oxford Valley Road, asked about Act 537 as it relates to Oxford Valley and Stony Hill Roads where there are approximately fifteen homes that are not hooked up to public sewer.

Mr. McLaughlin asked the Township's obligation to run sewer. Mr. Fedorchak stated in the 537 Plan the Township identifies areas within the Township that do not have public sewers. He stated it is the Township's responsibility to figure out how to bring public sewers to these areas. He stated DEP has a goal under the Clean Streams Act that every home should have public sewers within reason recognizing that there are rural areas where that will not happen. He stated this is balanced by the realities of costs and whether or not it is feasible to bring in sewers.

Mr. Fedorchak stated in Mr. McCartney's area they discussed the fact that more studies need to be done, and he has tasked the Township engineers to continue to look at that area. He stated while it is not impossible to get sewers there, it is going to be "tricky;" and it could prove to be quite expensive.

Mr. McLaughlin asked what happens if someone has a failing system. Mr. Fedorchak stated there could be a situation where there is an old system that does not meet current standards; and if public sewers are not readily available, and the Bucks County Health Department cited a property for a malfunctioning system, the first thing that would be looked at would be for the property owner to install a current system which could cost the property owner \$10,000 to \$15,000.

Mr. Fedorchak suggested that they continue what they are doing with regard to Mr. McCartney's neighborhood to see what is the best thing to do.

Mr. Smith stated he felt they set some precedence in Edgewood Village with the homeowners hooking up approximately four to five years ago. Mr. Fedorchak stated in that case they received a Grant from the State in the amount of \$800,000 to run the main sewer line up into the village, and at that point the project became cost effective.

Mr. Fedorchak stated more information is needed about Mr. McCartney's neighborhood, and they will pursue this with the sanitary sewer engineers. He stated they are in the process of updating the 537 Plan.

Mr. Koopman stated the Sewer Authority has been working on updating the Plan which has to be approved by the DEP. He stated they will file this by the end of the year. Mr. Fedorchak stated they are obligated to identify all the unsewered areas in the Township and address what they are going to do.

Mr. McLaughlin asked that they make Mr. McCartney's area a priority.

Mr. Benedetto stated with regard to Edgewood Village in 2012 there was a Resolution passed identifying Edgewood Village, and they did receive a Grant. Mr. Benedetto stated there was also an LMT Sewer Account, and at that time there was approximately \$300,000 in it. Mr. Benedetto asked Mr. Fedorchak if there is any Sewer Account to address these issues. Mr. Fedorchak stated in 2011 they established a Sewer Capital Reserve Fund, and they have taken \$500,000 each year since then from the Operating Budget and placed it into the Sewer Capital Fund to accomplish a variety of necessary capital improvements including the upgrading of two pump stations which were upgraded at a cost of \$250,000 each. He stated a

project like this could be funded through the Sewer Capital Fund, but he cannot state that \$500,000 would cover it without knowing more from the Township engineers.

Mr. Benedetto stated there was money used from that fund for Edgewood Village; however, Mr. Fedorchak stated that may be correct, but for the most part the difference between the full project cost and the \$800,000 to \$850,000 from the Grant came in the form of an assessment to each property owner that benefitted from the sewers. Mr. Benedetto stated that was slightly different because of Cam Troilo's Flowers Field being able to hook up so that reduced the cost.

Mr. Fedorchak stated over the years the Sewer Authority has been involved similar to what Mr. McCartney is discussing bringing sewer lines into areas, and typically there is a combination of public funding and an assessment to the property owners; and he feels that is the way this situation would be handled. Mr. McLaughlin stated this would be not only an assessment from the house to tap into the line, but also an assessment to bring the sewer down the road; and Mr. Fedorchak agreed.

Mr. Robert Minten, 624 Countess Drive, stated he looked into a new septic system, and the cost was between \$20,000 to \$30,000. He stated you have to do perc tests, and there may be requirements that it would have to be moved to a different spot. Mr. McLaughlin stated the costs to the homeowner for public sewer would be an assessment to run it down the street and then an assessment to get it from the house to the street.

Mr. McCartney asked if there are fifteen houses in the area without public sewers, would they need everyone to buy in. Mr. Fedorchak stated typically they look for a majority of property owners that are in favor of it; however, if it turns out that of the fifteen properties, thirteen have systems that are failing, at that point it would be more of a public health issue, and the Sewer Authority and the Board of Supervisors could approve the public sewer project in that area.

Mr. McLaughlin asked if someone has a failing system, what are they supposed to do; and he asked if they are allowed to upgrade their system. Mr. Fedorchak stated they are if they meet certain criteria set by the Bucks County Health Department.

Mr. Benedetto asked if any revisions have been filed to the Act 527 since 2010; and Mr. Fedorchak stated they filed a revision for the Edgewood Village area, and now they are continuing throughout the rest of the Township. He stated the Edgewood Village area was put on fast forward because of the availability of the Grant. He stated that area had been identified in the previous Act 537 Plan as being an area that absolutely needed to be sewerred.

Mr. McLaughlin stated it seems that they could add Mr. McCartney's area to the Act 537 Plan if it has not been included, and Mr. Fedorchak agreed. Mr. McLaughlin asked if the environment is good at this time for Grant money, and Mr. Fedorchak stated it is not good in the area of sewers. Mr. Smith stated they have also not passed a State Budget yet. Mr. McLaughlin asked if there is someone who looks into possible Grants, and Mr. Fedorchak stated the Sewer Authority and the sewer engineers would look at this when they get to a point where they have identified the scope of the project and potential costs. Mr. Fedorchak stated that was one of the reasons why they were able to get the Grant for Edgewood Village through Mr. McIlhinney and Mr. Santeris's offices because there was an Economic Development component to that with Flowers Field.

Mr. Benedetto stated in previous sewer main extensions in the Township, the overall assessment was approximately 60% of the total cost of the project, and the tap in fee was about \$2,000 for each lateral.

Mr. Minten stated he posted on Lower Makefield is a Great Place to Live about the problems at the Kids Kingdom playground. Ms. Tyler stated she did receive an e-mail about this and when she saw the photos she sent them to Mr. Fedorchak and Ms. Liney, the Township's Park & Recreation Director, on Monday evening; and by yesterday they were already out there and have effected the repairs. Ms. Tyler stated they also received a report today from the Department of Agriculture Bureau of Standards, Measurement, and Inspections regarding the entirety of the playground and it indicates they found the playground to be well maintained with no visible hazards. Ms. Tyler thanked Mr. Minten for bringing this to their attention and asked that when anyone sees something they are concerned with in the Township, they should bring it to the Township's attention.

Mr. Minten stated that playground is over twenty years old. He stated a new playground was installed at the 9-11 Memorial but it is not in our Township; however, Ms. Tyler advised him that is in Lower Makefield. Mr. Minten stated he feels they should consider getting another playground since there have been changes in play and how playgrounds are designed today and changes to the safety standards. Ms. Tyler stated every year Park & Recreation replaces a portion of Kids Kingdom since it used to be all wood, and they are in the process of replacing it with upgraded material. She stated it is regularly maintained and painted biannually. She stated Kids Kingdom was built by volunteers from the community. Mr. Minten stated while he appreciates everything the Park Department is doing, the damage and decay was pretty bad and 50% of the hand rails are splintering. He asked how diligent they are. Ms. Tyler read a report from Ms. Liney following the receipt of the photos reviewing the work that was done and will be done in the future. Ms. Tyler noted that Ms. Liney advised that the independent State inspector who inspected

the playground yesterday found no safety hazards but did advise that a sign should be posted indicating "Shoes should be worn" as there were children observed running in the playground barefoot; and she will order that sign. Ms. Tyler stated if Mr. Minten has any other concerns he can contact Ms. Liney or attend the Park & Recreation Board meeting. She also encouraged him to take his children to the new Township playground at Memorial Park.

Mr. Tim Collins, 479 Jenny Drive, asked about the articles that were in the paper about the Garden of Reflection and children using it as a pool. Chief Coluzzi stated this was a one-time incident and Officers did respond at the Garden and talked to the family who had small children in the fountain, and they were told that was not a place to be. Mr. Collins stated a few months ago he brought up the fact that most of the fire hydrants in the area do not have any banners identifying them through the winter season. Mr. Fedorchak stated he did discuss this with PA American Water; however, they did not respond, and he will follow up with them. Mr. Collins stated he was not present at the last meeting, but he read articles about the last meeting, and watched some of it on the video. He stated he feels the last meeting was appalling, and when anyone attacks the integrity of the Township Manager calling him a "liar" and questioning the Police Chief's ability to conduct an investigation, he feels those people should look into the mirror and make sure they are questioning themselves about who they are talking about.

Ms. Judy Gordon, 1483 Buck Creek Drive, stated there are at least five political signs posted in the Township that are 4' by 8'. She stated she understands that there is an Ordinance that they can be no more than 16 square feet and 4' by 8' would be 32 square feet, and she asked why the Code is not being enforced. Ms. Tyler stated this issue was raised recently, and they asked the Township solicitor to look into it. Mr. Koopman stated they were asked earlier this week to address the issue as to whether the 16 square feet limitation in the Township Zoning Ordinance is Constitutional, and they are researching this. He stated they researched this issue as well over ten years ago, and they need to research this further. He stated there are some Supreme Court decisions that have made it clear that the Township has certain limitations with how they can regulate political signs on private property as it is a matter of First Amendment Rights, Free Speech, and people have the right to support political candidates by free speech and that includes signs on their private property. He stated their research is indicating however that there are limitations; and the Township in certain instances, as long as the restrictions are reasonable and do not unduly restrict First Amendment rights, can regulate certain issues including the size of signs. He stated they are in the process of completing their research and trying to get input from the Bucks County Planning Commission, and he hopes to get back to the Township by Friday at the latest with their opinion regarding the

enforceability of that provision. He stated if they find that it is enforceable, he feels there are steps the Township can take such as Cease and Desist Orders to require the signs to be removed.

Mr. Smith stated there are aesthetic and safety concerns since all of the signs are in areas which he feels are traffic nuisances and can attract people's attention away from where they should be looking. He also stated he does not feel there is any doubt that there are at least 1000 campaign signs in the Township, so he does not see how free speech is being impeded. He stated the Ordinance on the books is very clear. He stated if they do not enforce the Ordinances, he feels it is a "free for all." Mr. Smith stated there must be reasonable restrictions on signage.

