

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – APRIL 20, 2016

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on April 20, 2016. Chairman Benedetto called the meeting to order at 7:30 p.m. and called the Roll.

Those present:

Board of Supervisors:                    Jeff Benedetto, Chairman  
                                                      John B. Lewis, Vice Chairman  
                                                      Kristin Tyler, Secretary  
                                                      Judi Reiss, Treasurer  
                                                      David Fritchey, Supervisor

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

PUBLIC COMMENT

Mr. James Kirlin, 722 Gordon Drive, Friends of Lake Afton, was present with Ms. Michelle Sharer, President, and Mr. Nick Cremola, to provide an update on the Friends of Lake Afton. Ms. Sharer stated Friends of Lake Afton is a 501C 3 which has been in existence for more than forty years taking care of Lake Afton. She stated if problems come up, they try to solve them. She stated fifteen years ago there was an algae problem, as there is today; and they bought aerators which took care of the problem for about twelve years. She stated three years ago they started noticing the algae coming back, and every year it gets worse. She stated if the algae continues to grow, it will become so toxic it will kill the fish and the wildlife that depend on the Lake for their existence. Ms. Sharer stated they spent money last year to hire Princeton Hydro to determine how they can fix the problem. She stated this year they hired a company that determined their aerators were not working properly and were no longer effective. She stated new aerators were installed last month and biological products are also being put into the Lake, and each year they will see an improvement.

Ms. Sharer stated they are asking for help with paying for the aerators which cost \$10,000. She stated they have a fundraiser next Tuesday at Continental Tavern in Yardley, and 10% of the bill will be donated to Friends of Lake Afton using the coupon that can be found on the Friends of Lake Afton Facebook Page. She stated they also have a Yankee Candle Fundraising going on, and information can also be

found about this on their Facebook Page; and they will get 40% of whatever is ordered. She stated they would appreciate any donations, and there is an ability to make a donation on their Facebook page.

Mr. Cremola showed a short video on Lake Afton, and Mr. Benedetto agreed to have a link to the video on the Township Website. Mr. Cremola stated their Clean-Up Day will be May 14.

Mr. Ethan Shiller stated he understands that Lake Afton is owned by the surrounding property owners; and Ms. Sharer stated there are five stakeholders. Mr. Shiller asked how those stakeholders have been supportive since they are the owners; and Ms. Sharer stated they have been very supportive, and all stakeholders take part either financially or by spending time taking care of the Lake. She stated it has been used as a public park since it was created. Mr. Shiller stated he understands that there was a proposal for either Yardley Borough or someone else to take over the Lake so that it would be taken care of in perpetuity versus having the five individuals restrict any kind of access. Ms. Sharer stated Yardley Borough and the stakeholders are starting to discuss having the stakeholders lease the Lake to Yardley Borough. She stated she feels this could take two to three years since those things are complicated, adding that she would be in favor of it. Mr. Shiller stated he would like to see that happen. Mr. Kirlin stated it has taken years to get to the point where they are having discussions between Yardley Borough and the Friends of Lake Afton. Ms. Sharer stated the stakeholders want to make sure that it would remain a Lake and that it would be taken care of.

Mr. Drew Newbon, 4 Berkley Drive, thanked the owners of Lake Afton for allowing access to the community over the years.

Ms. Kaaren Steil, 1027 Darby Drive, Historic Commission, stated the Township owns the Slate Hill Cemetery; and the Historic Commission will be having a spring cleanup of the Cemetery with the help of Public Works. She asked those available to come out and help on Saturday, April 30 from 10 a.m. to 2 p.m. Ms. Steil stated information about the cleanup is on the Township Website and TV Channel.

Ms. Grace Godshalk stated on May 6 there will be a Ceremony at the Garden of Reflection involving Police from throughout the Country, and it is a group that honors fallen Police Officers. She stated she has been working with an Agent from Homeland Security on this. She stated it will take place at 1 p.m. She reviewed the stops they will be making. She stated they have invited all the Police Departments from the area, and they hope that the Departments which have lost an Officer will come out and participate in the Ceremony. She stated the information will be put on the Township Website. Chief Coluzzi stated as soon as they know the logistics and the times they will be arriving at the various locations, he will advise Mr. Fedorchak so he can post it on the Township Website.

Ms. Bobbie Moore, Yardley Business Association, stated they will have the Yardley Beer Fest on May 14, and tickets are \$40. She stated they will have entertainment and food as well.

Mr. David White, Gail Drive, stated he and a number of others had complained about the conditions at the Railroad crossings, specifically the one at Heacock Road; and he has seen that they are finally getting some attention. He stated he noticed at the Edgewood crossing it does not appear they did anything with the CSX track; and he is concerned that when they get to Heacock and Stony Hill, they are not going to have any better conditions than they have now. Mr. White asked if SEPTA is going to do all the tracks, or just their own. Mr. Eisold stated some time ago he spoke to SEPTA and their representative indicated that they would do all three tracks; however, more recently SEPTA indicated that they cannot control the CSX track at this point. Mr. Eisold stated he has been contacting CSX to get them to do the same thing that SEPTA is doing; and while he has not heard a full answer from them, they are working to get that done. Mr. White stated he noticed that this past Sunday CSX was working on their own tracks, and there were no freight trains running; and he feels that would have been a good time to have done that work as well. Mr. Eisold agreed to contact CSX again.

#### APPROVAL OF MINUTES

Mr. Lewis moved and Mr. Reiss seconded to approve the Minutes of April 6, 2016 as written. Motion carried with Ms. Tyler abstaining.

#### APPROVAL OF MARCH 21, 2016, APRIL 4, 2016, AND APRIL 18, 2016 WARRANT LISTS AND MARCH, 2016 PAYROLL

Ms. Reiss moved, Mr. Lewis seconded and it was unanimously carried to approve the March 21, 2016, April 4, 2016, and April 18, 2016 Warrant Lists and March, 2016 Payroll as attached to the Minutes.

#### DISCUSSION OF 9/11 EVENING CEREMONY AT THE GARDEN OF REFLECTION

Mr. Benedetto stated the discussion will be limited to the Garden of Reflection Ceremony, and they are not going to discuss maintenance, finances, or things that have been discussed in the past. He stated the discussion is strictly a discussion of the 9/11 Evening Ceremony as that is the Agenda item. Mr. Benedetto stated he does want to have those other discussions at a later date, and he asked Ms. Saracini if she

if she would commit to discussing those issues publically at a future Board of Supervisors meeting so that it can be put on an Agenda and have a full discussion about it; and Ms. Saracini stated she would absolutely welcome this. Mr. Benedetto stated this evening's discussion will be limited to the Ceremony that is on the Agenda. He also stated everyone will be given an opportunity to speak this evening. He stated he understands that there has been a lot of history about this issue but everyone should remember to "love their neighbor as yourself." He stated while they may not agree, they can disagree in an agreeable manner. He stated they have been able to do this with other contentious issues, and he feels they will be able to do this tonight.

Mr. Benedetto read the policy that was unanimously adopted at the 9/9/14 Park & Rec meeting as follows: "The Township of Lower Makefield is committed to honoring the memory of those who lost their lives in the terrorist attacks of September 11, 2001. It is proud to have the Garden of Reflection in Memorial Park as a tribute to the victims' memory and a place of comfort and contemplation for their families and friends and all of the community to honor them. We realize that different individuals may wish to honor them in their own ways, and that different ceremonies may appeal to different members of the community. We must strive to be sensitive to the sensibilities of all who come to grieve and honor the departed. We are committed to accommodating and facilitating all appropriate expressions of respect. Accordingly the Park & Recreation Board recommends that scheduling of future 9/11 Memorial services at the Garden of Reflection be requested through Use Applications made through the Park & Recreation Office in conformity with the normal permitting processes. As with any other Recreation Permit request, de-confliction will be accomplished by the Director of Park & Recreation, who will also allot time slots. The Park & Recreation Board further recommends that the organization of all future 9/11 Memorial services at the Garden of Reflection, including the nature of sound and support equipment and the timing of set-up and tear-down, also be under the control of the Director of Parks & Recreation. All future event set-ups should be accomplished not later than dusk on September 10 to promote an appropriate atmosphere of tranquility, solemnity, dignity, and respect throughout the day of September 11."

Mr. Benedetto stated on December 18, 2015, there was a request for a Facility Use Application filed by Supervisor-Elect Judi Reiss for use of the Garden of Reflection for September 10, 2016 and September 11, 2016 "all day and full dark, for a Candlelight Vigil on September 10, a Remembrance Ceremony on 9/11, and a rain date for the Candlelight Vigil to be 9/11." Mr. Benedetto stated on January 4, 2016 a Facilities Use Permit was granted by Donna Liney, Park & Recreation Director, and the Permit reads, "time requested for use 7 a.m. to 9 p.m. September 10 and September 11."

Mr. Benedetto stated they are here tonight to figure out a way that the Garden can be honored in a way so that not just one group but that multiple groups can be accommodated so that they can be sensitive to the sensibilities of all who come to grieve and honor the departed, and accommodating and facilitating all appropriate expressions of respect.

Mr. Benedetto stated as Chairman of the Board he knows that Supervisor Reiss filed the Permit, but the first presentation he wants tonight is Ms. Valerie Mihalek and whoever else she has brought to begin the presentation recognizing that everyone will have an opportunity to speak. Mr. Fritchey asked when the Supervisors will be able to speak; and Mr. Benedetto stated they will have the presentation first, the Supervisors can then speak, and then the public can comment. Mr. Benedetto stated what the Board knows and what other people know are two different things, and no one knows what Ms. Mihalek's group is proposing to do for the evening of 9/11; and he wants to give them the opportunity to speak first.

Ms. Reiss stated she feels the first question is whether the Permit is valid or not, and the second question would be on a compromise which has already been offered. Mr. Benedetto stated he would like to speak to the compromise, and then as Chairman of the Board he will give the opportunity to the group that is making the presentation tonight to speak first about what Ceremony they propose. Mr. Benedetto stated the compromise that was offered was 4:00. He stated the definition of compromise is an agreement or settlement of a dispute that is reached by each side making concessions; and there has never been a discussion between the two groups, rather there has been a discussion internally by one group to say that they would be willing to either not give them anything or give them 4:00 p.m. He stated that is not the definition of a compromise and compromise is working together to come up with a solution that is mutually agreeable. He stated there is no compromise when one group dictates to the other side. He stated they will have the discussion by the "other side" tonight, and then they will have a discussion about what is reasonable and what is not reasonable.

Ms. Judi Reiss asked that the family members be identified. Ms. Valarie Mihalek introduced herself. Ms. Geralynn Gatto introduced herself, and Ms. Reiss asked if she was a family member. Mr. Benedetto stated they do not need to know who is a family member and who is not a family member; however, Ms. Reiss disagreed. Mr. Benedetto stated Ms. Mihalek has filed for a Permit in the past, and would like to file for a Permit tonight; and this is an opportunity for Ms. Mihalek to come before the Board and make a presentation about what she has done on multiple occasions in the past. Mr. Benedetto stated they can introduce themselves as they see fit.

Mr. Fritchey stated he understands that Ms. Mihalek is a friend and associate of Ms. Saracini, and she is not a personal victim. Ms. Mihalek noted her husband, Don, is a Federal law enforcement officer who evacuated 200 people on 9/11; and everyone in the room was impacted by 9/11. She stated many of the people who have worked with her over the years wanted to find a way to give back to the community which has gone through so much.

Ms. Debbie Senko introduced herself and stated she lost her husband, Larry Senko. Mr. Lou Jammer, Sumter Drive, stated he has been with the Salvation Army Emergency Services for thirty-seven years. Ms. Geralynn Gatto stated she is a 9/11 family member. Ms. Ellen Saracini stated she is a 9/11 family member.

Ms. Valerie Mihalek read the letter she sent to the Board on behalf of herself and some of the family members as follows: “We respectfully request the use of the Garden of Reflection Memorial on September 11, 2016 from 1 p.m. on to host the Remembrance in Light Ceremony. That timeframe is necessary for all our team of volunteers to set up the Ceremony, go home change clothes, and then return to work at the Remembrance in Light Ceremony. Our volunteers do this out of a sense of commitment to the community and honoring 9/11. Since we coordinated and held the Garden of Reflection Dedication Ceremony in 2006, the 9-11 Morning Memorial Ceremony in 2007 (which was the first ceremony held at the Garden of Reflection on 9/11), the Ten Year Anniversary Ceremony in 2011 and succeeding Remembrance in Light Ceremonies in 2012, 2013, and 2014, it has been an honor and privilege that on a day that so many have memories of pain and loss, to help bring some solace to the public and 9/11 families and leave them with a new memory that hopefully sheds some light on what otherwise is a dark day in our Nation’s history. Each Ceremony we have organized has had a theme, a meaning, and included the broader community so that they too can have a way to give back to so many that gave all. Various media, visitors, and civic groups have attended our Ceremonies and commented about how much the Remembrance in Light Ceremony and the Garden of Reflection mean to them. To that end, when we asked for a Use permit for 9/11 from 1 p.m. on, we were surprised to be told that no one could use the Garden from 7 a.m. on September 10 till 9 p.m. on September 11 (the year of the Fifteenth Anniversary) due to an existing Use Permit issued to Supervisor Judi Reiss and the Preservation Committee. The length of time the Garden could not be used was puzzling since the Permitted Ceremonies are only from 7 p.m. to 9 p.m. on September 10 and from 7 a.m. through 11 a.m. on Sunday, September 11. Our September 11 Use request was from 1 pm. on, which clearly does not conflict with the other planned existing events. Based on that fact and the meaning the Remembrance in Light Ceremony has for so many, we ask that you grant us our Use Permit for the Garden of Reflection on September 11 from 1 p.m. to 9 p.m. Thank you for your time, attention and support.” Ms. Valerie Mihalek stated listed on the letter was her name and many other 9/11 family members.

Ms. Reiss stated that some of those family members who signed the letter do not live in the area and have not participated in anything for some time.

Mr. Lewis stated he understands that in 2015 the Garden of Reflection Preservation Committee, a Township-sponsored volunteer Committee, organized the morning prayer vigil and the Candlelight Service on September 11, 2015; and the families of 9/11 victims were a part of that Committee including Supervisor Reiss and former Supervisor, Grace Godshalk. Mr. Lewis asked that Ms. Mihalek correct him if he was wrong at any time; and he stated in the two prior years, Ms. Mihalek and Ms. Saracini had taken over the organization of the evening program, a Candlelight Vigil, from a group of community volunteers led by Mr. Skip Gittens. Ms. Mihalek stated that is inaccurate; however, Ms. Reiss stated it is accurate.

Ms. Mihalek asked Mr. Lewis which Ceremonies in the evening, he had attended. She stated unlike Mr. Benedetto and Ms. Tyler who have been to their Ceremonies, it is difficult to make a statement like that if you have not attended their Ceremonies.

Mr. Lewis stated he would like to go through a chronology; however, Mr. Benedetto reminded Mr. Lewis that he had asked that they correct him at any time if he was wrong. Mr. Lewis stated no one has corrected him. Mr. Benedetto asked Mr. Lewis if he answered Ms. Mihalek's question. Mr. Lewis asked if he is going to be asked when he attended different events, and Mr. Benedetto stated he was asked a question after stating "correct me if I am wrong," and she is asking if he has attended any events since it is critical to the answering of the question. Mr. Lewis stated he does not recall that he has attended a Ceremony that Ms. Mihalek has done. Mr. Lewis asked Ms. Mihalek if what he indicated was inaccurate; and Ms. Mihalek stated Mr. Lewis had stated that she did the last two, and she had just read the Ceremonies that she had done which is more than anyone in the room. She stated it was she who put the dedication together in 2006.

Mr. Lewis stated he is trying to go through some information generally and asked that he not be interrupted, and then at the end Ms. Mihalek could go through the statements made. Mr. Benedetto stated Mr. Lewis was asked a question that he refused to answer; and Mr. Lewis stated he did answer the question that he could not recall if he attended a Ceremony that Ms. Mihalek had done. Mr. Benedetto stated it is therefore clear that he has not attended them.

Mr. Fritchey asked to make a comment; however, Mr. Benedetto stated he could not, and that Mr. Lewis would be finishing his comments. Mr. Fritchey stated Mr. Lewis asked who ran the Ceremonies in 2012 and 2013, and that is a clear fact that has an answer. Ms. Mihalek stated they have spent all this time trying to get a yes or no answer from Mr. Lewis. Mr. Benedetto stated Mr. Fritchey does not have the floor;

and he asked Mr. Lewis to go over his statements, and then Ms. Mihalek can correct them if they are correct or incorrect. Mr. Lewis stated he wants to go through some general statements of fact. Mr. Fritchey stated Mr. Lewis asked Ms. Mihalek a question. Mr. Benedetto stated the comment by Mr. Lewis was “correct me if I’m wrong;” and the person that can correct him is the person who has run the Ceremonies which is Valerie Mihalek. Mr. Benedetto asked Mr. Lewis to continue to read his statement.

Mr. Lewis stated he is concerned about the decorum here, and Mr. Benedetto stated they will then move on if Mr. Lewis does not want to read his statement. Mr. Lewis stated he still has the floor, and Mr. Benedetto asked him to read his statement.

Mr. Lewis stated what he was trying to assert was that in 2014 the group that had previously run the Candlelight Vigil had informed the Township that they were no longer interested in organizing the evening program, and they did that by a letter. Mr. Lewis stated Ms. Reiss had requested a Permit along with the Garden of Reflection Preservation Committee, and it was the same Permit that she had requested for 2015. Mr. Lewis stated the e-mails that he has seen about this have been “horrific,” and it was made out that she had done something wrong when all she did was to continue what she had previously done.

Mr. Lewis stated his concern is that Chairman Benedetto stepped in and had indicated that he was not happy with the decision that the Township had approved. Mr. Lewis stated Mr. Benedetto then changed the Agenda for tonight’s meeting. Mr. Lewis stated the Agenda was going to include a discussion about the Community Center, and that was removed at the last minute; and Mr. Benedetto inserted himself into the process. Mr. Lewis stated a Permit had been legally given to a group, and it was given some time ago; and to the best of his knowledge no one else has filed a Facility Use Permit with the Township.

Mr. Benedetto stated Mr. Lewis has made a few assertions that are incorrect. He stated on December 17, 2015 he had a conversation with Supervisor-Elect Reiss in Starbucks, and they discussed the Garden of Reflection Ceremony. He stated Ms. Reiss indicated they would have two separate Ceremonies – an evening Ceremony on the 10<sup>th</sup> and an evening Ceremony on the 11<sup>th</sup>. Mr. Benedetto stated he advised her that made no sense and was not a good solution to the problem that had been ongoing in the Township where there were competing Ceremonies. Mr. Benedetto stated after that discussion on December 17, on December 18 Supervisor-Elect Reiss filed for a Permit to lock down the Garden of Reflection for forty-eight hours from 7 a.m. to 9 p.m. Mr. Benedetto stated as to Mr. Lewis’ comment about his inserting himself into this, what happened was that there was no discussion, no courtesy call, no phone call to the other side, no conversation with Ellen Saracini, no conversation with Valarie Mihalek who has done this event in the

past, and nothing was done. Mr. Benedetto stated on January 4, there was a Facilities Use Permit granted by Donna Liney for September 10 and September 11, and there was no discussion with the other side, no discussion with the other families, no discussion with the Board of Supervisors, and no discussion with himself. He stated the day after he had a discussion with Ms. Reiss no one picked up the phone on December 18 when she went directly to the Township and filed a Permit. He stated if anyone should be “put out” on this, it should be him because the Ceremony was locked down for forty-eight hours.

Mr. Benedetto stated when he found out about it, and Ms. Mihalek and Ms. Saracini expressed an interest in doing the Ceremony again, he had a conversation with them and stated they should sit down with Mr. Fedorchak and Ms. Liney and have a conversation about this. He stated that meeting took place on March 4 at the Township Building and he, Mr. Fedorchak, Ms. Liney, Ms. Saracini, and Ms. Mihalek were present at that meeting. He stated at that meeting, they brought out the Permit and advised them that they could not have a Ceremony because it was locked down because Donna Liney granted the Permit for September 10 and September 11. Mr. Benedetto stated he then had a conversation with Ms. Reiss and indicated that they had to work this out; however, Ms. Reiss disagreed, and stated they did not have a conversation.

Mr. Benedetto stated they did have a conversation, and Ms. Reiss sent an e-mail out on March 5 entitled “Garden of Reflection Ceremonies Meeting” to fifteen people who he named which included the other Supervisors but was not sent to Ms. Saracini and Ms. Mihalek, and this e-mail listed five potential meeting dates in March. Mr. Benedetto stated he copied Mr. Truelove, Ms. Saracini, and Ms. Mihalek; and the only people who responded to the available dates were Jen Reiss, John Lewis, himself, Mr. Truelove, Ms. Saracini, and Ms. Mihalek who indicated they were willing to meet at any time. He stated the only thing he heard back from the other side was that they did not want to meet with them including Judi Reiss who indicated that the only way she would meet with them was if she had an attorney present and all the other families. Mr. Benedetto stated the other family members invited did not even respond. He stated meetings are not taking place because the reality is that one side is refusing to meet, refusing to compromise, and refusing to even have a discussion about this. Mr. Benedetto stated he clearly stated to Judi Reiss that if this does not get worked out, he was going to put it on the Agenda; and they would have a public discussion about it.

Ms. Reiss stated she had been verbally assaulted on two occasions by one of the people sitting before them this evening at the table one time outside the Township Building and all the Park & Recreation people heard it including people present this evening, and the second time was in New York where two attorneys called her about it. Ms. Reiss stated her husband had health issues in March and had to be hospitalized on two occasions and continues to have health concerns so meeting with anyone took second priority. Ms. Reiss stated she did not have a conversation with Mr. Benedetto since he yelled at her for thirty-five minutes on her phone, and she was not able to say one word. She stated she tried to talk to the Committee and when Mr. Benedetto called her back, he yelled at her for another twenty-five minutes.

Ms. Reiss stated she applied for the same Permit she had previously. She stated she has tried for four years to run between the two groups and try to make peace. She stated the issue has been the same issue which is why the Park & Recreation Board indicated that everything had to be set up by dusk on September 10 which was because 9/11 is a Sunday this year; and since people do go to Church, they felt people would be coming to the Garden after Church. She stated in the past the other group was setting up at 1 p.m. and every ten minutes you were hearing, “testing, testing, testing” over microphones, there were rental trucks blocking certain areas, and part of the fountains were roped off where no one could go. She stated the Preservation Committee felt that this place should not be disturbed on Sunday afternoon so that there could be peacefulness, solemnity, and prayers offered. She stated they understand that there would need to be set up, but it should not be a “Broadway production.” She stated she offered that even though it was her Permit, they could have it after 4 p.m. Ms. Reiss stated Mr. Benedetto advised her that there would be nothing on Saturday night, and she would only get the Garden until 1 p.m. Ms. Reiss stated Mr. Benedetto is no more and no less of a Supervisor than any of the rest of the Supervisors, and they all have one vote. Ms. Reiss stated the Preservation Committee does not even have a Chair, and they work by consensus. She stated this has been upsetting to herself, her family, the group she has worked with, and probably the other group as well. She stated she does not feel this discussion had to take place here, and it was inappropriate.

Ms. Debbie Senko stated she has never been part of any of this discussion. She stated she does not want to be part of any side; however, she and her family want to remember her husband, and she does not feel this is the way the Garden was meant to be. She stated she and her son cannot handle the morning Ceremony, and they want to do it in a different way; and the night Ceremony is what speaks to their hearts and what they are able to do at this time in their lives. She stated she does not understand why this has become such an argument between the two sides.

Mr. Benedetto stated it is a fairness issue. He stated he does not feel anyone can dictate what the one group will do September 10 during their evening Ceremony or what they can do for the morning Ceremony on September 11 that ends at 11 a.m. per the Permit so he questions why they are dictating what Ms. Mihalek and her group should be doing at their evening Ceremony on September 11. Mr. Benedetto stated at the September 9, 2014 Park & Rec meeting, Mr. Fritchey stated that “they should be inclusive to the maximum degree possible of letting everyone express their respect, do their remembrances in a way they feel is most meaningful which can include as many Ceremonies that people want to have that they can reasonably schedule without impacting each other.”

Mr. Benedetto stated he has yet to hear why 1:00 is unreasonable. Ms. Reiss stated it is because it is a Sunday afternoon.

Ms. Senko she went to Mr. Fedorchak last year and applied for a Permit. Ms. Reiss stated she believes Ms. Senko applied three days before September 11, and Ms. Senko stated that was because that was when she found out about it. Ms. Reiss stated Ms. Senko knew about it in July or August because when she planned the Ceremony, she spent an hour on the phone with Ms. Senko asking her to please join them; and Ms. Senko explained to her why she did not want to.

Mr. Fritchey stated he believes Mr. Benedetto was well intentioned by trying to set ground rules and trying to have an orderly meeting; however, he does not believe it is the Chairman’s prerogative to set ground rules or whether they are properly the Chairman’s domain, or if it is the domain of the entire Board of Supervisors; and he would like to have input on this from the Township solicitor. Mr. Fritchey stated he does not feel the ground rules that were set have worked very effectively over the last hour, and there has been an “unseemly spectacle” of people yelling at each other. He stated all of these people have lost friends and family members and they are wounded, and they want to do what they believe to be the right thing. He stated he feels there is conflict over what the right thing is, and there is one group that has a Permit to do certain things and another group that wants to take some of that time. He stated he does not feel they are approaching this in an organized or civilized fashion. He stated he feels they need to take a recess to discuss this with the Township solicitor.

Ms. Mihalek stated she has not had an opportunity to present her case.

Mr. Fritchey stated conventionally there are initial statements by the Supervisors, and conventionally things are done with a Motion on the floor; and there is not a Motion on the floor at this time. He stated no one deserves to be vilified as they are all trying to do the right thing.

Mr. Truelove stated the Chairman sets the Agenda; but it is a Board of Supervisors meeting, and the Supervisors have the right to set their own ground rules.

Mr. Truelove stated since it appears that there will be an attempt to affirm or modify an existing Permit, it would be appropriate to do so with a Motion, a second, and then to engage in discussion per whatever ground rules they have.

Mr. Fritchey asked that the Board recess briefly so that they can caucus in the other room.

Ms. Mihalek stated there are a lot of people present who would like to speak, and they have given up their evening; and the reason they are here was because Supervisor Reiss refused to meet with her so she was forced to come here. She stated she would have loved to have met with Ms. Reiss anywhere. Ms. Reiss stated the only time she had any discussion with Ms. Mihalek and Ms. Saracini she had been yelled at although she noted that it was not Ms. Mihalek who yelled at her.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to recess the meeting at this time.

The meeting was reconvened at 9:00 p.m.