Ms. Tyler asked that the solicitor report on this as quickly as possible. She stated she is also concerned about the proliferation of signs on Township property, and she asked that Mr. Koopman look into this at some point as well. Ms. Tyler stated if the solicitor finds that the Ordinance is enforceable, she feels Mr. Fedorchak should enforce it. Mr. Fedorchak stated they are just waiting for Mr. Koopman's opinion; and if he finds that the Ordinance can be enforced with respect to the size of the sign, they will immediately take action. Mr. Smith asked if they are going to take the signs down themselves or send a letter out. Mr. Fedorchak stated he does not feel they would take them down themselves, but he would directly contact the parties involved and ask them to remove the signs as quickly as possible.

Ms. Gordon stated if they find out that the Code is not Constitutional, her concern would be in the future having really large signs and having signs that are raised up high off the ground. She stated the signs should look appropriate and be safe and not take away from the Township. Mr. Koopman stated those are the issues that the Supreme Court has recognized have to be looked at to determine whether size limitation is Constitutional or not.

Mr. Benedetto stated this is not a clear cut issue, and this will only be Mr. Koopman's opinion. Mr. Benedetto stated they could send a letter to the parties involved, and they could say they are not going to do it, and they could challenge it in Court. Mr. Benedetto stated he feels from looking at other Township's Ordinances that the time, place, and manner can be restricted. He stated it is not just about the size, it is also about the illumination. Mr. Benedetto stated there is a sign that is illuminated, and it says in the actual Ordinance "temporary signs not illuminated." Mr. Benedetto stated Mr. Koopman giving an opinion does not necessarily mean that the people who would face a violation will not say they will just challenge it in Court and they will drag it out. Mr. Benedetto stated the Ordinance has been in place a long time, and it has not really been enforced since there have been signs like this going back when he ran and in 2013. Mr. Benedetto stated he agrees with Mr. Smith that if they are not going to enforce the Ordinance, they should get rid of the Ordinance.

Mr. Koopman stated they are looking at precedent that addresses this particular issue of the reasonableness of the size, and they are finding some information on that and should be able to provide a conclusion by Friday. He stated this is the question that they were asked to look into. He stated he is not aware of any situation about illumination, and they were not asked to look into that.

Mr. Koopman stated one thing that is clear is that if a sign directly effects the safety of the motoring public or pedestrians such that it is in the sight triangle or similar, clearly that can be regulated and prohibited.

Mr. Smith stated when he previously served on the Board, they did enact an Ordinance regarding billboards since Case Law had come down indicating that a Township could not prevent or preclude them in their Township; and they had to have a spot for them. He stated the Board enacted an Ordinance that permitted billboards in a Zone which he feels was along Interstate 95.

Ms. Tyler stated she feels that they can come up with some reasonable restrictions if not by Ordinance then by cooperation of the local parties.

Ms. Kathy Hirko, 1450 Dolington Road, stated with regard to the signs if there is an Ordinance, it should be enforced. She stated she finds the huge political signs are very bad in the Township, and the candidates who are putting them up know they are violating an Ordinance; and they should take them down if they expect the residents to have any respect for them. She stated they are running for office, and they are already breaking rules. Ms. Hirko stated the last meeting was the first meeting she attended, and she was appalled by the treatment by some of the Supervisors to the Township residents; and it should not have been allowed to take place.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, asked the Board to authorize a link to be placed on the Township Website to Patterson Farm Preservation.com; and Ms. Tyler stated they will have to look into the content, and they need to make sure it is a non-political site. Ms. Doan stated with regard to the pack house at Patterson Farm, she stated those who are not involved in agriculture, some education needs to be done. She stated the pack house was built specifically so that you could back a tractor into it at ground level, was built with a cement floor, and it is where the vegetables are processed. She stated this cannot be done in the bank barn and you cannot back tractors into that with a loaded wagon. Ms. Tyler stated Sam Stewart should always speak to Mr. Fedorchak about what the Township can do to assist his farming operation there.

Mr. Smith stated he saw Ms. Doan and a number of other people at Danny Quill's house, and he asked Ms. Doan to advise the public what they were doing there. Ms. Doan stated Mr. Troilo allowed them to go in and look at two of the houses

including Danny Quill's house. She stated they want to look at them to see if it is feasible to restore them. She stated they feel they can get a community effort going to restore them. She stated the Veterans are on board and are enthusiastic about possibly having a Veterans' Museum at a property adjacent to the Veterans monument. Ms. Tyler asked if the owners of that property are indicating they would be willing to allow that to occur; and Ms. Doan stated he is talking to them, and they are encouraged. Mr. Smith asked about the Chapel in the area; and Ms. Doan stated the doctor who lives next door to the Chapel owns it, and they approached him to see if he would be agreeable to opening it up a few times a year to do a memorial service for the Veterans possibly Memorial Day and Labor Day. She stated nothing specific has been agreed upon, but they are discussing it.

Ms. Tyler asked Ms. Doan if she will be at the Veterans Parade, and Ms. Doan stated she could be; and Ms. Tyler stated that would be a good time to do some community outreach.

Mr. Adrien Costello, 2122 N. Crescent Boulevard, stated he does not feel that they need to wait for an answer from the Township solicitor if they plan to ask for cooperation from the Parties. Mr. Costello asked that they agree to enforce the Ordinance when the signs come down when the election is over, and Ms. Tyler stated she feels that they generally do.

Mr. Ken Seda, 912 Weber Drive, stated he understands that there is an Ordinance on the books on the signs, and the Board has chosen tonight not to enforce it as it exists today. Mr. Seda stated he feels Mr. Fedorchak has a responsibility to enforce that Ordinance today. Mr. Fedorchak stated he is not going to enforce an Ordinance that may be un-Constitutional. Mr. Seda stated he does not feel that is in Mr. Fedorchak's purview. Ms. Tyler stated the Board wants to have the Solicitor's legal opinion before they proceed. Mr. Seda stated the Ordinances are enforceable and carry the weight of law. Ms. Tyler discussed a previous incident where there was an Ordinance they were forced to pull off the books because of legal challenges; however Mr. Seda stated there has not been a legal challenge to the Ordinance regarding the signs. Ms. Tyler stated she would like to have the Solicitor's opinion on the validity of the Ordinance before they move on this. Mr. Seda stated he does not feel Ms. Tyler can do this because the Ordinance has been enacted and passed by the Board, and therefore needs to be enforced by the Township. He stated a Cease and Desist Order should be sent immediately upon the recognition of the Ordinance being violated.

Mr. Benedetto stated he agrees with Mr. Seda, and added there were multiple instances of not enforcing Ordinances including the Ishmael House and the Danny Quill House which are in disrepair; and the Ordinances were not enforced. He stated Mr. Koopman's opinion will come back about the time, place, and manner

restrictions that are in place; and they are talking about a sign that is literally twice the size permitted in the Ordinance; and one of the signs is illuminated which is also in the Ordinance, and it is a clear violation that people have brought to their attention, and the Township should take the signs down.

Mr. Seda stated while he likes Mr. Benedetto's opinion, he feels the Township has to enforce the Ordinance; and it is not just Mr. Benedetto. He stated there is no point in having enacted Ordinances if they are not going to enforce them. He stated he wants to know that the Board is going to take action tomorrow by sending a Cease and Desist Order because that is what is required by the Ordinance. Ms. Tyler stated they will take action based upon their Solicitor's opinion. Mr. Seda stated that is not good enough, and he does not feel Ms. Tyler has the ability to do that once an Ordinance has been passed by a majority of the Board.

Mr. Smith stated he agrees with Mr. Seda, and he feels that the signs should come down until they are shown that the Ordinance is un-Constitutional. Ms. Tyler stated she would like to avoid litigation. Mr. Seda stated he feels they are getting beyond the question which is does the Township have the authority and is it necessary to enforce their Ordinances today, and feels the Township needs to send Cease and Desist Orders tomorrow because they have been alerted to the fact that there is a violation of the Ordinance.

Mr. Koopman stated the Supreme Court of Pennsylvania has said there are First Amendment constraints when you regulate political signs. He stated when they went back to the Ordinance in 2003, it became clear that some of the things in the Ordinance were not enforceable and were clearly un-Constitutional; and they amended the Ordinance. He stated the Board also needs to consider that if the Township seeks to enforce these Ordinances and it is determined that they inappropriately did so, the Township can be responsible for attorneys fees because there are First Amendment rights at stake; and the Cease and Desist if issued needs to be issued to private property owners since those are the property owners that have the signs. He stated those property owners may take the position that they have the right to have the signs there; and if there is litigation, and if the Township is not successful in the litigation, there is a significant possibility that the Township would be assessed reimbursement to the successful property owner for attorney's fees.

Mr. Seda stated this is getting beyond the issue, and the issue that the Township has before it today is that they have to enforce the Ordinance. He stated if this is how the Township is going to operate, it is dysfunctional; and if they are going to choose which Ordinances they are going to apply, when to apply, and how to apply them then there is no rule of law and it does not make sense to pass any Ordinances.

Mr. Benedetto stated anybody can challenge the Ordinance; however, Mr. Seda stated nobody has challenged the Ordinance. Mr. Benedetto stated they can send the Cease and Desist Order and the legal opinion can be in place, and they could still say they do not agree and take it to Court. Mr. Benedetto stated whatever Mr. Koopman's opinion is, they can still challenge it and not take the sign down. Mr. Benedetto stated he feels that Mr. Koopman's opinion may give more solid legal standing, but not necessarily; and they could still challenge it so he feels they should enforce the Ordinance and let them do what they have a right to do. He stated the Ordinance has been on the books since 2003.

Mr. Koopman stated they do have to be cautious if the determination is made that based on precedent that has taken place recently that limiting signs of this type to 16 square feet is clearly invalid, it may create some problems; although he is not saying that this is going to be their opinion. Mr. Seda began speaking, and Ms. Tyler asked Mr. Seda to allow the Solicitor to complete his comment; however Mr. Seda stated this is time for Public Comment and not Solicitor's Comments. Mr. Seda stated the Solicitor is providing counsel on something that is unnecessary.