Mr. Truelove stated the Executive Session was conducted for the purpose of discussing and establishing procedures as to the issues, and the procedure is the same as what they normally do at the Lower Makefield Board of Supervisors meeting which is that a Motion will be made by a Board member; and if it is seconded, there will be discussion which will start with the Supervisors themselves, and then public comment in order of recognition by the Chair. Mr. Truelove stated at the conclusion of the discussion, the Board will vote on the Motion as it is then phrased if it is amended through the process.

Mr. Fritchey moved and Mr. Lewis seconded to affirm the Garden of Reflection Preservation Committee's Facility Use Permit as approved and issued on January 4, 2016 by the Lower Makefield Township Park & Recreation Department and Township Manager, subject to the consent of the Permit holder to agree to relinquish to another party some of its Permit time, and subject to the following Conditions:

- 1) The Permit holder must notify the Township in writing of any such agreement and the identity of the party to which it was agreeing to relinquish time.
- 2) The party seeking to acquire Permit time by agreement must apply for a separate Permit from the Township Park & Recreation Department.

- 3) The party seeking to acquire the Permit must agree to honor the principles set forth in the Lower Makefield Township Park & Recreation Department's recommendation to the Board of Supervisors of September 23, 2014, with the exception that the Township will allow a waiver of the September 10 set-up requirement, allowing the seeking party to set up on September 11 during the period of time relinquished by the current Permit holder.
- 4) The seeking party will make no alterations to the planned Dove project of the local Elementary Schools.
- 5) The seeking party will make no alteration, or make any blockage or hindrance to the Township-owned donation boxes within the Garden of Reflection.
- 6) Any proposed ceremonies by the seeking party must follow all Township Ordinances and Policies including those stated explicitly on the current Permit of January 4, 2016.

Ms. Reiss stated she has no problem with compromises. She stated she would like to specifically speak about the Dove project. Ms. Reiss stated the number of victims has changed since there have been people who have died of their injuries as late as two years ago. She stated they have had approximately 2,977 children mostly from Lower Makefield but also from Solebury participate in the Dove Project. She stated they gave the children the outline of a dove with the name of a victim, and they colored them in. She stated they were then cut and laminated, and they were going to hang them. She read some letters received about the importance of this project to the children who participated.

Ms. Reiss stated they were notified last year in the summer that no one was going to be doing anything in the evening, and she called Mr. Gittens who provided her with everything he had done for three years including videos so that she had an idea what she would be doing. She stated fortunately Ms. Michelle Freiling came forward and stated she would do the evening ceremony. Ms. Reiss stated a few days before the events, they put out their signs, but on Saturday night the signs disappeared and were turned over to the Police. Ms. Reiss stated she was made the Chair of the morning Ceremony by default. Ms. Reiss stated last year's events were to be held Thursday night and Friday, and they realized by Monday of that week that the forecast was for torrential rain; and they called the Township and asked if they could have a rain date for the evening of 9/11 since their Permit was only until dark, and the Township agreed.

Ms. Reiss stated on Wednesday, they spoke with the safety people and because of the weather forecast, they made the decision on Wednesday that they were going to postpone because it would not have been safe for anyone; and that is the only reason they did it on the night of 9/11. Ms. Reiss stated she went and got the exact same Permit this year, and the thought was to have the evening Ceremony Saturday night which is a short candlelight vigil lasting approximately one and half hours, and then do their regular Ceremony Sunday morning. She stated when they realized it was a Sunday morning and recognizing that people go to Church on Sunday, they wanted to provide appropriate time and programming in the afternoon which would be a time for solemnity with quiet music; and they assumed that at 2:00 p.m. or 3:00 p.m., they would rings the bell and read the names again. She stated they felt if case they needed a rain date for the Saturday evening program, they would have it on Sunday night.

Ms. Reiss stated she was told that she would have to give up the night before , and they could only do the morning; and she had indicated that she did not feel that was right. She stated she was more than willing to try to compromise. She stated she understands electronic equipment cannot stay out overnight, but she felt that since they usually started around 7:00 p.m. they would not need more than three hours to set up; and she advised that they could take the Garden after 4:00, but asked that they leave the doves and the donation box. She stated this was not acceptable, and she was screamed and yelled at. She stated the rest of her Committee was not happy with the compromise but she wanted to try to keep peace. She stated she does not feel that there needs to be extravagant productions and television cameras since many are uncomfortable with that. She stated she wanted the other Committee to be able to have the Garden at 4:00 but wants to keep the afternoon prior to that peaceful and quiet without trucks blocking the entrance and ropes around the fountains and not having to listen to loudspeakers testing their equipment.

Mr. Fritchey stated 9/11 was a terrible event, and everyone has great sympathy for the victims and want to do all they can to remember and honor them. He stated they also have great sympathy for the families of the victims, and they would like to try to help them grieve and heal. Mr. Fritchey stated many other people who did not lose a family member were also wounded as well since they lost friends, adding he lost friends during that tragedy that he had worked with. Mr. Fritchey stated this is the reason they established this Memorial. He stated when it was proposed, the Supervisors at the time were in favor of it; but it was felt that something more meaningful than just a stone obelisk along the road was needed so that people would have a place of consolation and contemplation. Mr. Fritchey stated many people present this evening on both sides of the divide have made enormous

personal contributions to what they came up with. He stated he feels they have a tremendous Memorial and everyone who had anything to do with it should be commended as it is one of the “gems of the Township.

Mr. Fritchey stated the Memorial was built on Township-owned park land, and legally this means that the Township owns the Memorial; and he feels that this means that the Township is also responsible for the operation, maintenance, and regulation of the Memorial. He stated when they built the Memorial there was great passion and enthusiasm by the victims’ families; and they indicated that the Township would not have to spend taxpayer money on it, and that they would raise funds, build the Memorial, and take care of it; and the taxpayers would not have to pay for it. Mr. Fritchey stated a number of Supervisors at that time were fiscally-responsible; however, the idea that this could be preserved forever by victims’ families ignores the fact of human mortality, declining energy, and the reality that this is really a civic responsibility. Mr. Fritchey stated he was horrified to hear that when the donations were lagging, certain Supervisors made observations that if they could not raise funds, they would not maintain it since it was not covered in the Budget; and he feels that is wrong. He stated he feels ultimately the Township is responsible for this; however, he stated he also feels strongly that they should continue to seek donations and private support to allay the burden on the taxpayers. He stated it feels it would be unacceptable for the Memorial to fall into disrepair.

Mr. Fritchey stated Ms. Mihalek and Ms. Saracini have raised a lot of money through an enormous amount of effort and energy, and they have something wonderful because of that; however it is also a credit to Ms. Godshalk, Ms. Bane, Ms. Reiss, and all the other families who helped raise the money as well as to the Township Administration, Mr. Fedorchak, Ms. Liney, the Park & Recreation Board, and past and present Boards of Supervisors.

Mr. Fritchey stated everyone has their own sensibilities and Ceremonies that they like and other Ceremonies that do not satisfy them as much. He stated they need to decide how they can allocate limited time and resources to meet everyone’s needs, and this is the reason why they drafted the policy statement on September 23, 2014.

Mr. Fritchey stated prior to that the Township also established a Garden of Reflection Committee which was a Township Advisory Board, and the purpose of that Committee was to advise the Township authorities on matters concerning the use of the Garden and how to operate it; and that Committee operated in conjunction with the Park & Recreation Board and still does. Mr. Fritchey stated that Committee was composed essentially of family members of deceased victims of 9/11 which he feels is appropriate and is the way it should be since as much as others’ grief is to be assuaged, he feels their greatest responsibility is to the families

of the people who were victims who live in the Township who he feels is the most important constituency. He stated for that reasons recommendations from the Garden of Reflection Committee are extremely important. He stated he has been told that the Committee operates on a consensus type basis, and they are not formalized, they do not have a Chair, etc. Mr. Fritchey stated at one point Ms. Saracini had been a member of that Committee; but because of some disagreements, her presence at these Committee discussions has been less frequent than it was in past when there was considerably more consensus.

Mr. Fritchey stated the meeting of the Park & Recreation Board in 2014 followed the Ceremony of September 2014. He stated he understands that Ms. Mihalek was the principal architect at that time of the Ceremonies of 2013 and 2014, and he heard that they were extraordinarily well organized, and very professionally done. He stated there was a problem however, because other victim family members who remained on the original Garden of Reflection Committee which advises the Township on how to proceed felt that Ceremony was too “glitzy,” and not sufficiently contemplative. He stated they also felt that they and their family members were excluded by an unnecessarily lengthy set-up time that resulted in them being roped off from the Memorial earlier in the afternoon which caused them to be hurt. Mr. Fritchey stated the Township received numerous letters and e-mails and the group came to a Park & Rec meeting. Mr. Fritchey stated from everything he has heard the Ceremonies organized by Ms. Mihalek were outstanding; however, if they disturb what he sees as the core constituency, he feels attention needs to be paid to those sensibilities as well even at the same time he would like to see Ms. Saracini’s vision carried into effect to the maximum extent possible and to give those people who grieve in the fashion that she is more comfortable with the opportunity to do that as well. He stated the net result of all this was the policy statement of September, 23 which the Chairman read earlier this evening. Mr. Fritchey read portions of that statement again.

Mr. Fritchey stated this is really not a dispute about whether another group can have time to hold a memorial, rather it is about the use of three hours of the afternoon subject to coming together of the parties in dispute in compromising that might result in something different that might be more acceptable to either or both sides; and that is what they would really like to see come out of this. Mr. Fritchey stated the group that currently has the Permit is willing to relinquish time in the evening, and the dispute is whether the time in the afternoon will be spent in set-up time for the Ceremony envisioned by Ms. Mihalek and Ms. Saracini or whether it will be spent in quiet time as envisioned by the Garden of Reflection Committee members.

Mr. Fritchey stated he continues to subscribe wholeheartedly to the September 23, 2014 policy, and he wants inclusiveness; adding he was the person who drafted the policy with the assistance of a number of people including members of the Park & Rec Board who felt that this was compassionate and fair to everybody. He stated saying that everyone should get to have a service, should be accommodated, and should be facilitated with appropriate expressions of respect does not necessarily mean that they get precisely everything that they want; and it does not envision that someone can conduct a Ceremony without any kind of modifications that do not account for the sensibilities of other groups with whom they are contending for a particular block of time. Mr. Fritchey stated based on what he has heard about the Ceremonies she has run in the past, it is clear that Ms. Mihalek is an extraordinarily capable person who could make a very meaningful Ceremony with less set up time than has been requested with some small modifications, and if necessary with additional volunteers. He stated if other evening Ceremonies have been put together with a one hour ramp up, he feels this could be done with a three or four hour ramp up, or the Ceremony would not necessarily have to start at 7:00 p.m. and it could start at 8:00 p.m.

Mr. Fritchey stated he met with Ms. Mihalek this afternoon in an effort to see if there was a way to come to a compromise, but at that time, they could not come to a compromise; and he hopes that now they can reach a compromise. He stated given everyone's shared grief, he feels that everybody should have empathy for the pain of everyone else here. He stated they spent the first hour of this meeting unnecessarily "savaging" friends, and this should not be.

Mr. Fritchey stated the Motion as read if it passes would allow for negotiation and hopefully a resolution to everyone's satisfaction recognizing that no one will be entirely satisfied.

Mr. Benedetto stated the Park & Rec meeting when this policy was adopted was September 9, 2014 so it was prior to the Ceremony on September 11, 2014. He stated the reason this happened was because one side showed up at a Park & Rec meeting and complained about set up and they indicated that the other group should be doing the set up the evening before and not the day of. Mr. Benedetto stated he has a copy of the Permit that was issued for September 11, 2014 to Valerie Mihalek which was for set up at Noon for the Ceremony at 7:00 p.m. to 9:00 p.m. He stated she submitted for the Permit on January 11, 2014, and it was approved on March 5, 2011; which is very similar to the situation they have currently.

Mr. Benedetto stated what they are dealing with now is a failure of communication from the Township, between groups, and the fact that they keep making the same mistakes over and over again. Mr. Benedetto stated no one is questioning the

September 10 event or the plans for the morning of September 11. He stated he feels this is a public space, and is actually the Pennsylvania State Memorial so by issuing a Permit for forty-eight hours without any communication, is effectively denying every other resident and citizen the ability to use the facility. He stated he feels this a fairness issue. He stated Ms. Mihalek has done this Ceremony in the past and previously had a Permit for an earlier set up; and now they are telling her that she has to change what she has done in the past. He stated if there are a hundred Ceremonies, they should all be honored. He stated he feels the Permit that was issued for this year was a “flawed” Permit since it indicates that they can have a Ceremony on 9/10 until 9 p.m., a morning Ceremony until 11:00 a.m., and then a rain date which is not a specific use for a specific period of time.

Mr. Lewis stated he feels Mr. Fritchey’s remarks were well stated, and he feels he has laid forth a very well reasoned framework for compromise, a structure, and a knowledge of the history. Mr. Lewis stated he is honored to work with Mr. Fritchey, and he would support 100% what he has suggested. Mr. Lewis stated he is very honored to work with Supervisor Judi Reiss, and the circumstances and difficult position in which she has been placed in has caused her tremendous inner turmoil, and the grace and presence she has shown during very difficult circumstances is a lesson to him personally. He stated he is very pleased that she has been flexible and working toward a compromise, and he is troubled by what he has read that was not constructive; and he would hope going forward that the framework that Supervisor Fritchey has laid out is one that they can get behind and go forward with.

Ms. Geralynn Gatto stated she is a resident of Morrisville and is a 9/11 family member. She stated she lost her cousin who was a first responder who was killed at the towers. She stated she is very happy that there is a Ceremony on 9/11 which honors the lives lost. She stated she was heartbroken and devastated to find out last year that the evening Ceremony was not being held and felt she did not have a place to go to honor and pay her respects for her cousin as she cannot go through the severe emotional stress of going to Ground Zero. She described what happened to her cousin on 9/11 and her relationship with him. She stated she is unable to attend the morning Ceremony because of the difficulty of listening to the symbolic ringing of the bells. She stated everyone deals with their suffering differently, and the option of being able to attend the evening candlelight Ceremony has always had more appeal to her so that she could pay her respects to her cousin in a way that was comforting to her and not a painful reminder. She stated she understands that Supervisor Reiss has obtained a Permit for the weekend of 9/11 which would make it nearly impossible to have the traditional Remembrance In Light Ceremony, and she asked how it is possible that one person is allowed to speak for so many; and asked why she would want to take from her and so many others a time of peaceful reflection that gives them solace.

Ms. Teresaann Lostrangio, Langhorne, stated she lost her husband in Tower One. She stated she has been to all the Ceremonies and has been at them from the very beginning before they had the Memorial. She stated her family comes in from New York, and they found a lot of peace going to the evening Ceremony. She stated her daughter was very young when she lost her father, and over the years her daughter has had a very difficult time going to the morning Ceremony; and she agrees with her. She stated hearing the bells is very difficult, and going in the evening is very helpful to them. She stated the evening Ceremony is very important to a lot of people. She stated she does not feel it was ostentatious and it was always somber and appropriate, and she does not feel that it was offensive or “glitzy.” She thanked the Township for giving them the Garden.

Ms. Jennifer Reiss stated she feels the Chairman of the Board is being a little biased, and his position is to be an unbiased party. She stated the policy created in 2014 discussed peace and tranquility on 9/11, and she does not feel there is any peace or tranquility when there is a three-hour set up going on; and it seems like a much larger extravagant event than it needs to be. She stated no one is saying that the evening Ceremony should not happen. She stated she is sorry for the loss of the other family members as she knows the pain everyone is dealing with since she lost her brother. She stated she understands that everyone deals with things differently, and she feels that there is a place for everyone on September 11. She stated she agrees that there should be an evening Ceremony, and she in fact has partaken in the evening Ceremony in the past with great honor in being able to speak on behalf of her Township and her brother; but she believes that three hours to set up leads her to believe that this is too much set up and the purpose of the event has been taken to a production rather than a memorial. She stated peace and tranquility does not come from testing of mikes, unloading of vehicles, and people running around. She stated one year she did come to the Garden in the afternoon but she could not get to the Memorial because there was so much commotion going on. She feels they could get more community members to donate their time to help set up later for the evening Ceremony, and she agreed to help this year to set up as long as it is not in the middle of the day when other people want to go there and reflect. She stated they should be able to set up at 3:00 or 4:00 for a 7:00 p.m. event.

Ms. Michelle Freiling stated she is a teacher at Bucks County Montessori Charter School in Fairless Hills, and she stated she feels it is important to teach and show the children what matters in life and install values in them. She stated each year she holds her own 9/11 service for the children in their building, and they find ways to honor the lives that were lost that day. Ms. Freiling stated the Garden of Reflection is a place where many find peace. She stated she helped run the Ten Year Anniversary Service, and has taken children from her School on a field trip to Memorial Park. She stated last year she had three weeks to coordinate and set up a candlelight service after just having had surgery so it was a very difficult time.

Ms. Freiling stated she wanted to make sure the Ceremony was perfect and that she did not offend anyone and showed nothing but respect and love to the families as well as to those who were lost. She stated she wanted to make sure that her message came across that evening which was that no matter the differences we have or personal feelings we may feel, when it comes to places like the Garden and times like 9/11 it is even more important to put aside our differences and remember why we come together there every year. She stated she has been asked to run this year's Candlelight Service and is honored to do so, and she intends to run the Service much like she did last year. She stated she hopes to create an evening that is peaceful and welcoming, and she would welcome any suggestions and help.

Mr. Don Mihalek stated his wife coordinates the Ceremony and does a great job and takes into account all the 9/11 families. He stated he was in New York and saw the attacks, and he lives with the fact that perhaps more could have been done that day. He stated among countless civilians, he ran into the towers to try to help. He stated it is a travesty to see Pennsylvania's official Memorial ripped apart by what he sees as the Township's failure to properly manage it. He stated he feels the Permit itself is the root of the problem and it should never have been issued for the extent of time that it was issued for; and it should have been issued for the period of time that it was requested for. Mr. Mihalek noted the number of people he knows whose names are on the Memorial. He stated all those who contributed to the Memorial including the people of the United States of America who gave a \$750,000 Grant to build it, have an ownership stake in the Memorial; and it is not one person and not one small group. He stated the Township's abdication of its responsibility has picked winners and losers as to how the Garden is used and who gets Permits and who does not, and he feels this is wrong.

Mr. Mihalek read excerpts from a letter written by John Adler, the National President of the Federal Law Enforcement Officers Foundation in which he indicates he is disheartened to learn of the issuance of a Permit that may preclude the 9/11 Remembrance In Light Ceremony from occurring and asked that this be reconsidered. Mr. Mihalek stated the Permit issued was issued inappropriately, and it is effectively denying people from accessing the Garden. He stated he understands that Ms. Reiss has offered an accommodation; however, clearly her accommodation is different from what is needed.

Ms. Grace Godshalk stated she lost her son, Bill, on 9/11 and she reviewed what happened to her son that day and the effect this has had on her and her family. She stated she spent years with many of those present this evening setting up the Garden of Reflection including working with others to find the site and raising funds. She stated they worked with the architect on every part of the Memorial. She stated in 2008, there was a departure by some of the people. She stated last year no one was going to run a night time Ceremony so Ms. Reiss got a Permit,

and they were going to do it the night before 9/11 since they wanted to keep the day of 9/11 a day of solace where people could come and pay their respects. Ms. Godshalk stated Ms. Freiling ran a beautiful low-key Remembrance in Light. She stated it was supposed to be the night before, but they had a ferocious storm, so they had it the next night. Ms. Godshalk stated it took less than an hour to set up, and it was a beautiful Ceremony. She stated they also did the morning Ceremony, and this will be their fifteenth year. She stated their Memorial has the names of everyone lost that day since they agreed that they would include all the names because they received money from the Government.

She stated for this year no one else came forward so they decided to go for the Permits so they would have more time to make arrangements. She stated Ms. Reiss got the Permit for Saturday evening, September 10 and Sunday, September 11 for the morning Ceremony, and then have an afternoon of solace when people could come through. She stated people want to be there since it belongs to the people, and they should be able to come and go as much as they can. She stated now there is a Motion to amend their Permit.

Ms. Godshalk stated whatever the other group does, they do not need four or five hours to set up. Ms. Godshalk stated one year they had a morning Ceremony and there was a bagpiper that came back and played during the day so that there would be quiet music, and there were wooden stands being set up which were the “Press Stands,” which she feels is ridiculous. She stated there were also areas where people were not allowed in. She stated also in the past, she went there the night before 9/11 to visit, and she was not able to get to the fountains because there was a rehearsal going on for the next night. Ms. Godshalk stated that is why her group plans for a low-key program, and this is what the majority of the families want.

Ms. Tara Bane, 2114 N. Crescent Boulevard, stated no one has ever stated that the Ceremonies that were held at the Garden of the Reflection were terrible or outrageous; and they all had positive things to say about all of the Ceremonies since they have all been beautiful. Ms. Bane stated she does not want to stop anyone from having a Ceremony to honor what happened that day. She stated she lost her husband that day, and her life has been forever changed as have the lives of so many. Ms. Bane stated she wants every Anniversary at the Garden of Reflection to be a place for everyone to go. She stated she understands that there are many people who want the After Darkness Light Ceremony, but that does not account for everyone since there are many people who go to the Garden during no Ceremony because that is the only time that they feel it is personal enough for them to pay their respects. She stated those people who are not here tonight should not be denied the opportunity to go the Garden at any point especially on that day.

Ms. Bane stated she understands that there needs to be several hours of set up for any Ceremony. She stated when they asked Ms. Freiling to do the night Ceremony one of the requirements was that the set up had to be quick so that the site was not tied up by those setting things up and interrupting the other peoples' opportunity to grieve and remember. Ms. Bane stated she has no problem with any of the Ceremonies; however, she does have a problem with needing more than two hours to set up a Remembrance Ceremony. She stated the Permit they have is not excluding anyone; and in fact that is why they were having a longer day on Sunday so that they could be exclusive of every community member including those who do not want to be part of an organized Ceremony. She stated they should have the opportunity to walk through the Garden and walk around the fountains, saying their prayers or talking to their loved ones.

Ms. Bane stated this year they are doing the Doves of Peace which will be hung up for approximately a week. She stated five years ago at the Ten Year Anniversary, they did Healing Hearts which were beautiful. Ms. Bane stated they have not dictated anyone's Ceremony, but she reminded everyone that five years ago, Ms. Mihalek and her volunteers took down the hearts that all the school children created specifically for the Ten Year Anniversary. Ms. Bane stated she is hoping that no matter what resolution comes tonight that people will be respectful of the children's' participation in this event. Ms. Bane asked that everyone remember that while the morning Ceremony may fill many peoples' needs and Ms. Mihalek's Ceremony may fill many people's needs, the free empty time at the Garden is necessary and represents why they built the Garden of Reflection, and it does not need to be orchestrated all day long. She stated there needs to be time for everyone to go particularly on that day, and be unobstructed by set up, building stages, decorating with flowers and roping off of the fountains as it is not appropriate for that day.

Ms. Patty Lovey stated she has been loosely affiliated with the Garden since its inception, and she and Mr. Gittens did the first Candlelight Vigil as a community event to which everyone was invited. She stated she is much more comfortable behind the scenes. She stated she is the one who organizes the set up for the night time Ceremony. She stated she has done both large and small events, and she understands logistics. She stated Mr. Dave Fleming allows them to borrow as much material as they need to negate any safety concerns she feels they have in the venue. She stated she advises Ms. Mihalek how much time she feels it will take to set up; and the more people they have to help, the faster they can get it done. She stated based on the schedule that she has seen already, she is going to recommend that if there is not an adequate set up time either the event significantly changes or that it be tabled.

Ms. Lovey asked if Ms. Reiss would be voting on this as she is the Permit holder. Ms. Reiss stated she is one member of the Committee and is also the Liaison to a number of other Advisory Committees in the Township. Ms. Reiss stated she is going to vote and is not recusing herself because she is more than willing to come up with a compromise so that an evening program can take place. Ms. Reiss stated the other group is able to set up in less than five hours adding they do not have cornstalks or fancy decorations since they feel this is not a time to decorate for fall, and it is a time to remember. She stated she agrees that they need adequate time to set up, and she will vote on this; and she is more than willing to compromise, and wants this to be fair.

Mr. Benedetto asked Mr. Truelove if Supervisor Reiss is required to recuse herself as the holder of the permit. Mr. Truelove stated she is not as the Ethics Act only talks in terms of someone having a pecuniary interest, and Ms. Reiss does not in this matter. Mr. Benedetto asked Ms. Godshalk if she recused herself in the past from issues with 9/11; and Ms. Godshalk stated she did not, adding that she spent five years of her life working on this. She stated she was not at the Supervisors meeting the week after 9/11 when she read in the newspaper that the Township was going to build a Memorial. She stated she felt the other Supervisors had envisioned putting something on a corner somewhere; however, she knew the locations that were available in the Township and she met with the other families and they drove to North Park which was a property the Township had owned for ten years; and she did not recuse herself from anything, nor did anyone think that she should. She was not benefitting financially in it, and it was something that had to be done; and they all worked very hard on building the Memorial and it now belongs to the people.

Mr. Michael Chirchirillo stated he lost his father and he personally does not like the morning or the night Ceremony; and he likes to go there in the peace and quiet and just talk to his Dad. He stated he goes numerous times throughout the year. He stated he cannot say how long it takes to set up for a ceremony, but he needs the afternoon so that he can go with his family and be there peacefully without interruption. He stated a few years ago they went later in the day, and ran into what he felt was more like a construction site than a peaceful time for people to enjoy the fountains and the park. He asked that whatever decision they come up with, he would like it to be final one since he does not want to have to go through this every year.

Mr. Lou Jammer stated he has lived in the Township all his life, and he has seen the e-mails that have gone back and forth to Ms. Mihalek on this “supposed” negotiation; and he is distressed that a sitting Supervisor is threatening a Township resident with legal action when they are negotiating about something that has to do with the betterment of the Township. He stated he feels this is disgraceful, and he is

concerned that this is occurring and makes Lower Makefield not a good place. He stated he has never heard a Supervisor ever do that in all the years he has lived here.

Ms. Reiss stated she knows that this is directed to her. She stated on two occasions she was verbally assaulted, and one of the times was in front of two attorneys in New York City who later called her and advised her that she should never speak to that person again without legal representation with her. She stated she lost her twenty-three year old son on 9/11, and she discussed what happened to her son and her family. Ms. Reiss stated she has tried to mediate; but to have been verbally assaulted in public twice, she has to protect herself. She stated at the Township, she has a solicitor who protects all the Supervisors; but she cannot meet with someone unless that solicitor or someone is there. She stated the Committee requested that she get the Permit which was exactly the same as last year when no one wanted to do the Ceremony and the other group had written a letter that they were not interested in it any more. Ms. Reiss stated it was also her year to run the morning program, and she does it because it is the right thing to do.