Ms. Tyler stated they have already stated what they are going to do; and while she appreciates Mr. Seda's comments, he should not cut off the Solicitor. Ms. Tyler stated they understand Mr. Seda's point; however, Mr. Seda stated he does not feel they understand how the Ordinances are supposed to operate as there is an Ordinance on the books. Mr. Seda stated Mr. Koopman is the counselor, and he is providing counsel; but the Board has the obligation to enforce the Ordinance. He stated he has also just been informed that there is large sign on public property which needs to come down immediately. He stated the Election is in three weeks; and if there is a delay and they leave the sign up until after the Election, it is pointless. He stated this is becoming a political issue, and they are defending a Party for some reason. Ms. Tyler stated they are not defending anyone, and they want the prudence of a legal opinion. Mr. Seda stated there is no legal decision, and there is an Ordinance that needs to be enacted.

Ms. Tyler stated they have a meeting to conduct; and Mr. Seda's comments have been well received, and they are waiting for the Solicitor to give an opinion. Mr. Seda stated he wants Ms. Tyler on record that she is not going to enforce the Ordinance; however, Ms. Tyler stated she is not stating that, and they are waiting for the Solicitor to issue an opinion. Mr. Seda stated they are not enforcing the Ordinance that is on the books. Mr. Koopman stated he feels they will be able to issue an opinion by Friday at the latest.

#### APPROVAL OF MINUTES

Mr. Benedetto moved, Mr. Smith seconded and it was unanimously carried to approve the Minutes of October 7, 2015 as written.

#### APPROVAL OF SEPTEMBER 21, 2015, OCTOBER 5, 2015, AND OCTOBER 19, 2015 WARRANT LISTS AND SEPTEMBER, 2015 PAYROLL

Mr. Benedetto moved, Mr. McLaughlin seconded and it was unanimously carried to approve September 21, 2015, October 5, 2015, and October 19, 2015 Warrant Lists and September, 2015 Payroll as attached to the Minutes.

#### PRESENTATION BY THE ECONOMIC DEVELOPMENT COMMISSION

Mr. Tom Conoscenti was present from the Economic Development Commission and stated they are an advisory board and a resource for the Board of Supervisors on economic issues and opportunities in the Township. He stated they are also charged with suggesting initiatives that will enhance the economy of the Township while sustaining the excellent quality of life. He stated they have one vacancy on the Board, and they would like the Supervisors to fill that vacancy as soon as possible. Ms. Tyler asked who they should be looking for to fill that vacancy, and Mr. Conoscenti stated most important would be someone who would be an active participant in their projects.

Mr. Conoscenti stated a major project for 2015 was a Business Survey, and they surveyed all the businesses in Lower Makefield which totaled approximately four hundred businesses. He thanked Mr. Fedorchak and the Township staff who were extremely helpful in getting the document prepared and mailed as well as handling the responses. He also thanked the Bucks County Planning Commission as they gathered the responses forwarded them by the Township and analyzed them for the Township. Mr. Conoscenti stated the survey consisted of twelve questions, and the results have been posted on the Economic Development Web page, and copies are available for the Board this evening. Mr. Conoscenti stated they received a 30% response rate which they feel was very good.

Mr. Conoscenti stated they recommend that the Township staff, the elected officials, and the candidates focus on the responses to Questions #8, #10, #11, and #12 which he feels are most relevant and very substantial. He stated Question #8 asked why they chose Lower Makefield Township to locate their business; and of all the

options given, 80% indicated it was the proximity, location, and the transportation network. He stated question #10 was how they described the business climate in Lower Makefield Township, and 94% rated it good to excellent. He stated question #11 asked what were the advantages and disadvantages of being located in Lower Makefield Township; and out of the seventeen choices given, 81% chose access to highways, roads, and public transportation. He stated the biggest disadvantage cited was the Licensing, Permitting, and the Regulatory environment. He stated Item #12 was whether they would recommend Lower Makefield as a place to locate a business, and 81% indicated yes. Mr. Conoscenti stated for a few of the questions they asked for written comments, and he asked that they look particularly at those answers as they are very informative. He stated the top comments that came back to the question why they would recommend Lower Makefield were because of the high quality of life and the fact that there was no earned income tax.

Mr. Conoscenti stated this year the Commission also wanted to look at the trends that go beyond business. He stated they created an economic development “heat map” which is a technique widely used in business to show trends in data and they wanted to apply it to Lower Makefield Township and economic activity. He stated much of the information came from the Bond refinancing and Mr. Fedorchak was extremely helpful in gathering data. Mr. Conoscenti stated the number of Building Permits issued is a good sign for economic activity. He also noted that the Transfer Tax receipts revenue is up significantly. He stated the real estate taxes paid and the market value of the property also shows slight increases. He stated the road resurfacing expense was shown as one of the variables because they saw the interest expressed by the business owners of the importance of roads and the transportation network, and they wanted to look at the Township’s response on the roads that the Township controls. Mr. Conoscenti stated numbers to be concerned about going forward are the numbers of households and the population.

Ms. Tyler thanked Mr. Conoscenti, his Committee, and the Township staff for the time and effort put into this; and she feels this is a wonderful template for moving forward with valuable information and a wonderful snapshot of how the Township is doing. She stated she would like to know more from the business community what they can do better for them.

Mr. Smith stated he is Liaison to this Committee, and they did a great job. He stated on November 12 there will be a Meet and Greet between the business community, civic leaders, and anyone else who wants to attend. Mr. Conoscenti stated this will be held at Makefield Highlands from 5:30 p.m. to 7:30 p.m. He stated they have done a lot of publicity already, and it is on the Township cable channel. He stated they have also sent invitations to Steve Santarsiero, Chuck McIlhinney, Mike Fitzpatrick, and Lynn Bush. He stated they hope Mr. Fedorchak and all the Supervisors will attend as well. He stated save the date postcards will be mailed in a day or two to the four hundred businesses in the Township. He stated they wanted

to get the business community together to network with public officials, and at that time they also plan to share some more results of the business survey; and they are looking forward to what they can do next year as well.

Ms. Tyler asked Mr. Conoscenti to share his background with the public.

Mr. Conoscenti stated he has lived in Lower Makefield since the early 1990s. He was a business owner, and sold his business four to five years ago to a private equity company. He stated he stayed on at that business for a few years, and he fully retired in 2013. He stated he has been active in some community projects including Patterson Farm. Ms. Tyler stated Mr. Conoscenti is just one of the examples of the really fine volunteers they have in the Township.

Mr. McLaughlin stated this was an excellent presentation. He stated while he likes the responses from the existing businesses, he is more concerned about the potential since there are significant vacancies in the corporate centers; and he feels there is an opportunity there to attract a big company. He stated he is not sure that the Township is that easy to work with for potential companies. He noted the issues with the ShopRite. He stated the feedback he got from a number of people in the Edgewood Village area was that the Township is not that easy to deal with in terms of HARB and the restrictions that were put on. He stated he knows there is opportunity coming in Edgewood Village and other areas where there are significant vacancies. He stated he wants there to be something done to get people interested in coming to Lower Makefield, and he feels the Economic Development Commission should be focusing on marketing the Township. He asked what can be done to market the Township to large commercial and retail businesses to locate in Lower Makefield.

Mr. Smith stated he feels the Committee has taken a great first step in having a Meet and Greet, and he feels they should invite all the Realtors and business brokers as well since they are the ones who will be questioned when a perspective business or corporation is considering coming into Lower Makefield. Mr. Smith stated he also feels L & I has done a great job this past year, and this has to be made known to the people who will be at the Meet and Greet.

Mr. McLaughlin noted the parcel where the Hospital was proposed to go which is Zoned Office; and while he would love to see it preserved as farmland, it is not going to be, and he feels having someone put a corporate office there would bring huge energy into the community. He stated he feels they need to go to the next level of thinking and strategy to reach the big corporations. He stated the Trenton Mercer Airport has a lot of destinations and is an easy airport to navigate into, and he feels Lower Makefield has a lot of selling points. He feels they should be reaching out to the regional and National scope so they can start drawing in major corporations, and potentially have someone re-locate out of New Jersey into Lower Makefield.

Mr. McLaughlin discussed a major corporation that recently relocated out of Princeton into Ewing Township, and that corporation advised him that Ewing sold them on their Township. Mr. McLaughlin stated he would like to bring a large company into the Township adding there are pad sites ready to go on Township Line Road.

Ms. Tyler stated she feels reaching out to the County is important as well.

Mr. McLaughlin suggested they look into the Princeton/Ewing/Pennington area for any major corporation in that area and reach out to them suggesting that when their lease is up that they look into Lower Makefield Township. He stated he is aware that many companies are looking to get out of New Jersey and getting into Pennsylvania since New Jersey is a very hostile environment for people to work in because the property taxes almost force a lot of people into Pennsylvania, and a lot of the corporate decision makers want to be in Pennsylvania. He stated the corporate taxes are also much more onerous in New Jersey than they are in Pennsylvania. He stated it is also difficult for people to travel on the Route 1 corridor in New Jersey, and they are starting to look at that as a quality of life issue.

Mr. Conoscenti stated he feels they are moving in that direction. Mr. McLaughlin asked Mr. Conoscenti if he feels they have enough marketing material; and Mr. Conoscenti stated they have an excellent brochure on the Website about Lower Makefield, but it does need to be updated, and this is their next project after the Meet and Greet. Mr. McLaughlin stated he feels that this is something that the Board really needs to fund since they are in competition with every Township in Bucks County and New Jersey for economic development. Mr. Conoscenti stated in addition to updating the brochure, they also want to update the map that was put out a few years ago.

Mr. Benedetto asked how they identified the local business, and Mr. Conoscenti stated there is a list maintained in the Township offices which is updated periodically but he feels it is not complete particularly with regard to the home businesses. Mr. Benedetto asked if there was any comment about the ban on Liquor Licenses, and Mr. Conoscenti stated there was not. He stated for next year they are considering a survey for residents along the same lines as the business survey, and they are starting to think of questions for that. Mr. Benedetto asked if there was any mention about surrounding Townships as far as partnerships with Newtown and Yardley Borough where they were used as examples of where certain business owners would like them to go as a model, and Mr. Conoscenti stated there was nothing like that at all. Mr. Benedetto asked Mr. Conoscenti how many households are in Lower Makefield, and Ms. Tyler stated there are approximately 11,000.

Mr. Benedetto asked if there were any comments about the Local Services Tax, and Mr. Conoscenti stated the only responses about taxes were about Real Estate Taxes on Commercial property, and the other was appreciation for the fact that there was no Earned Income Tax. Mr. Benedetto asked if there was any acknowledgement as far as improvement about Licensing, Inspections, etc.; and Mr. Conoscenti stated those who comments had negative comments, but given the time of the survey, he feels they may have been considering it prior to this year.