Ms. Reiss stated in her years of teaching, she learned that you need to have someone with you because anyone can take whatever you say and twist it. Ms. Reiss stated she has unfortunately seen many e-mails that have been sent out in this past week which were attacking her, and they were horrific. Ms. Reiss stated she does not want there to be this split, and she had been begging people to get together and work this out; but she has gotten tired. She stated she does not want to be attacked, and wants what is best for the community that supported her. She stated she has had to protect her children from the media. She stated her heart is in the right place, and she wants to have the night before, the morning, the quiet time, and the night ceremony; and everyone to be able to choose what makes them comfortable. She stated she likes the quiet time, but she goes to the morning program to be with the people who are also there since they were there for her and have shared her pain. Ms. Reiss stated she wants to be protected from hurt and other people's anger, and she only has the Township's best interests at heart.

Mr. Jammer stated he has been there for others and wanted to be of assistance in any way he could for the Ceremonies over the years, and he is very sad to see this division occur. He stated he wants to see there be some compromise so that everyone can grieve in their own way.

Mr. Jordan Reiss, Langhorne, stated he has never heard of a "faulty" Permit, and he assumes that whoever the Township has approving the Permits is qualified to do so; and he imagines calling that out as a faulty Permit is an insult to the Department that does that for the Township. Mr. Reiss questioned the reasons of those on the Board who felt the need to have an agenda tonight to "rip open wounds" fifteen

years in, and they should be getting through this. Mr. Reiss stated he does not like to go to any of the services; but he goes there almost every weekend with his family, and he is so glad they have the Park. He stated he has had to sit here and listen to his Mom and others talk about their loss, and he feels this is beneath the Township; and the people who brought this up and made this happen tonight should be highly embarrassed.

Mr. Benedetto stated on December 17, he had asked that the groups to come together when they were discussing the different Ceremonies. He stated the Permit was filed December 18, and the Permit was granted January 4. Mr. Benedetto stated on March 4 they had a meeting with Ms. Saracini and Ms. Mihalek, and this is when he found out the Permit had been issued. Mr. Benedetto stated on March 5 he talked to Ms. Reiss about having a meeting. Mr. Benedetto stated Mr. Santarsiero had to get involved; and consistently Ms. Mihalek and Ms. Saracini stated they would meet and the other side either did not respond or said that they were not interested, or if they did show up they would show up with an attorney and all other family members present. Mr. Benedetto advised Ms. Reiss that this matter would go on the Agenda if they could resolve it.

Mr. Benedetto stated he supported Mr. Lewis and Ms. Reiss, and he has never done anything that has benefitted him politically. He stated he considers everyone on the Board his friend. He stated he agrees that this is “ugliness,” but he felt that this had to be resolved, and no one wanted to meet on the other side. Mr. Reiss stated as a Chairman of the Board, he cannot believe that Mr. Benedetto felt it was the best idea to put this on television and have the victims crying and pouring their hearts out to the public. Mr. Benedetto stated this has been fifteen years in the making, and he wants there to be a resolution reached. Mr. Reiss stated he feels they have offered a compromise.

Ms. Tara Bane stated it is not true that she did not want to meet. She stated a number of people have reached out to her to have a personal discussion with Ms. Saracini having nothing to do with 9/11 Ceremonies. She stated they also reached out to other family members under the same pretense. Ms. Bane stated her response continues to be that she has no problem meeting, but added they have been manipulated a lot; and while they want to meet and work this out, they do not want to do it on a one-on-one basis, and that was how every meeting was proposed.

Ms. Tyler stated she has been to all of the Ceremonies, and she knows what is entailed; and she feels that it is terribly tragic to have the people here this evening pouring their hearts out. Ms. Tyler stated the 1 p.m. time that Ms. Mihalek is requesting contemplates six hours of set up which is too long. Ms. Tyler asked Ms. Reiss what time she feels they can do. Ms. Reiss stated she had said 4:00 p.m. before.

Ms. Saracini stated everyone keeps saying that it takes four to five hours to set up, but that is untrue. She stated the reason the set up should happen at 1:00 is while they can set up and finish in a very short period of time, especially with more volunteers, the problem was that when they did set up at 3:00 the one time it was 100 degrees out, and the volunteers were not able to go home, change, and eat; and they had to just stay for the Ceremony. Ms. Tyler stated she was there when they did it at 3:00, and they were able to pull it off. Ms. Saracini reminded Ms. Tyler that at the time she had indicated that it did not work. Ms. Tyler stated it worked, and the Ceremony went forward.

Ms. Mihalek stated in 2013 the Permit she had was changed. She stated the Permit had set up at Noon, and it was changed unbeknownst to her; and she was called and told that the Ceremony she had been working on for a year with all the volunteers was canceled, and she was told that her one 9/11 family member did not outweigh the other 9/11 family members. Ms. Mihalek stated it was Ms. Tyler who got involved and called Mr. Fedorchak and advised him that Ms. Mihalek had a Permit. Ms. Tyler then asked her how she could compromise since her Permit stated Noon, which had been approved by Mr. Stainthorpe and Ms. Tyler. Ms. Mihalek stated she agreed to try 3:00, and it was very hot that year; and she had stated to Ms. Tyler that night that she could not do this to the volunteers again since it was not fair to them. She stated some people have health issues and they need to go home and take a break. Ms. Mihalek stated Ms. Tyler told her not to step down, and that she should meet with she and Mr. Stainthorpe in 2014 which was what they did. Ms. Mihalek stated she and Ms. Saracini met with Ms. Tyler, Mr. Fedorchak, and Mr. Stainthorpe; and Ms. Tyler had stated at that meeting that a 3:00 set up did not work and was not fair to the volunteers. Ms. Tyler stated maybe they then need to scale down the event.

Ms. Mihalek stated the set up takes about two hours, but the extra time is for the volunteers who give their time to help set up to have a chance to go home before the Ceremony. Ms. Mihalek stated she finds it disrespectful to the people who have worked with her to insult what they have done. She stated she has never insulted or stated that what they do in the morning is wrong, and she respects that there is a different vision; but that same respect has not come to the group that works with her. Ms. Mihalek stated this is why she and Ms. Saracini met with Ms. Tyler, Mr. Fedorchak, and Mr. Stainthorpe; and the Permit indicated that they needed to set up at Noon.

Ms. Tyler stated while she understands this, their request for 1:00 is locking down the Garden of Reflection on 9/11 for six hours. Ms. Mihalek stated that is not true. She stated if others have a difference vision, that is fine; but she has always tried to include all of the families. She stated the volunteers who are here tonight work very hard with her for a year to make it beautiful for all of the families; and they even

make sure that on the evening of September 11, if the families choose not to come they have a volunteer stand in front of their loved one's name with a flower so that there is someone there to place a flower by the name.

Ms. Mihalek stated when they first moved the Ceremony in 2012 to the evening, she put it together in three weeks and 2,500 people attended. She showed a rendering of the Garden, and she showed where they anticipated people would be standing; however, it was so well attended that there were people at various locations she showed on the rendering. She stated at the conclusion of the Ceremony when people are invited to put a flower at a victim's name, it was a dangerous situation since people were holding candles. She stated she met with the Police Department, and they created a strategy to keep the public safe. She stated the reason the set up takes as long as it does is because they have to prepare for the safety of the over two thousand people who attend. She stated there is not a rehearsal the night before although there is a get-together of the volunteers so they can explain who is doing what.

Ms. Reiss noted there was a year when Lynn Doyle did a live television program at the Garden of Reflection which was broadcast on Comcast so it took them a lot longer to set up because they were setting up a television production.

Ms. Mihalek stated they need extra time to provide lighting, so they put up torches and they wanted everything set up in such a way so that they guide the crowds where to go. She stated another part of the set up is the sound system. She stated the first year they only had speakers at a location she showed on the rendering, but people in other areas were not able to hear. Ms. Mihalek stated they want to have the set up time early so that the volunteers have the opportunity to go home and change. She stated after their set up perhaps the hours between 3:00 or 4:00 to 5:00 or 5:30 it would be very peaceful there.

Ms. Tyler asked Ms. Mihalek how much time she needs for set up, and Ms. Mihalek stated traditionally have needed two to three hours. She stated the person who needs the most time is the person who does the sound. She stated she spoke to him today, and he explained that he is doing the sound for the evening of the 10<sup>th</sup> but he needs to take his equipment down as he cannot leave it up overnight. Ms. Mihalek stated he will also set up a sound system for the morning Ceremony, but the system he uses for them is different from what she needs because the Ceremonies take place in different areas. Ms. Mihalek showed on the rendering where they have flowers which blend in and are not meant to look "festive." Ms. Tyler asked how long it takes to set up the sound system, and Ms. Mihalek stated it takes him three hours.

Mr. Benedetto asked what time the evening Ceremony begins, and Ms. Mihalek stated it begins at 7:00 p.m.

Mr. Reiss stated they have 9/11 family members saying they want to grieve in peace and quiet during the afternoon; and it is not about volunteers - it is about the family members. He stated they are not saying that they cannot have an evening Ceremony, but to balance out the volunteers' time to go home and change compared to family members who want peace and quiet to reflect, he feels is ridiculous.

Mr. Adam Reiss, stated he is Secretary of the Township Golf Committee, and he would propose that if the workers need to get changed, they can use Makefield Highlands during that day anytime they want.

Ms. Saracini stated she has applied for a number of Use Permits over the years, and never once was the Use Permit to stop anyone from doing anything at the Garden of Reflection. She stated she was told the reason why these Permits were filled out was because the Township required it and to make sure that the whole time was a sacred time, and even a ball game could not start during a Ceremony so it would keep the Garden and Memorial Park in a sacred zone. Ms. Saracini stated never did she take out a Use Permit that prohibited somebody else from doing something. She stated if this is what they have to do, she will apply right now for the Use Permit for the next ten years; and in that way they will have a Use Permit that can be used for all of the 9/11 family members some of whom have an opinion although they did not speak. Ms. Saracini stated she would then allow anyone else who wants to do an 9/11 event to do so. She stated she feels it is ridiculous that one person gets to take the Permit, and then everything goes around that.

Ms. Saracini stated she does not understand why there is a problem since it is going to take two hours for them to set up no matter what time they start the set up so if it is 1:00, they will be done at 3:00 and then from 3:00 on there is a tranquil and peaceful time. She stated if it gets set up later, there will be the peaceful and tranquil time before that. She asked why a group that is not involved with the Ceremony gets to make the decision on when it is best for the people doing that Ceremony. Ms. Saracini stated it is better for them to be able to set up earlier since the sound person will already be there for the morning Ceremony, and he can then re-route what has to happen for sound, and they will set up from 1 to 3; and it will then be the peaceful and tranquil time. She stated it is not fair to do this to all the people who volunteer their time and effort. She stated they are asking that they be allowed to set it up as they are requesting so that it works easily for everyone. She stated the evening Ceremony is very important to a lot of people, and there will be masses of people coming. She stated if there is an issue that happens, it would be better to catch it early on and be able to fix it rather than wait to the last minute and then have an issue. She stated they are unable to move the evening Ceremony to a different time since their theme is After Darkness Light, and their Ceremony starts in the light and ends in the dark so they are limited to the time of when the sun sets

and when it is dark. She stated what they can do is have the set up and make sure it is set up for the safety of the thousands that will come, and then leave the afternoon free for anyone to come to the Garden. She stated she does not feel concessions were made since concessions are between two groups, and two groups never met. She stated it is unbelievable that they are being “allowed” a Ceremony, and now restrictions are being put on by a group that does not even come to the Ceremony. She stated she is asking that they be able to set up at 1:00 so that they can leave at 3:00, and they can return back to the Garden after the tranquil time; but in case that there is anything that comes up that requires attention for the safety and security of everyone coming at night, they need to have the leeway and the time to make sure everything is okay.

Mr. Adam Reiss stated Ms. Saracini “washed her hands” of this two years ago, and indicated she did not want anything to do with it.

Mr. Benedetto stated the Board is going to vote on the Motion; however, it was noted that it does not include a specific time. Ms. Tyler stated the Motion indicates it is subject to the determination of the Permit holder, and Mr. Fritchey stated that does not have to be determined now. Ms. Tyler asked if they could not determine it now, and Mr. Fritchey stated they could.

Ms. Gatto asked how long it takes to break down from the morning Ceremony, and Ms. Reiss stated the Ceremony could go later than 11:00 and it usually goes closer to 12; and they then break down, but they want to keep it as solemn, sacred, and quiet as possible. Mr. Benedetto stated the Permit is from 8:00 a.m. to 11:00 a.m. and then there is a rain date for the evening until 9:00 p.m. at night.

Mr. Fritchey moved to amend the Motion subject to the consent of the Permit holder to agree to relinquish to another party some of its Permit time specifically from 4:00 p.m. to the end of the evening.

Ms. Mihalek stated she was asked if they could set up the day before, and if they were to have the torches up and the plantings, would this bother the other group for the other Ceremony; and Ms. Reiss stated it would not bother them at all, and she thinks this would be fair and a good idea.

Ms. Patricia Bunn stated this is fine provided the Memorial is not blocked or roped off.

Ms. Mihalek stated anyone could come at any time; and to her knowledge, there has never been a volunteer who stopped any of the families from coming. There was discussion about the set up for the 9/11 evening Ceremony and the 9/10 Ceremony set up time. After discussion Mr. Benedetto stated he feels they could put up

everything but the sound system; and then for the evening of 9/11 they will put up the sound system which they have indicated takes two hours. Ms. Freiling stated she feels she could work with Ms. Mihalek on set up.

Mr. Fritchey moved to Amend the Motion as follows:

I move to affirm the Garden of Reflection Preservation Committee's Facility Use Permit as approved and issued on January 4, 2016 by the Lower Makefield Township Park & Recreation Department and Township Manager, subject to the consent of the Permit holder to agree to relinquish to another party some of its Permit time beginning at 4 p.m. of September 11 and continuing for the rest of the September 11 Permit period and subject to the following Conditions:

- 1) The Permit holder must notify the Township in writing of any such Agreement and the identity of the party to which it was agreeing to relinquish time.
- 2) The party seeking to acquire Permit time by agreement must apply for a separate Permit from the Township Park & Recreation Department.
- 3) The Party seeking to acquire the Permit must agree to honor the principals set forth in the Lower Makefield Township Park & Recreation Department's recommendation to the Board of Supervisors of September 23, 2014, with the exception that the Township will allow a waiver of the September 10 set-up requirement, allowing the seeking party to set-up the sound system on September 11 during the period of time relinquished by the current Permit holder.
- 4) The seeking party will make no alterations to the planned Dove project of the local elementary schools.
- 5) The seeking party will make no alteration, or make any blockage or hindrance to the Township-owned donation boxes within the Garden of Reflection.
- 6) Any proposed Ceremonies by the seeking party must follow all Township Ordinances and Policies including those stated explicitly on the current Permit of January 4, 2016.

Mr. Lewis seconded.

Ms. Mihalek stated she wants to make sure she can set up what she needs on September 10 including the podium and the platform. Ms. Reiss asked what kind of podium and where, and Ms. Mihalek noted on the rendering where they want to put the podium so everyone can see. Mr. Benedetto stated he feels they need to compromise and work this out. Ms. Tyler stated if the set up for the September 11 evening Ceremony is to take place on September 10, the evening Ceremony of September 10 must have use of those items. Ms. Godshalk stated the people on September 10 cannot have impediments. Ms. Reiss stated they need to keep it safe. Ms. Bane stated she does not have a problem with the September 10 set up provided that no part of the Garden is blocked off. Mr. Benedetto stated it will not be.

Ms. Mihalek noted where they put up plants so that people do not get hurt in the dark. She asked that those having their Ceremony on 9/10 make sure that the plants do not get trampled since they are on loan from Shady Brook which then takes them back and sells them. Ms. Lovey noted an area where they should not have a riser as it could be dangerous. Mr. Benedetto stated they can work this out together. Ms. Mihalek stated when their chairs are dropped off they will put them in an area that is not used. Ms. Reiss stated there will be the need for some chairs on Saturday night.

The question was called, and the Motion carried unanimously.

A recess was taken at this time.

#### DISCUSSION OF CAPSTONE TERRACE PROJECT AND AUTHORIZATION OF ADVERTISEMENT OF AN ORDINANCE

Mr. Edward Murphy, attorney, was present with Mr. Bob Dwyer. Mr. Murphy stated the focus of the discussion they were going to have tonight was going to hopefully result in the Board authorizing the solicitor to advertise a proposed Ordinance for consideration at a future date. Mr. Murphy stated recognizing that it is a late hour and the Board has other things on their Agenda, that if there was a majority of the Board willing to advertise the Ordinance, they could defer the discussion until the second meeting in May; and hopefully have a more productive discussion earlier in the evening rather than doing it tonight. He stated they are prepared to discuss it this evening if the Board wishes to do so.

Mr. Benedetto stated he knows that this has gone before the Planning Commission, and he feels they could move forward with the advertising. He asked if it could be on the Agenda for May 18; however, Mr. Truelove stated he believes that it needs to be advertised for thirty days, so they would have to have it the first meeting in June.

Mr. Murphy stated if it is advertised for the first meeting in June, they would still have two opportunities in May to discuss it, and they would be happy to do that. Ms. Tyler stated she feels that would be a good idea as this will provide the public with awareness that this is going on, and they will have an opportunity to discuss it at a meeting prior to the vote as well as the opportunity to discuss it the night of the vote.

Mr. Dwyer stated he would like the public to be informed and to be able to explain what they would like to do and get their reaction. He stated he expects that the public will like their proposal and will support it. He stated BPG owned the Lower Makefield Corporate Center and they now own a vacant parcel of ground which is approved for 180,000 square feet of office, and that property has been sitting vacant for eight years. He stated there is also 500,000 square feet of existing approved office space on the market that is not being looked at. He stated the Lower Makefield Corporate Center is 39% to 50% vacant as times depending on the quarter, and property values have gone down there \$1.2 million in the last two years because of the declining market.

Mr. Dwyer stated they are proposing that their 180,000 square foot project at the corner of Stony Hill and Township Line Road be re-Zoned to allow for a Residential Use that would complement both the Corporate Center and Edgewood Village; and it would provide a linkage between the Corporate Center and Edgewood Village. He stated this would create a Residential component where people could walk and work at the Corporate Center and the Village, and they would create a very costly pedestrian connection between the Corporate Center and Edgewood Village which would help both Mr. Troilo's projects in Edgewood Village and AIG which currently owns the Lower Makefield Corporate Center as well; and he added he has received support from both of those entities. Mr. Dwyer stated what they asking for will be environmentally sensitive, will help Edgewood Village and the Corporate Center, and will absolutely help with tax dollars and traffic conditions. He stated there is additional information that they will put forth at the next meeting, and they are looking for the Board's support.

Mr. Benedetto moved to authorize advertisement of an Ordinance adding an additional use to the O/R District a multi-family use as a Conditional Use.

Ms. Tyler asked if this would apply to all the O/R in the Township, and Mr. Truelove stated it would. Mr. Truelove stated this does not mean that every O/R parcel is automatically subject to that Zoning.

Mr. Dwyer stated what he is proposing is consistent with the Township's Comprehensive Plan, and is designed for properties that are within a certain circumference around the Village so it would not necessarily apply to all of the O/R.

Mr. Benedetto asked if they have interest in a mixed use; and Mr. Dwyer stated they do not since the Village needs to be successful; and if they introduce Retail, they would then be in competition with them. Ms. Reiss stated currently in the Village they only have one restaurant and a cigar bar so there is no Retail right now in the Village, and she feels they need more Retail. She stated she feels it would be nice to have some small retailers in the area being discussed. Mr. Murphy stated they are trying not to “cannibalize” what Flowers Field and Edgewood are trying to become, and there are many opportunities there for small retailers. Ms. Reiss stated there is only one restaurant; however, Mr. Murphy stated there are spaces available for restaurants, and there has been some interest. He added once they get more of a footprint of Residential in the area, that will attract more of the retailers Ms. Reiss is talking about. Mr. Murphy stated they did not feel it would be useful to introduce additional Retail out at the site Mr. Dwyer is discussing since that would not be useful to the attempted commercialization of Flowers Field that is already approved for that use.

Ms. Reiss stated she is the Liaison for Planning, and Mr. Troilo is going to have a difficult time with Planning regarding one of the parcels where he wants to have Retail. Ms. Reiss stated it is her responsibility as the Liaison to let the developer and the Supervisors know this. She stated this is why she brought up mixed use since it might be interesting.

Ms. Tyler asked Ms. Reiss if Capstone had gone before Planning, and Mr. Dwyer stated they were there last November with the proposal they are discussing with the Supervisors this evening.

Ms. Tyler seconded and the Motion carried unanimously.

Mr. Benedetto suggested that this be on the Agenda for the May 18 meeting to have a full discussion.

#### CONSIDERATION TO REFINANCE 2011 BOND ISSUE

Mr. Gordon Walker was present to discuss refinancing the 2011 Bond Issue and referred to the Refinancing Analysis he had provided. He stated currently rates are almost at an all-time low. He stated the Bond is callable in September, and they could close on 6/1 although he is not sure they could do it that quickly. He stated the average rate is approximately 3% on the existing deal as shown in Column 3 on Page 2 of the Analysis. He noted Page 4 on the composition of the Issue adding that this is not for new money, and would strictly be refunding. He stated there is \$7,585,000 outstanding. He stated they would be amortizing it over the same term so that they are not shortening or lengthening the term. He stated the rates of

interest as of last week are shown in Column 3 on Page 5. He stated proceeding could result in a savings after expenses of \$483,0000. He stated for purposes of discussion this evening, they have put the savings all in this year; but if the Board wants to spread the savings over two or three years, they could do that. He stated that does not need to be discussed this evening.

Mr. Walker stated more than likely they would close on this in August or September. He stated if the Board wanted to take action this evening, they could authorize him to get started on the paperwork necessary. He stated if there was any thought about adding new money, they would need to know that as well as how long they want to amortize. He stated they will also need a Bond Counsel at some point. He stated they do not need all the specifics this evening.

Ms. Tyler moved and Ms. Reiss seconded to authorize PFM to begin the paperwork to move forward with the potential Bond refinancing.

Mr. Lewis asked if there is a benefit if the savings were amortized over a few years rather than taking the majority in year one; and Mr. Walker stated they would get a little bit more if they took it over two years rather than one year, but it is not a lot. He stated while they would probably not want to do so, if they took it over the term of the issue the dollar amount does go up quite a bit, but the amount per year is not overly meaningful. Mr. Lewis asked if they wanted to consider new money, when would he need to know this, and Mr. Walker stated he would need to know that in thirty to forty-five days. Mr. Walker stated they would also want to know if they want to pay it back over fifteen years, twenty, etc. or if they want to keep it at the term of the other debt; and they could show the Board different options once they know how much they are considering.

Motion carried unanimously.

Ms. Tyler asked when they would have another opportunity for refinancing, and Mr. Walker stated he believes it would be in 2018.

#### QUIET ZONE UPDATE

Mr. Eisold stated they have received the Multi-Modal Agreement, and he and Mr. Truelove had an opportunity to review it; and they have gotten back to SEPTA with their comments, and SEPTA has made some changes. Mr. Eisold stated most recently they advised SEPTA what their schedule had been which was to go out to Bid in May, award the Bid in June, and do that construction late June or early July; and they asked SEPTA to weigh in if that was still practical. Mr. Eisold stated SEPTA has indicated that they have a meeting this Friday with their Legal

Department. Mr. Eisold stated he also asked them if it would be possible to go out to Bid before the Grant is finalized, but not award the Bid until it was finalized; and they will get back to the Township on the details of that.

Mr. Truelove stated that the Board met in Executive Session beginning at 7:15 p.m. and items of litigation were discussed.

#### APPROVAL OF DEVELOPMENT AGREEMENT OF OAKMONT (FORMERLY MOON NURSERIES)

Mr. Truelove stated his firm represents Toll Bros. in other matters, so Mr. Garton reviewed the Development Agreement. Mr. Truelove stated he did as well from a distance. Mr. Truelove stated everything was found to be in order, and Approval is recommended.

Mr. Fedorchak noted the financial aspects and stated included in this Land Development Agreement is a \$17,062 payment referred to as an Off-Site Road Improvement Fee which is essentially unrestricted. Mr. Fedorchak stated this was established in lieu of the Traffic Impact Fee which is far more restrictive in terms of what they can use the money for. Mr. Fedorchak stated there is also a \$63,043 Fee which is a Fee-In-Lieu of widening Quarry Road and a Waiver on the sidewalks that was given. He stated this results in over \$77,000 that will go to an off-site road improvement fund which can be used for any reason that relates to road improvements.

Ms. Reiss asked if they are building the development without any sidewalks, and Mr. Fedorchak stated he is not sure how it is laid out. Ms. Reiss stated Toll Bros. has “gotten away with this” in our Township but she has seen where they have built in Mount Holly and Florida and everywhere else the exact same models as we have, and every single one has sidewalks and many of them have walking paths surrounding the entire project. Ms. Reiss stated she is concerned with letting them get away without sidewalks, because we are going to continue to have the same problems we have had all along. She stated she feels these will most likely be family homes, and there should be sidewalks.

Mr. Benedetto stated this is the Agreement that was previously agreed to with Toll Bros. and now Oakmont is coming in and wanting the same “deal.” Mr. Eisold stated Orleans was the originally the developer, and Toll Bros. has purchased it from Orleans. Mr. Truelove stated this was something that was considered in the original Approval. Mr. Eisold stated they did not want to put sidewalks on both side, and he believes the road has sidewalks on one side of the road as it was approved.

Ms. Reiss stated she believed that they were trying to get more sidewalks and walkability. She stated Quarry Road is a busy road. Mr. Eisold stated these sidewalks are internal on one side of the cul-de-sac. Mr. Truelove read from the Approval for this development. Mr. Fritchey stated he agrees with Ms. Reiss about the sidewalks, and they continually have debates about what is being done about bike paths, walkability, and how to remedy gaps; and he does not feel they should be giving any developer a pass on sidewalks. Mr. Benedetto stated he agrees adding this is a new Board and this is an opportunity to bring the developer in advising that they have different priorities than previous Boards. He would recommend to Table this Approval. He stated this is a new developer coming in, and it is no longer Orleans, and they have an opportunity to re-visit this.

Mr. Truelove stated the problem with that is that this is after all the Approvals have already been made, so they are past that point; and those decisions have already been made. Ms. Reiss stated that this is a different company; however, Mr. Truelove stated the new builder acquired that interest and all the rights that went with it. Ms. Tyler stated Final Approval has already been given. Mr. Benedetto stated he felt that since it was a new developer, they would have to come back. Mr. Truelove stated the new developer acquired those rights. Mr. Truelove stated going forward the Board would make decisions on sidewalks with new developments coming in.