Ms. Tyler thanked Mr. Conoscenti for this work adding he is a wonderful addition to the Committee. Mr. Conoscenti provided the report to the Board this evening.

Mr. Bill Gerhauser, 915 Olsen, stated Mr. McLaughlin intimated that he wanted to have more big businesses coming in which he feels is of concern considering the amount of time and effort that has gone into preserving open space. He added he is also very concerned about Mr. McLaughlin's comments regarding Edgewood Village; and if they are going to market Edgewood Village as a place for businesses to come into, they should market it for its uniqueness and its historical significance instead of what Mr. McLaughlin has intimated he would like to do which is knock it down and build new things.

Mr. McLaughlin stated that is not what he said. Mr. McLaughlin stated there were three instances as Supervisors when an owner came to him about concerns. Mr. McLaughlin stated one was the color of the red sign of the First Choice Bank, and they were very clear that they felt there was overzealous interpretation of the mandate of HARB in terms of the red color which held up the project. Mr. McLaughlin stated there was also a problem with Bob Sill's State Farm sign. He stated Mr. Sill was a resident of Edgewood Village for many years, and State Farm required him to change his sign because of a new marketing campaign; and he was held up for a number of months. Mr. McLaughlin stated there were also onerous restrictions on other Edgewood Village development, and he noted the Café and the Bank. Mr. McLaughlin stated he has not intimated that they should knock Edgewood Village down. He stated the key to a healthy community is a balance of residences and businesses; and where he wants businesses to come in are the areas which have been designated for business. He stated there are areas that have been Zoned for office and Zoned for commercial. He stated they are also talking about vacancies in buildings that are already existing, and he feels it is incumbent upon the Board to make it palatable and easy for businesses to locate in Lower Makefield.

Mr. Gerhauser stated this does make it clearer. He stated some of the restrictions were the Township's own doing, and he noted the Edgewood Café and the restrictions that were put on them with regard to how many parking spaces they

could have and how many parking spaces they could share; and it did nothing but tie up their business. He stated he understands that they are no longer open for dinner. Mr. McLaughlin stated the owner of that business advised him that she felt the restrictions were "ridiculous." Mr. McLaughlin stated if they are no longer open at that location, the next person looking to open up a restaurant will listen to the person that is leaving. Mr. Gerhauser stated he feels it is incumbent on the Township and the Board of Supervisors is to make sure that they do not have to go through the "headache" involved in being able to bring customers in. Mr. McLaughlin stated he wants to make it a climate conducive to good business. Mr. McLaughlin stated he is not saying that he does not want them to not uphold the rules and regulations of the Zoning, but a business owner needs to be able to open in a timely fashion.

Mr. Gerhauser stated he agrees that there are areas in the Township where that can happen such as where Aria was to go; but there are also areas like Edgewood Village where they can preserve things. He noted other communities have tried to preserve their history and still allow business to come in. He stated they get businesses to comply with their regulations to maintain the look and the appearance of those areas. He stated if they are going to use Edgewood Village as a centerpiece of the Township, they should do that; and businesses which want to be there, they should want to be part too and be part of the historical development.

Mr. McLaughlin stated the Township has a Licensing Department that was not conducive to business, and there was animosity and it was a very obstacle-oriented culture there. Mr. McLaughlin stated he feels the Township needs to do a better job. He stated he is not saying they should shirk their responsibilities, but they had to make a change because the Department of Licensing was so anti-business; and this came from the contractors, the business owners, and large and small businesses. He stated there needs to be a balance.

Mr. Smith stated there are rules and regulations that they have to follow in Edgewood Village. He stated at the Meet and Greet they should invite the local interest groups such as Farmland Preservation, the Patterson Farm Preservation group, and the Garden of Reflection and sell the community and highlight the history and the farms to the businesses and also make it conducive to business.

Mr. McLaughlin stated the Township's reputation is changing because they made a change. He stated everyone on the Board got complaints and the surveys that indicated they were not conducive to business, and that feeling does not go away immediately. He stated he works in Doylestown, and Lower Makefield was known as a tough place to do business. He stated that reputation does not change quickly. Mr. McLaughlin stated he does not want to be an easy place, but he does not want to be known as a tough place.

Mr. Smith asked Mr. Conoscenti to expand his list of those to be invited to the Meet and Greet to include the Historic Commission, the Garden of Reflection, Farmland Preservation, and Patterson Farm Preservation so that everyone can find out what the Township has to offer.

Ms. Tyler asked Mr. Eisold to make sure that Mr. Conoscenti has the Township's latest Zoning map.

#### OPEN SPACE DISCUSSION

Ms. Tyler stated the Township engineer was asked to evaluate the open space as it exists in Lower Makefield Township. Mr. Eisold provided tonight a power point on his Park, Recreation, and Open Space Analysis. Mr. Eisold stated they were asked to take a look at Lower Makefield's Park, Recreation, and Open Space areas in detail and see how they compare to other local Bucks County Municipalities as well as any other National standards available today. He stated he worked on this analysis with his associate, Judith Stern Goldstein who is a registered planner and registered landscape architect with significant experience in evaluating demographics and open space areas.

Mr. Eisold stated they updated the Township's Land Use Map which he showed this evening. He stated this shows that the largest area is the developed area which encompasses approximately 74% of the Township. He stated Township properties include public parks, public grounds, open space preservation, etc.; and this encompasses approximately 13% of the Township's land area. He stated there are also Farmland Preservation areas of approximately 3%, and State and County properties which are each approximately 1% each; and the area left for development within the Township was shown, and this has been broken out into Residential which is approximately 6%, and Commercial/Office of approximately 1%.

Mr. Eisold stated the Park & Recreation land which is approximately 767 acres equals about 23 ½ acres of land per 1,000 population and encompasses approximately 6.6% of the Township land area. He stated the Township has a total of 1,765 acres of land designated as Township property. He stated there is a population of 32,599 per the 2010 Census. He stated a more recent Census is almost identical to that number but is not official yet. He stated the total land area of Lower Makefield Township is 18.3 square miles, and the population density which is used to determine the need for recreation space is 1,789 people per square mile.

Mr. Eisold stated they compared Lower Makefield to the National Standards, and Lower Makefield is well within the standards for park land. A slide was shown about Bucks County's Open Space and Greenways Plan which was put together by the Bucks County Planning Commission in 2011 and they looked at population trends and land use and tried to determine throughout Bucks County how much percentage of land was regarded as Park, Recreation, and Open Space area. He stated they found the average throughout Bucks County was approximately 11%, and Lower Makefield has approximately 15% of their land area in Township Park, Recreation, and Open Space so they are above the average of Municipalities within Bucks County. He stated if you also include the Conservation Easement and Farmland Preservation areas, it would be almost 19% preserved in Lower Makefield. He stated they were able to determine that Lower Makefield is a bench mark compared to other Municipalities in Bucks County and compared to the National Standards for the areas that they have dedicated to Parks, Recreation, and Open Space with Lower Makefield at the higher end of the charts which is a positive for the residents.

Mr. Smith stated there are questions in the Township about whether they are doing enough in terms of preserving open space, and on the face this report makes it seem that they are doing a great job and are above the average compared to other Municipalities in Bucks County. He stated one of the reasons the Township is a great place to live is because of the open space. He stated he had asked that this matter be put on the Agenda for a philosophical discussion. He acknowledged the presence of Grace Godshalk in the audience this evening, and he asked her to tell the community what they did over twenty years ago with Macclesfield Park.

Mrs. Godshalk stated she served thirty years as a Supervisor from 1980 to 2003. She stated they had the opportunity to preserve land because the Township was undeveloped. She stated they got open space from the developers as well as the Fee-In-Lieu of Recreation fees. She stated Macclesfield Park was preserved because certain Supervisors wanted to put a sewer plant there. She stated she was opposed to this and citizen groups evolved out of that and the Township backed down. She stated the Township also wanted to bring Upper Makefield's sewage through Lower Makefield.

Mr. Smith stated he was recently challenged by an individual who was previously a Supervisor to save the character of the community. Mr. Smith stated looking at the map, there is not much land left. He stated the report looks like they have done a great job, but he feels they do not have enough open space.

Mrs. Godshalk stated there was a Bond Issue that people voted for to acquire open space. Mr. Benedetto stated that was in 2008, and it was overwhelmingly approved to borrow up to \$15 million to purchase open space. Mr. Smith stated Mr. Bray and Mr. Dresser had done work with the EAC identifying properties which were "ripe"

for possible acquisition. Mr. Smith asked Mr. Fedorchak how much they have borrowed to purchase open space since the Bond was approved, and Mr. Fedorchak stated they have not borrowed any of that money. Ms. Tyler stated while they have not borrowed any of that money, there has been preservation. Mr. Fedorchak stated at the recommendation of the EAC, there was a purchase made of the Ragan Tract of approximately seven acres a few years ago, and this was purchased with County money. Ms. Tyler stated there was also a contribution of a four acre parcel.

Mr. Smith stated he recognizes that when you borrow money, it will cost money at some point in time; however, he feels the Board has “fallen down,” and they should have been more proactive. He stated they have authorization to borrow up to \$15 million, and they are running out of time. He stated they should actively make an investment in open space so that Lower Makefield remains a great place to move to for businesses and people. Mr. Smith noted a parcel on Big Oak Road where there is a sale sign, and Mrs. Godshalk stated they tried to get that parcel for twenty years.

Mr. McLaughlin stated they did spend an additional \$3.8 million on open space at the Golf Course, and they had to borrow that money. He stated it was not taken out of the Referendum money, but it did cost them \$3.8 million more than they thought it was going to cost for the Golf Course which is considered open space.

Mr. McLaughlin stated while people did vote in favor of open space, they do not always realize that their taxes will be raised to get it. He stated there is a “mini-referendum” every two years when there is a vote for Supervisor. He stated the majority of the people who have been elected campaigned on a very austere financial responsibility to get the Township back in shape and these mini-referendums show that the residents want someone who will hold the line on Government spending. He stated those running for Supervisor currently and in the future should state that if they are committed to the \$15 million for open space that they are going to raise the taxes since the only way to pay for the \$15 million is to raise taxes. He stated they might indicate that this is the way they want to go and every election they have the opportunity to validate that if that is what the residents want. He stated he got elected in 2009 on a completely, counter message to a \$15 million Bond Referendum which would have required them to raise taxes. He stated when he was campaigning he heard from everyone that they did not want him to raise their taxes. He stated if the Township has moved in a different direction, they should see it on what they campaign on. He stated they cannot tell people they are going to borrow \$15 million but they are not going to raise taxes as this does not balance.