Mr. Fritchey stated if the Board is in agreement with this as a general policy they should make this clear to developers with a clear statement that there should be sidewalks, and they should also make it clear to our own Planning Commission who apparently have notions about this that are more compatible with the policy preferences of prior Boards than with this Board.

Mr. Fritchey stated possibly under New Business Ms. Reiss could Move to advise the Planning Commission that as a matter of policy they favor sidewalks in all the new Residential developments and possibly in all developments and not simply Residential ones for all projects moving forward, and that they should know that this is the view of the Board of Supervisors, and that they ask that they adhere to that view in their proceedings.

Mr. Truelove noted Page 4 of the Development Agreement discusses standing by the Approval as to all fees and charges described in the Plan required by this Agreement or required by the applicable Ordinances.

Ms. Reiss stated she knows that they cannot hold them to it, but since it is a new development, maybe they could ask them if it is possible that they consider amending it. Mr. Truelove stated they could ask.

Mr. Benedetto asked if the Township could use the fee paid in lieu of for the installation of sidewalks, and Mr. Fedorchak stated it would probably be less expensive for the developer to do it than it would by the Township. Mr. Truelove stated they would have to go back and Amend the Agreement to do that.

Mr. Fritchey moved, Mr. Benedetto seconded and it was unanimously carried to approve the Development Agreement of Oakmont (formerly Moon Nurseries).

#### APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR FLOWERS FIELD, 751 STONY HILL ROAD

Ms. Tyler stated this is another modification taking out the third floor which is shrinking the overall living space, and HARB was in favor of this. She stated they did change their Plans somewhat in order to make sure the facades did not lose some of the integrity that they had. She stated the roof line did not change, but there is no third floor. She stated they are making some of the units smaller since they have found that some buyers did not want 3,000 square foot homes.

Ms. Reiss moved, Mr. Benedetto seconded, and it was unanimously carried to approve the Certificate of Appropriateness for Flowers Field, 751 Stony Hill Road.

#### SUPERVISORS REPORTS

Mr. Benedetto stated that the Golf Committee had a meeting and reported that the Golf Course had a very successful month of March, and the Course was open for play thirty-one days, and there were 3,082 rounds played which is the second highest amount in the past seven seasons. He stated Golf revenues were up substantially during the month by over 185%. He stated chip card readers have been installed, and they are working properly. They are also waiting for software for fingerprint scanners. He stated they have hired a new teaching professional who has extensive experience. He stated they are hosting a mid-Amateur qualifier on May 2, and they will do aeration on May 3 and May 4 which helps keep the Course in good shape. Mr. Benedetto stated they also discussed estimates for bunker renovations. He stated the tent was put up on April 14, and there are radio ads being run to help promote Makefield Highlands. Mr. Benedetto stated they have increased usage at well #1 which has had no impact to aquifers.

Mr. Lewis stated the Citizens Budget Commission met on Monday and had the opportunity to meet with Ralph Carp, the new Director of Public Works. He stated they also spoke about Capital Funds for Public Works equipment and in the future for Police equipment so that they have a strategy for replacing large pieces of capital

equipment. He stated EMAC is continuing to revise plans for the updated Website to make it more mobile friendly and has revised the information architecture of the Website which will be able to be seen soon.

Ms. Reiss stated the Seniors want to know what is happening with the Senior Center, and Mr. Benedetto stated this will be on the Agenda on May 4 which will dovetail nicely with the discussion with Mr. Walker about borrowing additional money when they do the refinancing. Ms. Reiss stated she only has three people who seem to be interested in the Special Events Committee, but she is going to have a meeting. Ms. Reiss noted that her son wants to plan a Home Run Derby with the proceeds going to Park & Rec to use as they seem fit. He would also like to get some vendors and food trucks as well, and he does have some sponsors who are interested provided that they can have their names on flags, etc. He did speak to Ms. Liney and Chief Coluzzi about this. Ms. Reiss stated she has also had a discussion with the people involved with the Dog Park as she has found a good vendor that has unique dog and cat items, and they may want to use them on Family Day.

Mr. Fritchey stated Ms. Tyler had suggested a Dog 5K as a fundraising activity for the Dog Park. He stated while he and Ms. Reiss were at the PSATS Conference earlier this week they talked to the Township Manager from Doylestown which has a Dog Park who had a “brilliant” idea for raising funds for the Dog Park which is that following the last day of the Community Swimming Pool Season they have the “Fido Float,” which allows people to bring their dogs to swim at the Pool the day before it is drained. He stated he was told it is an extremely popular event which was very successful. She agreed to share their information with the Township on this. Ms. Tyler stated she did advise the Dog Park group about this.

Mr. Fritchey reminded the Board that the Arbor Day planting for the Arboretum will be held on Saturday, April 30, and the trees have been purchased. The contractor will be putting in most of them, and those who come to the event will put in some small trees. Mr. Fritchey stated the Park & Rec Board met and had a discussion about the Snipes Plan, and the Township engineer came up with a Plan that had a number of fields for football and lacrosse. They had noted that there was also supposed to be a skate park at that location that had not been sited, and Boucher & James is going to incorporate that into the Plan and come back to the next Park & Rec meeting.

Ms. Reiss noted that a few years ago some Girl Scouts planted daffodils at the loop at I-95; and she stated that if this area is going to change, she would like to have the daffodils saved. Mr. Benedetto stated they should ask that this be looked into.

Ms. Tyler stated the Delaware River Joint Toll Bridge Commission will be having a meeting on April 27 at 7:00 p.m. at William Penn Middle School. She stated the purpose of the meeting is to release the secondary noise study that was requested by a Lower Makefield resident addressing traffic. Ms. Tyler suggested that they ask them about the daffodils at that time. Ms. Reiss asked if they are also going to ask them about replacing the trees as well. Ms. Tyler stated the EAC has strongly recommended that, adding that in New Jersey, they will be getting approximately 2,000 to 3,000 replacement trees because of a State law in New Jersey. Ms. Tyler stated the EAC has indicated that regardless of the fact that Pennsylvania does not have that law, it would be fair to have our trees replaced as well. Ms. Tyler stated the EAC will also be having a free program from a local resident on the environmentally safe home and garden.

Ms. Tyler reported that VFW Post 6393 has invited the community to the Memorial Day Parade that will take place on May 30 with the Ceremony beginning at 9:00 a.m. at the Delaware Avenue monument, and the Main Street Parade beginning at 11:00 a.m.

Mr. Fritchey stated the Sewer Authority will meet on Wednesday, April 27, and Mr. John Warena of the Morrisville Municipal Authority has asked to attend that meeting to speak to them.

#### SEWER RENTAL BILLING UPDATE

Mr. Fedorchak stated he is getting weekly briefings from their consultant, and she reports that things are looking good for the conversion to the new billing system in June. They are seeing no major data conversation issues at this point. They are working on the what the new bill will look like, and they are talking about getting the word out about the new system including posters, the use of the Pool mailing lists, and other e-mail databases to get the word out in advance.

#### MOTION REGARDING SIDEWALKS

Ms. Reiss moved and Mr. Lewis seconded that from this time forward they instruct the Planning Commission to hold not just for Residential but even Commercial that sidewalks will be required in the Township.

Ms. Tyler stated she felt the Ordinance already requires sidewalk, and Ms. Reiss stated they told her that there was no Ordinance for sidewalks. Ms. Reiss stated she wants to do this as a policy statement, and she feels that there are a lot of Ordinances that should either be tightened up or made more clear. Mr. Fritchey

stated he feels that they could pass an Ordinance if that is desirable; but for the moment as a stop gap, they should advise the Planning Commission that this is their strong policy preference, and they would ask them to act in accordance with it which will carry them over until they formalize it with an Ordinance. Mr. Eisold stated he believes that the Ordinance already requires that a sidewalk be provided on both sides of the street. Mr. Fritchey stated if the Planning Commission does not recognize that, it is a problem. Ms. Tyler stated it requires a Waiver, and Mr. Eisold stated that is correct.

Motion carried unanimously.

#### DISCUSSION AND MOTION REGARDING GARDEN OF REFLECTION

Mr. Lewis stated this evening Agenda Item VII had some limits on discussion that certain things were not allowed to be discussed during that time period. He stated there have been some concerns that he would like to proactively address.

Mr. Lewis moved to:

- (1) re-affirm the Township's ownership of the Garden of Reflection and surrounding property;
- (2) that the Township plans to support the upkeep and maintenance of the Garden of Reflection in perpetuity with taxpayer money if necessary;
- (3) that the Township plans to offset any potential taxpayer support of the Garden of Reflection through community-based fundraising executed through its existing 501(c)3 - the Lower Makefield Township Community foundation
- (4) that any 501©3 that purports to fundraise on behalf of the Garden of Reflection must provide audited financials to the Township prior to June 1, 2016, a complete plan of funds disbursements to the Garden of Reflection, and be in compliance with all Federal, State, and Local Laws.

Mr. Lewis stated this does not mention any organization, but he would like to bring clarity to the process around the Garden of Reflection and their long-term commitment to it.

Ms. Reiss seconded.

Mr. Fritchey stated he does not have a problem with the first three items which are totally non controversial, and he feels all the Board members are in agreement with those. He stated he feels those need to be stated with clarity to dispel what has gone on over the last few years. He stated he also supports the fourth item with the caveat that he is not suggesting that there is any kind of financial impropriety here, and he does not feel Supervisor Lewis is either; however, he does feel that there has been considerable public discussion about what happens with the money and where it goes. He stated he feels there is some clouding of public confidence in privately-run 501(c)3 programs that purport to be for the benefit of the Township, but that are not necessarily audited or transparent or responsive to the public Electorate.

Mr. Fritchey offered an Amendment that it be for all 501(c)3s including, but not limited to the one financing the Garden of Reflection. He stated he feels they have already implicitly adopted this kind of an approach when the Dog Park people suggested that they have a private 501(c)3, and the Board stated they would prefer to run it through the Township. He stated he feels this is more transparent and much more satisfying to the public confidence.

Mr. Benedetto stated the fourth one is controversial; and he feels it, without stating so, is talking about the Garden of Reflection Perpetuity Fund. He stated he feels it is not the right time now when Ellen Saracini who is the person in charge of that fund has indicated that she has a willingness to come back before the Board of Supervisors, and they should put this on the Agenda and have a discussion. He stated he feels they are “playing with fire.” He stated he has no problem with the first three; however, the fourth one is not appropriate and is premature.

Ms. Reiss stated she does not feel it should be discussed in an open, public meeting because it puts Ms. Saracini on the spot. Ms. Reiss stated she does not feel that Ms. Saracini personally has done anything wrong intentionally or in any way because she trusts her. Ms. Reiss stated her problem is that her fund by law has to be available. She stated she was to have it advertised in a newspaper, and she has never done that. Ms. Reiss stated Park & Rec has asked her for three years to come in, and she has refused to do so which is problematic. Ms. Reiss stated Ms. Saracini has presented it to some parties that the money was going to the Township, and they were surprised to find out that it was not.

Mr. Lewis stated Section 4 of his Motion does not indicate any specific 501(c)3, and just requires it in general.

Mr. Benedetto stated he feels that statement is insulting because when there is talk about other 501(c)3s that purport to fundraise on behalf of the Garden of Reflection, that language sounds nice, but in reality it is Ellen Saracini’s fund that purports to fundraise on behalf of the Garden of Reflection and by association Mr. Lewis is

indicating that she is a 501(c)3 that purports to fundraise on behalf of the Garden of Reflection. He stated he feels Mr. Lewis has made an inappropriate comment and an inappropriate Motion which he will vote against even though he is in support of the first three since he does not support the fourth. Mr. Benedetto stated Ms. Saracini will come before the Board either in private or public; and to ask her to do these things without her sitting here, is not proper. He stated he feels Mr. Lewis is setting a bad precedent.

Mr. Lewis stated he wants to do this to help quell the concerns and make sure that the Township does not face any contingent liability for circumstances where the Township could be held responsible. Mr. Benedetto stated he does not feel this is the way to do it. He stated there is a lack of communication; and if they want to have a conversation with Ms. Saracini in a public setting or a private setting, that would be appropriate. He stated to pass the Motion without her sitting here, is not appropriate.

Mr. Benedetto moved to remove Section #4. There was no second to the Motion.

Mr. Benedetto stated there is no issue with the first three, but the fourth one is directly related to someone; and they just had a discussion for over three hours on an issue, and now they are going to pass a Motion that directly relates to this person's 501(c)3.

Mr. Fritchey stated the Motion as proposed does say “on behalf of the Garden of Reflection” as opposed to “on behalf of the Township.” He stated he believes that there is at least one other 501(c)3, and he noted the Veterans; however, Mr. Benedetto stated they set up their own 501(c)3. Ms. Reiss stated it was for the Park and to do maintenance at the Park. Mr. Fritchey stated the Township also owns the Veterans Memorial. Mr. Fritchey stated this is the same as the Garden of Reflection, and it is great that they are doing fundraising which is welcomed; and while they have not had any contention over the Veterans Memorial, it is the same principle. Mr. Benedetto stated he understands the Veterans fund has pretty much been shut down, and he is not sure that they still have it. Mr. Fedorchak stated he believes they still have it although he can not tell how much money is left in it at this time.