Mr. Smith stated while he understands this, the Golf Course was purchased through a process of eminent domain; and some people have indicated and the Courts agreed that they “cheated” the farmer/landowner out of his property.

Mr. McLaughlin stated it is still open space; and Mr. Smith stated he agrees that it was open space, but it was done through a different process. Mr. Smith stated now there are people who when they are approached may be willing to do something at a reasonable price, and Mr. Fedorchak has done this already with a few properties to be discussed this evening. Ms. Tyler stated there are ways other than borrowing to obtain open space. Mr. Smith stated while he agrees, he feels the Board needs to be “bold” and make this investment. He stated most people think the Township is the School District, and they do not understand that the Township is only responsible for 8% to 9% of the taxes. He stated whoever is on the Board now or next year should make the move to preserve what little is left to preserve.

Mr. McLaughlin stated anyone who develops the undeveloped land has to put in a substantial amount of the land into open space; and typically the ratio is 70/30 developed/open space that is required. Mr. McLaughlin stated the School District properties also have open space.

Mr. Benedetto stated he feels there is a fundamental lack of understanding of what open space is. He stated it is clear in Mr. Eisold’s presentation that Park & Recreation accounts for 6.6% of Township land. He stated the Golf Course is not open space - it is Park & Recreation. He stated there is about 4% preserved open space as of 2009 and a lot of development has taken place since then; and he stated we are losing open space. Mr. Benedetto stated when the Township had to borrow the additional \$3.6 million for Dalgewicz, they also borrowed an additional \$1million beyond that for things he would consider are not necessarily priorities. Mr. Benedetto stated he feels there is a middle ground; and he does not feel they have to borrow \$15 million with taxes going up, but he feels people want to see open space; and it is not a Golf Course or a playground, but it actual preserved open space.

Ms. Judi Reiss, 969 Princess Drive, stated she has lived in the Township for forty years. She stated there is only a small amount of good open space left particularly in the south end of the Township. She stated she has never heard anyone say there are too many parks, but she also likes to save money; and she feels there are creative ways and people who own properties who have lived in the Township for generations and can be approached to work with the Township rather than have the developers stake their claim. Ms. Reiss stated she sees development as necessary, and development could be done in Edgewood Village which would be small businesses that fit in with the quality of life. Ms. Reiss urged the Board to start looking at some of these properties very carefully, and they need to look into the properties that have been identified by the EAC and make some very positive

choices. Ms. Reiss stated in forty years it was not the Township taxes that have gone up, rather it was the School taxes that have gone up astronomically; and they went up as Fairless Steel closed. Ms. Reiss stated she understands that they need businesses that pay ratables that will not bring in children, but will bring money into the Township. She stated they are at a point where they have to make some really hard choices and look at some of the County money that is still out there.

Mr. Adrien Costello stated he finds inclusion of the loan for the Golf Course issue is offensive and that was a mistake made by the Township a long time ago that they had to fix. Mr. McLaughlin stated this was still a cost to prevent development because Hovnanian was going to put houses there. Mr. Costello stated when they voted for the open space, the Township already had that land. Mr. McLaughlin stated while he agrees, the cost for gaining the open space was really \$3.8 million more than they thought. Mr. Costello stated he understands the point, but he views that as a separate issue. Mr. McLaughlin stated open space is a definition to everybody – and it is a farm, a park, a golf course, and it is the Five Mile Woods. He stated his definition of open space is much more vast, and he feels it is a place where Township residents can go and enjoy the outside. He stated the Golf Course prevented a big development. Mr. McLaughlin stated while he does not go to Kids Kingdom, he does use the Golf Course. He stated he feels they need to expand their notion of what open space is. He stated Five Mile Woods is a trail, and he does not particularly walk trails; and he does not see much of a difference between the Five Mile Woods versus the Golf Course which he can also walk and get the same experience. He stated others may not and they may chose to go to the Five Mile Woods. Mr. McLaughlin stated there are not farms available that they are just going to buy and then not develop.

Mr. Costello stated he agrees and is a supporter of the Golf Course, and he does not mind using the land for recreational purposes; but he feels those who voted for the open space wanted the open space to be bought so that they would maintain the character of the Township. He stated he feels they voted for it separately from the Election to keep it out of the vagaries of the Election cycle. Mr. McLaughlin stated the people who are making the decisions on that are the people who get elected. Mr. McLaughlin stated they cannot ignore the fact that people got elected after 2008 and ran on an austerity platform. He stated if the residents elect people who run on a platform that they will buy open space and raise taxes to do it, they electorate will have spoken.

Mr. Costello stated he sees these as two different things. He stated when a Referendum is voted for directly by the people, that is the people telling the Board that regardless of who is in the office, this is what they want them to do.

Mr. Gerhauser stated while he appreciates the report that Mr. Eisold has put out, he feels it is disingenuous to call the Golf Course open space. Mr. McLaughlin asked why a trail is different from a Golf Course. Mr. Gerhauser stated people are not going to go to the Golf Course and walk the Course for exercise. Mr. McLaughlin stated he knows many people who go to the putting green after work. He stated he feels someone wanting to putt on the green for free is no different than someone walking on the trail. Mr. Gerhauser stated he feels Macclesfield is open space because it is a park where they are playing soccer and throwing a Frisbee. Mr. McLaughlin stated there are children playing at the Golf Course in Leagues as well. Ms. Tyler stated all of the open space is important to all of us. Mr. Gerhauser stated he feels including the Golf Course as open space is disingenuous, and he does not feel it is as open as the other areas are.

Ms. Tyler stated they have a number of other issues to discuss and since open space is such an important item, they could put it again on a future Agenda.

Mr. Jim Bray stated he would like to make comments this evening on this issue. He stated he questions Mr. Eisold's statistical analysis that was done. He stated Lower Makefield Township is the most affluent community in the State of Pennsylvania, and they have a high regard for open space and expect a lot more in Lower Makefield so just being slightly above the curve is not sufficient for Lower Makefield. He stated including everything, Lower Makefield is at approximately 18% open space, and Upper Makefield is at 39%. He stated in the Election that was held in 2008 three to one voted to approve borrowing \$15 million, and he feels that is a clear cut mandate. Mr. Bray stated in the last seven years none of that has been done. He feels the best gift a town can give to its people is the purchase of open space for many reasons. He stated if they borrow the whole \$15 million incrementally, this would mean a tax increase of about \$75 a household per year. He stated people in Lower Makefield Township are not naive; and if they approve a \$15 million Bond, they know that they are going to end up paying for it. Mr. Bray stated they purchased the seven-acre Ragen tract with County funds, and he estimates that every house that borders that property has gone up \$10,000 in value. Mr. Bray stated when you continue development the way it is going on in the Township, taxes will inevitably increase; but with open space they do not increase because there is less infrastructure, less Schools, and less Police. He stated it is also a huge quality of life issue. He stated if they were to purchase everything that is left in open space, he feels every house in Lower Makefield would increase at least \$10,000 to \$20,000 in value.

Mr. Bray stated the EAC will gladly speak at subsequent meetings. He stated three of the EAC members reviewed 289 properties over the period of a year; and there are 135 properties that they consider A-1 and A-2 that are ripe for development, and they could procure them under the terms of the open space.

#### TABLING UPDATE ON JENNINGS TRACT AND MADAK TRACT

Due to the extensive Agenda and the late hour it was agreed to table the update on the Jennings Tract and Madak Tract to the next meeting.

#### UPDATE ON THE 2015 ROAD PROGRAM

Mr. Eisold stated the 2015 Road Program was completed within the timeframe specified in the Contract. It was also completed at the budget that was set for that work. He stated they have recently completed a minor punch list that the contractor will clean up within the next few weeks. Mr. Eisold stated he was happy with the performance of the contractor this year, and he was much more responsive this year.

Mr. Smith asked about the Twenty-Five Year Plan. He stated he has been receiving a lot of communication from individuals who indicate that their street has not been touched beyond twenty-five years. Mr. Smith asked if there is an inventory of the streets that have not been touched, and Mr. Eisold stated they do have all that data. He stated just because a road is old does not mean that it is in bad condition. He stated the condition of the road and the volume of traffic are strong factors in determining what is the most important to pave. He stated he has worked in a lot of Municipalities, and he feels the roads in Lower Makefield are in good shape compared to other Municipalities he has worked in. Mr. Smith stated this does not relate to State roads that are in the Township. Mr. Eisold stated the State has come in and worked on Dolington Road, and they have scheduled to do work on Mirror Lake and River Road as well.

Mr. Benedetto asked if the Twenty-Five Year Plan has been updated; and Mr. Eisold stated he and Mr. Fedorchak have met on this, and he will be getting the final copy to Mr. Fedorchak shortly. Mr. Fedorchak stated he intended to place this on the Board of Supervisors Budget Public Hearings for discussion. Mr. Benedetto asked if this could be added to the Township Website, and Mr. Fedorchak agreed.

Mr. Benedetto asked if Black Rock was added to the Twenty-Five Year Plan. Mr. Eisold stated the first time his firm went through this was approximately a year ago, and they used a lot of the information from Remington, Vernick, the previous

engineer; and they did not have time to double check every road in the timeframe they had so he knows that there were some roads missing and some that were listed twice. He stated this time they had the chance to do it comprehensively, and he is now very comfortable that the roads are all in there.

Mr. Smith asked Mr. Eisold if he is that comfortable that if people are having problems with their street that they could contact him directly. Ms. Tyler stated if residents have a specific concern about a pothole or some other issue with their street, they should contact the Township Manager. She stated there are certain things that they can handle in house that do not have to go into the Road Paving Program. Mr. Smith stated there are some people that have complained and told him that their street has not been fixed, and they are not scheduled for another five years. Mr. Smith stated Mr. Eisold has indicated that everything is fine; however, Mr. Eisold stated what he stated was that generally the roads in the Township are in good condition, but he is not saying that there are not roads that need to be paved.

Mr. Ed Gavin, 904 Sensor, asked why Oxford Valley between Edgewood and the Railroad viaduct is not being addressed by the State since he feels that is by far the worst road in the Township. Mr. Eisold stated the State has its own evaluation procedures, and people could call them to see if they could get them to put it in a higher order. He stated they are doing three roads in the Township this year which is good since they have not done this over the last couple of years. Mr. Gavin stated he was under the impression that Mr. Eisold was working in coordination with the State to get those three roads done; and Mr. Eisold stated PennDOT has a Twelve-Year Road Plan; and while Township complaints can sometimes get roads rated higher, they have their own schedule.

#### UPDATE ON QUIET ZONES

Mr. Eisold stated they received the PUC approval letter for the Quiet Zones. He stated the Multi-Modal Fund Agreement is being worked on by Lower Makefield, PennDOT, and SEPTA. Mr. Eisold stated with regard to the Highway Occupancy Permits, two of the crossings – Stony Hill and Heacock – are State roads and require that Plans be submitted and approved by PennDOT. He stated these were submitted in July, and comments were made which were addressed, and PennDOT is reviewing them again. He hopes they will receive these in the next month or so.

Ms. Tyler asked about the timeline, and Mr. Eisold stated it has moved back slightly; but he feels it will be an opportune time in the winter to bid out this work. He stated the bidding process takes about six to eight weeks, and they hope to start construction in the spring.

## APPROVAL OF THE 2016 PRELIMINARY BUDGET AND APPROVAL TO AUTHORIZE ADVERTISEMENT

Mr. Fedorchak presented the 2016 Preliminary Budget. He stated this document has been posted on the Township Website for the last three weeks, and a hard copy is available in the Township Office. Mr. Fedorchak stated the Budget proposes to keep the property tax at 15.12 mills, and this rate was first established in 2009. He stated Lower Makefield does not levy an Earned Income Tax.

Mr. Fedorchak stated the General Fund 2015 Year End is forecast that the year will end having spent \$10.78 million which is 1% more than was Budgeted. It stated the overage is a result primarily because of additional snow removal and highway maintenance expenses incurred early in the year. Mr. Fedorchak stated he anticipates that year end General Fund Revenues will exceed what was forecasted by \$339,000 or 3.25% more than what was budgeted. He stated the Deed Transfer Tax receipts, Cable TV Franchise Fees, and Building Permits Fees again came in strongly as they did in 2014. He stated this reflects a continuing solid local economy. He stated they expect to finish this year with a \$2.04 million General Fund Balance which is 19% of total expenses, and is very close to what 2014 ended with.

Mr. Fedorchak stated the two most important Revenue sources are the Property Tax and the Deed Transfer Tax. He stated for 2016, Property Tax will remain at 10.85 mills and this represents 52% of all General Fund Revenues. He stated the Deed Transfer Tax is 11% of the total. He stated the assessed value property at the end of the year is \$523 million which is a .37% increase over the 2014 levels.

Mr. Fedorchak added that despite Residential development such as Regency and others there has been little change in the total assessed value for Property Tax over the past six years. He stated the result is virtually no upward movement on Property Tax receipts. Mr. Fedorchak stated the Residential community accounts for 90% of the Township's total assessed value, and Commercial is only 8%.

Mr. McLaughlin stated what Mr. Fedorchak is indicating that despite new development, the reassessments have evened that out; and Mr. Fedorchak agreed. He stated in 2009 through 2012 there were a number of Residential Appeals, and as of late they have noticed that the office buildings are coming in and being successful at their Appeals. Mr. McLaughlin asked if it is possible now that real estate has recovered and sales are healthy that they could go back to those properties that were re-assessed and have it reversed since their value has actually gone up again. Ms. Tyler stated she feels that would have to be a County-wide re-assessment.

Mr. Fedorchak stated there are 11,439 Residential properties, and this is up 40 from last year. He stated the average Residential assessment is \$41,628 which is exactly what it was last year. He stated the average annual Residential Property Tax Bill is \$629 which has not changed much over the years.

Mr. Fedorchak stated on the expenditure side for 2016 overall General Fund Operating Expenditures are expected to increase 2.9% over this year's Budget estimates, and they have budgeted for a 2 ½% increase for all non-uniformed personnel. Police, in accordance with the new signed Contract, will receive 3 ½% as a wage increase. He added that the 2016 Police Department Budget increased by only 1%. With regard to Pensions, Mr. Fedorchak stated the Township's total 2016 Pension cost will actually decline slightly. He stated Act 205 requires that the Township perform an actuarial evaluation of the Pension Funds every two years, and demographic and financial factors resulted in a decrease in the annual minimum obligation particularly with the Police Pension Plan. Additional increases in employee contributions also helped reduce the Township's payment.

Mr. Fedorchak stated for non-uniformed new hires they have gone to a Defined Contribution Plan, but Act 600 mandates that the Police continue to have a Defined Benefit Plan.

Mr. Fedorchak stated given the vagaries of the stock market and how dependent the annual contribution is to the success of investments particularly on the Defined Benefit Side, he would like to have a discussion during the Budget Hearings about considering establishing a Pension Escrow or Reserve where they set aside some money as a cushion. He stated they have an actuarial evaluation every two years; and if the stock market is relatively flat for the next two years, they could expect to see a significant bump up. He stated the new actuarial evaluation established that the Police Pension Fund is 25.5% funded and the non-uniform 78%, both of which are up from the 2013 valuation.

Mr. Fedorchak stated for the General Fund he is projecting that 2016 Expenses will exceed forecasted Revenue by \$406,000 which leaves a \$1.1 million end of year fund balance or 13.5% of total expenses, and this is still well above Safe Harbor of 5% to 8%.

Mr. Fedorchak stated with regard to road resurfacing, he has budgeted \$700,000 for next year's program. He stated for the period 2013 through 2016, the Township will have spent over \$3 million during that period. He stated this averages a number slightly less than \$800,000 a year which is consistent with the goal of maintaining what the current Twenty-Five Year Program requires which is \$700,000 to \$800,000 a year.

Mr. Fedorchak stated there have been many discussions about the Pool over the last three years, and this year was an outstanding season for the Pool. He stated total 2015 Revenues increased \$179,000 over the low point of 2013, and this is a 31% increase. Mr. Smith asked if this is because they made it a regional pool, and Mr. Fedorchak stated the sponsorships were a significant driving factor. Mr. Fedorchak stated they expect to finish 2015 with a \$400,000 Fund Balance, and this will allow them to establish for the first time a Capital Fund dedicated to the Pool. He stated they hope to be able to finance Capital Improvements on a pay as they go basis, which is what they did with the Sewer Fund in 2011 when they started to set aside the \$500,000.

Mr. Benedetto stated he would like to see a rate increase for the non-residents at the Pool. He stated there has not been a rate increase for quite some time. Ms. Tyler asked that they have the Park & Recreation Board consider this.

Mr. Fedorchak stated for the Community/Senior Center there will be \$1 million coming from the State Grant, and he has budgeted an additional \$1 million to be financed. Mr. Benedetto asked how much of the State Grant for the ball fields, etc. has been received by the Township; and Mr. Fedorchak stated he believes it is approximately \$900,000, and he expects they should be receiving another \$100,000. Mr. Benedetto stated they have not begun construction for the Community Center, and they will not receive the money for the Community Center until they begin construction even though they have spent money for professional services fees. Mr. Fedorchak stated the reimbursement process for the State Grant is a very long process, and only the hard costs are reimbursable.

Mr. Fedorchak stated the Sewer Operating Budget is in excellent shape, and he is not proposing a sewer rate increase this year; although there does need to be discussion about this. He stated there was an increase five years ago which allowed them to create the Capital Fund. He stated both the Yardley Borough Sewer Authority and the Morrisville Sewer Authority have warned the Township to expect that the Township will need to participate in financing major capital improvements within their systems. He stated the Yardley Borough Sewer Authority has identified over \$3 million in replacement and reconstruction projects for their interceptors, and the majority of sewage that Yardley Borough handles comes from Lower Makefield Township so the Township needs to pay for a very high percentage of their improvements. Mr. Fedorchak stated they will be putting on a future Agenda discussion of the new Transmission Agreement that they are recommending be entered into with the Yardley Borough Sewer Authority. He stated they have been advised that they will begin the engineering for these improvements next year and possibly starting construction in 2016. Mr. Fedorchak stated he is impressed with

the Yardley Borough Authority, and they have an excellent engineering firm in Gilmore; and they have done a fine job in identifying in as much detail as they can at this point what will be required to move forward.

Mr. Fedorchak stated with regard to Morrisville, the Morrisville Sewer Authority has just advised that they have been hit with a fine by DEP for problems with their sewage treatment plant, and again a significant amount of Lower Makefield sewage goes in that direction. He stated the plant is not properly treating the sewage before it is exiting into the Delaware River, and he understands that DEP will be fining the Authority approximately \$100,000. Mr. Fedorchak stated Lower Makefield Township will not be responsible for any part of that \$100,000; however, the Authority has been having negotiations with DEP, and it is now necessary for the Morrisville Authority to come up with solutions. Mr. Fedorchak stated this will come in the form of a corrective action plan which will be attached to a Consent Order which will obligate the Authority to comply with that corrective action plan. Mr. Fedorchak stated he is not sure what this will look like since they have just begun meeting with Morrisville to see where this could possibly go.

Mr. Fedorchak stated one corrective scenario could be major renovations to the existing facility which they have estimated could cost \$85 million, and the second possibility would be a new sewage treatment plant. He stated they have chosen a piece of property approximately one mile down from where the existing plant is located, and the estimated cost is \$120 million. Mr. Fedorchak stated under the current Transmission Agreement the Township has with Morrisville Authority, Lower Makefield is responsible for approximately 43% to 45% of their expenses. Mr. Fedorchak stated none of these numbers have been finalized, and there may be another option. He stated he does not feel they will have an idea of what they will do for another three to four months. Mr. Fedorchak stated he feels this will be put on an Agenda early next year. Mr. Fedorchak stated he understands Mr. Koopman has just received some documents from the Morrisville Authority, and he has been working closely with Mr. Koopman and the Township Sewer Authority on this matter.

Mr. McLaughlin asked where this money would come from if the Township's bill were 43% of \$85 million, and Mr. Fedorchak stated the Township will have to borrow the money.

Mr. Smith stated with regard to the Preliminary Budget it was on the last Agenda, and then it was listed in the newspaper that it was an Approved Budget. Mr. Fedorchak stated as he has done in the past he sent a Budget message to the press, and he feels both articles made it clear that it was not voted on, and it was

going to be considered at the next public meeting. He stated this is the Township Manager's recommendation in the form of a Preliminary Budget. Mr. Smith stated he does not feel it read that way in the newspaper.

Mr. Smith noted Public Works, page 3 discusses snow and ice control. Mr. Smith stated 2014 was a devastating winter, but last year they did not have those problems although it was cold. Mr. Fedorchak stated it was a bad winter last year as well because of the ice which impacted the salt budget. Mr. Smith stated in 2014 they spent \$143,000, and in 2015 they budgeted \$52,000; however, they are projected to spend \$117,500 in 2015, and Mr. Fedorchak agreed depending on whether there are significant storms in December. Mr. Smith stated for 2016, they have only budgeted \$57,500, and he asked why. Mr. Fedorchak stated this is the number they have traditionally put in there. He stated the last two winters were very high, and when looking over several years they have had numbers closer to \$55,000.

Mr. Smith stated Mr. Fedorchak indicated that estimated expenses were going to exceed revenues this year; however, Mr. Fedorchak stated this year he feels they will break even. Mr. Smith stated they have approximately \$2 million in the General Fund Balance, and Mr. Fedorchak stated he is projecting that for the end of this year. Mr. Smith stated they will be taking out approximately \$400,000 from the General Fund Balance to balance the books, and Mr. Fedorchak agreed. Mr. Smith stated the General Fund will be going down by \$400,000 although it will still be in Safe Harbor. Mr. Fedorchak agreed, and stated he is also recommending that they transfer \$160,000 to the Capital Fund in order to pay for some road improvements.

Mr. Smith stated they have spent \$1 million this year on the roads; and for 2016, they are cutting it back to \$700,000. Mr. Fedorchak stated what they are doing is maintaining what they agreed to previously which was to stay with whatever the Twenty-Five Year Road Program requires which is a number between \$700,000 and \$800,000 per year. Mr. Smith asked Mr. Fedorchak if he feels comfortable that number is realistic even though it is \$300,000 from what they spent in 2015. Mr. Fedorchak stated he feels \$700,000 is an excellent starting point. He stated they are not done with 2015 yet, and they may have some additional money coming in by the end of the year to the General Fund. He stated what the Board of Supervisors has done in the past is if they have extra money that they want to commit to the roads, they could make that a priority.

Mr. McLaughlin stated they also bought a new piece of equipment this year that allows them to do more on the roads for less. Mr. Fedorchak agreed, and this piece of equipment, the Falcon, should enable them to do a better job of patching the roads.

Mr. Smith stated with regard to the Matrix property, in 2014 they did not receive anything from Matrix, and in 2015, the Township is expecting approximately \$450,00. Mr. Fedorchak stated the Township has received that. Mr. Smith stated in 2016, they expect to receive another \$500,000; and Mr. Fedorchak stated they will get \$450,000. Mr. Fedorchak stated in 2013 they received the first amount of money which was \$475,000. Mr. Smith asked if he is correct that the last payment to be received from Matrix will be in 2016; and Mr. Fedorchak stated there are actually two categories of payments they are receiving from Toll Bros. as part of the Matrix Settlement. He stated the first category was spelled out in the Settlement Agreement that a few years after the first CO was issued to Regency it was their obligation to give the Township the first \$475,000 and then eighteen months after that the Township would receive the second, and now the third payment. He stated there is also a second category of payments that will begin to be received next year that has a specific formula and the Township will receive payments over a two year period. He stated there is currently some disagreement between himself and Toll Bros. as to what that amount should be, but he feels it will be approximately \$200,000 in 2016 and \$400,000 in 2017.

Mr. Smith stated with regard to the Community/Senior Center, in 2015 they budgeted \$2 million but did not spend anything other than for professional fees; and Mr. Fedorchak agreed. Mr. Smith stated now \$2 million is budgeted for 2016, and Mr. Fedorchak agreed. Mr. Smith stated he felt there was a cap on this, and Mr. McLaughlin stated it was \$2.3 or \$2.4 million not including professional services. Mr. Smith noted Page 11 about the Senior contribution. Mr. Smith stated in 2014 the Seniors contributed \$1,300; however, Mr. Fedorchak stated he does not feel that came from the Seniors. He added that in 2016 it is intended the Seniors will contribute \$50,000 which they have set aside for furniture.

Mr. Benedetto stated with regard to the Community/Senior Center the professional service fees were \$211,005 in 2014, 2015 is projected to be approximately \$70,000, and they have budgeted \$40,000 for 2016. He stated total cost of professional service fees for the Community/Senior Center is \$321,005 and the total cost of the Center is expected to be \$2.321 million including professional services.

Mr. Smith noted the 9-11 Memorial Fund. He stated it indicates that they are budgeted to take a loss of approximately \$26,000. Mr. Fedorchak stated they should be able to adjust that based on monies that are available through additional fundraising and monies available in the Community Foundation. He stated when they get to the Budget Workshops, he will be able to adjust those numbers. Mr. Smith stated there appears to be an ending balance projected of close to \$47,000. Mr. Smith asked if they have established any type of control over those monies they are supposed to get from the Garden of Reflection. Mr. Fedorchak stated discussions are taking place by the Park & Recreation Board with those

involved, and he will discuss this further at the Budget Workshops. He stated he is hopeful that there will be more clarity developing as to what to expect from whom; and in the short term, he hopes that will reflect positively in the Fund.

Mr. Smith noted the DARE Program where there is no State Grant shown for 2016. Mr. Fedorchak stated there has not been one for approximately five years. Mr. Smith asked if they have budgeted money to assist the DARE Programs in the community, and Mr. Fedorchak stated this has not been changed at all, and they are supporting it 100% as they have in the past.

Mr. Smith stated it was anticipated that Police overtime would be down by the end of 2015, but they are still budgeting \$80,000 in overtime for 2016. Chief Coluzzi stated they kept the overtime the same in hours of overtime, and over the last several years they have not increased the amount of hours. Mr. Smith asked if instead of spending \$80,000 in overtime have they given thought to having an additional Officer which would cost less than that. Mr. McLaughlin stated they get back reimbursements from overtime, and Chief Coluzzi stated they do get reimbursements from private concerns that ask for Police services as well as drug operations that they work on for the Attorney General and the DA's office for which they are reimbursed. Chief Coluzzi stated there have been discussions about whether an extra Officer at a starting salary would offset some of the overtime, and this would only work out this way for the first year or so.

Mr. Smith asked if they feel they need additional Officers; and Chief Coluzzi stated a few years ago he did a power point presentation on where he feels they should be and even relayed the prior Chief's fifteen year plan on that, and they are under that. He stated he feels they should increase staffing at some point, but he is not requesting it this year.

Mr. Smith noted there was a Grant in 2014 for approximately \$5,200 for ballistic vests, but there was zero in 2015, and nothing has been budgeted for 2016. Chief Coluzzi stated they recycle bullet proof vests every five years, and they rotate them according to age.

Mr. Smith stated he is very concerned about the Sewer Fund. He stated there was an incident approximately six years ago, and Mr. Fedorchak stated this was the Canal interceptor line. He stated it cost them a few hundred thousand to fix each of the two failures. He stated this then launched them into a major multi-million dollar capital improvement program along the entire stretch of line. Mr. Fedorchak stated over the last few years they have been very aggressive assessing the condition of particularly some of the older sections of line, and they have been TVing a number of areas. He stated the most recent area was the Maplevale area; and while they do not need to make significant improvements now, they need to put Maplevale in a

program to upgrade that section within the next five to six years. He stated the number one issue which is a common issue throughout all sewer systems is identifying the inflow and infiltration into the system and making repairs such that they can reduce the flows into Bucks County Water and Sewer Authority and to Morrisville, and in the process reduce our costs.

Mr. Smith stated Philadelphia, Morrisville, and Yardley Borough are going to pass their costs on to Lower Makefield, and he asked if it is realistic not to touch the Sewer Fund this year or should they put in savings so that they are not “slammed” in the years to come. Mr. Fedorchak stated they should discuss this, and he feels what will influence them is what information they get from Morrisville over the next few months. He stated they do not have to raise the sewer rates during the Budget process, and they can decide later based on all the information they have if it is a good time to raise the rates. He stated he has discussed these sewer issues now so that they can all understand what is coming.

Mr. Smith asked if there was an increase in the leaf tax this year; and Mr. Fedorchak stated there was not, but that is also something they will be talking about as well since they do need some new equipment in that area. He stated he getting more information about that from Public Works, and he should have it by the time of the Budget Workshops.

Mr. Benedetto stated in 2001 they took out \$250,000 each year transferring it from the Sewer Fund to the General Fund. He stated he understands there is a definitive amount for Yardley Borough which is \$2.4 million. He stated he does not feel they should transfer money to the General Fund because of the issues with Yardley Borough and Morrisville. Mr. Benedetto stated he looked into the Local Service Tax which went up in 2015 as they have actually collected more than was budgeted. Mr. Benedetto stated he understands the Municipalities must use at least 25% of that tax revenue for emergency services.

Mr. Benedetto stated with regard to the Grants for the ball fields, etc. he understands that they are at \$1,065,744 for the ball fields, tennis courts, playground, etc. and his concern is if the Community Center comes back at \$2.3 million, it will have been a \$4 million total project for all the things they did with the Grant money of \$2 million and borrowing \$2 million. Mr. Benedetto stated they have already borrowed \$500,000, and it appears that they will borrow another \$1 million, and have also captured another \$500,000 somewhere from the General Fund. Mr. Fedorchak stated the all-inclusive playground was approximately \$400,000, and \$100,000 of that came from the Grant, and they borrowed the rest. He stated the entire restoration expenses for the tennis courts and the basketball court was covered by the Grant. He stated with regard to the ball fields it cost

approximately \$700,000 for hard costs for Phase I, and all of that will ultimately be covered by the Grant. He stated most of the costs for Phase II will not be covered by the Grant. He stated in addition to that none of the soft costs were covered by the Grant. Mr. Benedetto stated his concern was with the soft costs which he has estimated were \$321,000 for the Community Center, \$250,000 for the ball fields, and \$47,231 for the all-inclusive playground so that not including the resurfacing is approximately 15% of the total cost of the projects, and he feels they are going over Budget.

Mr. Benedetto stated currently the leaf assessment is \$50 per household, and they have not used the leaf assessment increase to put aside for capital. Mr. Fedorchak stated during the Budget Hearings he will have analysis of what the leaf and recycling programs actually costs; and he feels from an operational standpoint, it is costing approximately \$440,000, and they are taking in approximately \$450,000. He stated they are looking into this with the Citizens Budget Committee to develop a capital program for the leaf/recycling program and look into that in relation to the leaf assessment.

Mr. Fedorchak asked that the Board consider approving the Preliminary Budget and to authorize advertisement.

Mr. McLaughlin stated they can still make changes to the Budget; and Mr. Fedorchak agreed adding that this is only approving and authorizing advertisement of the Preliminary Budget. He stated they will conduct a series of Public Hearings and then approve the Final Budget publically.

Mr. Smith thanked Mr. Fedorchak and his staff for putting together the Preliminary Budget.

Mr. McLaughlin moved and Mr. Benedetto seconded to approve the Preliminary Budget and authorize advertisement.

Mr. John Lewis, 1550 Surrey Brook Court, confirmed that they spent \$1 million on the road program, and are planning to cut that roughly by 30% to \$700,000 next year. He asked the methodology used to calculate whether or not the figure will allow the Township to be within the Twenty-Five Year Program. Ms. Tyler stated it is an ever-evolving document that involves the condition of the roads and volume as well as whatever happens in the winter which may cause them to re-adjust this. Mr. Eisold stated it is all the roads put together based on their condition, volume, and how much per year and how many years it would take to theoretically pave

every road in the Township. Mr. Lewis asked when the Twenty-Five Year Road Plan is posted will they include that model so that they can understand how that works, and Mr. Eisold stated they can do that.

Mr. Lewis stated there is a \$2.4 million contingent liability in terms of the Township's portion of the Yardley Borough Sewer Authority, and they are projecting that work will be done in 2016; but there is nothing in the Budget for that, and he feels this is a very large issue to have not covered in the Preliminary Budget. Mr. Fedorchak stated they have covered the engineering, and he does not anticipate having to spend any money on construction for those projects in 2016, and he feels it will hit the 2017 Budget. Mr. Benedetto stated for 2016 they have budgeted \$200,000. Mr. McLaughlin stated this is only an estimate at this point. Mr. Lewis stated the Sewer Fund will have a Cash Balance of \$159,000 but they are looking at expenses over \$2 million.

Mr. Lewis stated with respect to Code Enforcement Fines, it appears that they have not collected any money in that category since 2014. He asked if they are not enforcing the Codes. Mr. Fedorchak stated he will have to look into that because he knows that they are collecting fines.

Mr. Lewis asked about the Local Services Tax, and Mr. Fedorchak stated he hopes the Budgeted number he has shown will prove to be conservative. He stated they have seen a steady trending upward with respect to the Local Services Tax. He stated his one concern is that at some point the Lockheed Martin situation will impact the Township since there were 3,000 employees that worked in Lower Makefield Township they had been receiving the \$52 from, and at some point he expects that to fall off.

Mr. Lewis noted the Cash Balance for the Community Pool. He stated what is projected for 2015 is the same for 2016, and showed this to Mr. Fedorchak. Mr. Fedorchak stated he will look into that.

Mr. Lewis stated he has a concern that there is a Budget deficit of \$406,000; and while they are above the Safe Harbor, if you look at that and the contingent liability of the Sewer issue, this is a deep concern. He stated he feels the Board should consider a strategy now when they have time to figure out contingencies if something does go wrong with the Morrisville situation since it is a very large dollar amount. He stated they should also consider now how to address the Yardley Borough Sewer Authority issue now since they know that it will cost the Township \$2.4 million, and they should be planning for that either by reducing expenses in some parts of the Township operations or looking at alternative funding sources.

Mr. Joe Menard, Chair of the Citizens Budget Committee, advised Mr. Lewis that with respect to the Capital Budget, the Board of Supervisors has asked the CBC to put together a long-term Budget plan; and they are going to go out fifteen years. He stated they should have this at some point in December. He stated this will take into account all of the things coming to the surface in terms of Yardley, Morrisville, and the General Fund Capital projects as well.

Motion to approve Budget carried with Mr. Smith opposed.

#### TABLING DISCUSSION OF COMMUNITY CENTER FINANCING

Due to the late hour, it was agreed to table discussion of the Community Center financing.

#### MOTION ON AUDIT OF PUBLIC WORKS FINANCIAL RECORDS

Ms. Tyler stated with regard to Public Works there was concern in light of the exit strategy of the Public Works Director, and that they needed to take a deeper look into some of the financial activities; and she would like to recommend having the external auditing firm take a look back about one year and delve into the numbers so they are confident that everything is as it should be.

Mr. McLaughlin moved and Mr. Benedetto seconded to have the external auditing firm look into the Public Works financial records going back one year.

Mr. Benedetto stated he believes that with regard to the YMCA issue, there were time cards; and he asked Mr. Fedorchak if there is a way to account for the specific amount. Mr. Fedorchak stated they got to the \$2,800 number based on information from the Public Works employees and administrators, and he is reasonably comfortable with that amount.

Mr. Benedetto stated the Public Works Director was dismissed, and he does not feel that someone who is dismissed should get vacation time; and Mr. Fedorchak stated the Fair Labor Standard is very clear on that, and they do get their vacation time.

Mr. Smith asked how many years Mr. Kall was with the Township, and Mr. Fedorchak stated it was about three years. Mr. Smith suggested that they do the external audit going back two years. Mr. Fedorchak stated he feels they should go back all three years, and Mr. McLaughlin agreed. Ms. Tyler expressed concern with the cost, and Mr. Smith stated he feels this will make the public feel better.

Mr. Benedetto stated he understands there was a Police Department investigation, and he asked Mr. Fedorchak if he also did an investigation; and Mr. Fedorchak stated he is finishing that up, and will have the report by early next week.

Motion carried unanimously to have the audit done going back three years.

#### APPROVAL OF CERTIFICATE OF APPROPRIATENESS - FLOWERS FIELD

Mr. Koopman stated this is for an entrance sign and wall, and was recommended for approval by HARB on 10/15/15.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to approve the Certificate of Appropriateness for Flowers Field.

Mr. Koopman stated the Board met in Executive Session prior to the meeting to discuss the Zoning Hearing Board matter.

#### ZONING HEARING BOARD MATTERS

With regard to the Alex Larionov, on behalf of Tatsiana Passkannaya, Variance requests for the property located at 191 River Road in order to permit replacement of existing single-family detached dwelling with a new single-family detached dwelling resulting in construction within the designated flood plain and to permit reduction in existing non-conforming side and rear yard setbacks, Mr. McLaughlin moved, Mr. Smith seconded and it was unanimously carried that the Solicitor should participate.

#### SUPERVISORS REPORTS

Mr. Benedetto stated the EAC met on October 12 and they discussed that there are 158 replacement trees in the tree bank, and one of the suggestions was to use them at the Samost Tract to soften the view for some of the residents. Mr. Fedorchak stated there is a plan for trees at the Patterson Farm which is their number one priority, and they will get a landscaper to plant trees there. He stated with regard to the Samost Tract, the idea was that once they get into the Community Center, there would be a buffer; and he would prefer to get the Community Center going and then start putting in the trees there. Ms. Tyler asked if they should defer to Park & Recreation, and Mr. Fedorchak stated he feels they are in favor of this.

Mr. Benedetto stated HARB had sent a joint letter from HARB and the Planning Commission about the Danny Quill house, and having a plan of action about houses falling into disrepair. Mr. Benedetto stated HARB had indicated this letter had been sent three to four months ago; and while the letter was received, it was not really discussed. He stated they also expressed concern with Edgewood Village and what is going on there. Mr. Benedetto suggested that they put this on an upcoming Agenda to discuss Edgewood Village traffic issues, the Quill House, and possibly have C. T. Troilo attend to discuss his plans.

Mr. Smith stated he just received a text message from a resident, Gary Cruzan, who had one of the political signs in question outside his property; and he indicated that "they" tore his sign down, and he wanted Mr. Smith to report this to the Board and the Police Chief, and to have someone look into this.

Ms. Tyler stated there will be a Veterans Parade this year, and they are trying to transition this to be a Township function; and they have great volunteers as well. She stated they will discuss this at the next meeting.

#### APPROVE AWARD OF 2015-2016 SALT BID TO MORTON SALT, INC. THROUGH THE BUCKS COUNTY CONSORTIUM

Mr. Fedorchak stated the staff recommends the award of the Contract to Morton Salt at the price of \$63.97 per ton which was the low bid. He stated this is a significant increase over last year's price which was \$57.57 per ton.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to award the 2015-2016 salt bid to Morton Salt, Inc.

#### APPROVE AWARD OF 2015-2016 SNOW PLOW BID

Mr. Fedorchak stated in addition to the full-time and part-time staff, it is necessary to hire several contractors to cover the 140 miles of roadways. He listed the contractors it is recommended bids be awarded to.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to award the 2015-2016 snow plow bid as discussed by Mr. Fedorchak.

#### APPROVE AWARD OF 2015-2016 LEAF COLLECTION BID

Mr. Fedorchak listed the contractors they are asking the Board to award bids to for leaf collection to assist the full-time crews in the leaf pick-up program.

Mr. McLaughlin moved, Mr. Benedetto seconded and it was unanimously carried to award the 2015-2016 leaf collection bid as discussed by Mr. Fedorchak.

#### BUDGET WORKSHOP DISCUSSIONS

Mr. Menard stated they need to set the dates for the Budget Workshops. Mr. Fedorchak suggested the second week of November. Mr. Fedorchak stated he feels they will need at least two meetings. Mr. Menard suggested that they schedule three; and if they find they do not need the third, they can just do two. Mr. McLaughlin asked when they have to approve the Budget, and Mr. Fedorchak stated there is plenty of time.

Mr. Smith asked if there is a consensus whether or not they should televise the Budget Workshops since he feels this is an important part of the budgetary process which the Township residents would like to see. Ms. Tyler stated the public is welcome to attend all the Budget Workshops. Mr. Benedetto stated while he does not have a problem with televising them, usually not many people attend. It was agreed that the Board would consider this further.

#### BOARD VACANCY

Ms. Tyler stated they have a vacancy on the Economic Development Committee, and those interested in serving should contact the Township Manager.

There being no further business, Mr. Smith moved, Mr. Benedetto seconded and it was unanimously carried to adjourn the meeting at 11:40 p.m.

Respectfully Submitted,

Jeff Benedetto, Secretary