Mr. Fritchey stated Item #4 could be framed that any 501(c)3 that purports to fundraise on behalf of Lower Makefield Township facilities must provide audited financials and a complete plan of fund disbursements. Mr. Lewis stated he would be fine with that amendment.

Mr. Benedetto stated they are basically dealing with two different funds – Ms. Saracini’s fund which is purporting to raise \$1.5 to \$2 million and the Veterans Committee which has a few thousand dollars and are still trying to raise money. He stated it is a vastly different thing, and there is not as much of a controversy around the Veterans Committee although there was an issue when it was being raised through the Lower Makefield Township Foundation. Mr. Benedetto stated he does not feel it is a good idea to do this; and in light of what just occurred tonight, he feels it is a “horrible” idea and it could not be worse timing to do something like this. He stated they are basically “poking the bear.” He stated he does not understand why Mr. Lewis would propose a Motion like this.

Mr. Lewis stated Agenda Item #VII did not allow for discussion. Mr. Benedetto stated that was a specific discussion about the 9/11 Evening Ceremony, and it had nothing to do with the funding of the Garden of Reflection. Mr. Benedetto stated it was specifically worded that way so they would not get into this, and now they are trying to pass a Motion that basically brings this up as an issue. Mr. Benedetto stated this was briefly discussed this evening as a discussion that would take place in the public setting, and this is not the path they want to go down now because it is going to get people upset unnecessarily. Mr. Benedetto stated if they want to call them out and tell them that they need to be transparent, they should have that discussion; and they should not pass a Motion when they are not sitting here. Mr. Benedetto stated they just had a moment when everything came together, and to do this now does not make sense.

Ms. Reiss stated four years ago all of the family members where called to a Park & Recreation meeting because they had all been fundraising for one fund, and Parks & Rec told them that they had not received any money whatsoever. Ms. Reiss stated they needed to raise money immediately, and the family members wanted to know where the money was; and they could not get an answer. Ms. Reiss stated the condition to letting anyone use the money was that the holder of the money wanted the Township to give an itemized list and accounting of every dollar that had been spent that was put in the Community Fund. Ms. Reiss stated she had suggested that they go back three years, but Mr. Fedorchak went back eleven years and put this information together; but this still was not satisfactory. Ms. Reiss stated she assumes the Garden of Reflection is owned by the Township so there is liability to the Township if there is any irregularity even if something was done by accident.

Ms. Tyler stated she does not believe that they should pass a Motion requiring an audit of an entity that they have an ongoing relationship with without that entity being in the room, and she stated that it should be put on as an Agenda item.

Ms. Reiss asked Mr. Truelove to discuss the law in this regard.

Mr. Truelove stated with regard to an audit, this is something that goes through the IRS generally; and they could require an audit depending on what their needs are. He stated he understands that there is also an issue with the Registration. He stated the Board needs to decide if they want to deal with these items whether it is by Motion or a separate encounter with the group in question.

Mr. Fedorchak stated the Township has its own 501(c)3 which he and the Chief are part of. He stated he is not clear as to the thresholds that trigger an audit. He stated in the case of the Township's 501(c)3, they are not required to be audited; however, he and Chief Coluzzi made the decision several years ago that despite that, in the interest of transparency, they were going to have that audit. Mr. Fedorchak stated there are requirements to file a Federal Tax Return every year as well as to register with the Bureau of Charitable Organizations. He stated the Township hired the auditor to perform that function for them as well. He stated it costs a few thousand dollars to do that; and when they had more money in the fund it was about \$4,000 to \$5,000; but now the fund has gone down, and the last audit which included all of those filings cost approximately \$2,600. He stated they felt these were the right decisions to make in the interest of transparency. He stated it is also not that difficult provided you find someone who has experience in 501(c)3s, and they can perform these functions for you.

Mr. Fritchey stated one of the positives of tonight was that people respected the Chairman's initial ruling that they were not going to be getting into any financial questions which could have made the meeting even more difficult that it was at times; however, there is an undeniable public confidence issue which needs to be addressed. He stated they have requested an Audit from this 501(c)3. He stated that group requested an Audit from the Township, which the Township did. Mr. Fritchey stated to his knowledge the group's fund has never been audited, and there are questions as to what kind of accountability there is. He stated he does not feel that it would be out of order at all to have the Township solicitor tell them that the Township desires that there be an Audit of their 501(c)3; and if the Township were to pay for it, he would not have a problem with that since it does not seem to be that costly. Mr. Fritchey stated he feels that would be in the interest of securing public confidence and the Township would be making sure that money that was being contributed to a local charity purportedly going to the Township is in fact being safeguarded.

Mr. Benedetto stated he has talked to Ms. Saracini on a number of occasions, and she has indicated that they have in fact been audited. Mr. Benedetto stated if #4 is Amended to indicate that the Township solicitor will contact the 501(c)3 that purports to raise money on behalf of the Garden of Reflection and have them provide a financial audit prior to June 1, he does not feel that is unreasonable. Mr. Fritchey stated he feels that this is less confrontational and is reasonable.

Mr. Benedetto stated if there has been an Audit conducted which has been the indication, he does not feel that it should be a problem.

Ms. Reiss stated her concern is that we do not have a Garden of Reflection Website that is the Township's. She stated although it has been made clearer in the last six months, people who were going to the Garden of Reflection Website were led to believe their donations were going to the Township for the Garden's everyday maintenance, including an \$85,000 donation made in 2015. She stated she feels it is the previous Board's fault that this was not made more clear.

Mr. Benedetto stated he feels this should be an Agenda item, and this is not the way to do this. He stated he feels this should be Tabled; and if they want to put it on an Agenda and have a full discussion, they can. He stated proceeding now will only cause confusion and create animosity. He stated he does not feel they should be passing a Motion like this at 12:45 a.m.

Ms. Tyler stated she is fine with points #1 to #3 of the Motion, and she would be emphatically in support of Mr. Truelove sending a letter to the 501(c)3 requesting an Audit and requesting financial disclosures in advance of this being placed on an Agenda.

Mr. Lewis moved to re-write (4) that the Township solicitor contact any 501(c)3 that purports to fundraise on behalf of the Garden of Reflection and request audited financials, a complete plan of funds disbursement to the Garden of Reflection, and certification of compliance with all Federal, State, and local laws prior to June 1, 2016.

Mr. Benedetto stated he is not comfortable with passing a Motion like this with #4 without any person here who will be impacted by this to say why this may or may not be reasonable.

Ms. Reiss stated she feels like a letter is a very benign way to ask for this, and she feels if it were an Agenda item it will be "horrific." Ms. Reiss stated if Ms. Saracini provides the Audit, she has done all that she is required to do.

Ms. Tyler stated they have already made this request, although they are now putting the request in writing. Mr. Benedetto stated they made a request for an Audit, but there is more than just an Audit being requested now. He stated he feels what they are requesting becomes a little accusatory. Mr. Benedetto stated he would not have a problem with a letter sent by Mr. Truelove requesting the Audit which had been requested in the past since they are looking for transparency. Mr. Benedetto stated the letter could indicate that Ms. Saracini had indicated previously to him that an Audit had been done.

Ms. Reiss stated the law requires that if you have a public 501(c)3 anyone can see the books. Ms. Reiss stated one person was kicked off as Treasurer when it was re-organized, and that person was told to send in a resume to get an Interview. Ms. Reiss stated this has been requested for four years. She stated she feels it is best to make this request quietly by a letter from the solicitor.

Mr. Benedetto stated this matter was not on the Agenda, and he does not feel this Motion should be passed at 1:00 a.m. without anyone present in the audience; and he does not feel it is appropriate since she is not present to provide any feedback. He stated he feels good will was created tonight, and he feels this will create animosity.

Mr. Lewis stated he has entertained reasonable Amendments to the Motion, and what they are saying is they are asking the Township solicitor to contact any 501(c)3; however, Mr. Benedetto stated they know what 501(c)3 they are talking about since there is only one 501(c)3 that purports to raise funds on behalf of the Garden of Reflection.

Ms. Tyler stated she does not feel they need to have a Motion to have Mr. Truelove send a letter, and she would agree to instruct Mr. Truelove to do that.

Mr. Lewis stated if they have reason to believe that a 501(c)3 that is fundraising on behalf of the Township is violating State law. and at this point Mr. Benedetto suggested that Mr. Lewis should be careful about what he is saying. Mr. Benedetto added that this is why they should not be having this discussion right now because what Mr. Lewis just stated is basically accusing someone of doing something, and he has no idea whether they are doing it or not. He stated they should withdraw #4, and no one will have a problem with the Motion.

Mr. Lewis stated he understands that the Township Manager received a legal opinion today. Mr. Fedorchak agreed adding it was from Hill-Wallack. Mr. Fedorchak stated there were questions raised about the fund that Ellen Saracini is involved in and whether or not it has been Registered with the State Bureau of Charitable Organizations. He stated he pursued this question through Mr. Truelove's office enlisting Vince Magyar and asking him to look into this and help the Township by doing some research with BCO. Mr. Fedorchak stated what Mr. Magyar has reported back is that particular 501(c)3, to the best of their knowledge and understanding, has not been Registered with the State. Mr. Fedorchak stated Mr. Magyar contacted an individual within the Bureau of Charitable Organizations and asked that individual to pursue that, and look into it.

Mr. Benedetto asked if anyone contacted Ellen Saracini to ask why it was not Registered, and Mr. Fedorchak stated this matter just came up.

Mr. Fedorchak stated there is a search engine the BCO site has; and if you plug in the Employer Identification Number, it will come out whether or not you are Registered. He stated if you plug in the Township's Community Foundation EIN, it will come up as having been Registered. He stated that is not happening with respect to Ms. Saracini's 501(c)3. Mr. Fedorchak stated he cannot state tonight with any degree of finality that they are not Registered, but he is reporting on the inquiries that have been made that the results were negative.

Mr. Benedetto stated he feels this is worth having a discussion about in private perhaps or sending her a letter.

Mr. Lewis stated he does not feel the way the Motion is written, there should be an issue because they are Moving that the Township solicitor contact any 501(c)3.

Mr. Benedetto stated he does not feel it should be in there at all; and if they want to get to the bottom of something, they should reach out to the individual and advise her that it has come to their attention through some investigation that they may or may not be registered. He stated he feels that anything that goes on at 1:00 a.m. that is even remotely controversial that was not on the Agenda is not a good idea. He stated there is no reason to have the Motion passed when they have agreement on the first three, and he feels the fourth one can be resolved through communication. He stated Ms. Saracini may have a perfectly legitimate reason with regard to the Registration; and if she does not, this would lead to further questions and further discussion.

Ms. Reiss stated the concern is that the Park & Recreation Board and the previous Board of Supervisors requested this numerous times; and she believes that Dave Gordon contacted Ms. Saracini on numerous occasions, and she refused. Mr. Benedetto stated she is not here to defend herself. Ms. Reiss stated this is why they are sending her a letter. Mr. Benedetto stated she agreed tonight that she would come to a meeting. Mr. Benedetto stated they are sending her a letter for additional information, and it does not need to be made part of a Motion.

Mr. Lewis asked Mr. Truelove if there was anything out of order with the proposed revised Motion; and Mr. Truelove stated there is nothing out of order provided that it was Seconded, and Ms. Reiss stated she Seconded it.

Mr. Fritchey stated he assumes that an Audit would include a Plan of the funds disbursed, and Ms. Reiss stated it does. She stated they are very tight now with Non Profits. Mr. Benedetto stated if they are confident that this is included in the Audited Financials, there is no need for that language in the Motion. Ms. Reiss stated she does feel that it needs to be there.

Mr. Benedetto stated they are trying to engage in a spirit of cooperation, and they just came to a wonderful conclusion getting an evening Ceremony together, and now they are putting this Motion together which is picking on this one specific 501(c)3 that deals with the Garden of Reflection indicating that they do not trust that they are doing everything above board and they want the financials. He stated they are making a situation that got better into a negative, and he does not know the reason. Mr. Benedetto stated the first three statements are not in dispute, but the fourth one is. He stated if the fourth one were taken out, he would be 100% in favor of it; but the fact that they are leaving it in shows that there is an agenda here, and he very much resents it.

Mr. Lewis stated the Township has asked for this multiple times, and it should be non controversial; but Mr. Benedetto is viewing it as controversial. Mr. Benedetto stated he is not viewing it controversial, but he is saying that Ellen Saracini and the rest of the people who support her are going to view it as controversial, and she has indicated tonight publically that she is more than happy to come in and have a full discussion about it. He stated an item that was not on the Agenda is going to be voted on, and it will go directly to Ms. Saracini telling her that she needs to provide the financials. Mr. Benedetto stated if they wanted to have this discussion, they should have a discussion about it at another meeting and put it on an Agenda so there is a public discussion about it; but instead Mr. Lewis is engaging in something that he feels is very unprofessional by putting this out there and voting on it at 1:05 a.m. Mr. Benedetto asked Mr. Lewis if he wants to live with this, and Mr. Lewis stated he is very comfortable with this. Mr. Benedetto stated Mr. Lewis is creating a situation that will be a negative when they just had a positive, and he is very disappointed in Mr. Lewis for wanting to do something like this after they had a “feel good moment,” when everyone came together. He added Ms. Saracini is going to find out about this, and she will not be very happy; and Mr. Lewis is going to look like he has an agenda, and it is moving in the opposite direction of what they just had tonight.

Mr. Fritchey stated Mr. Benedetto had discussed Tabling the Motion; and Mr. Benedetto agreed adding if they want to have this discussion, they should put it on an Agenda. Ms. Reiss stated she does not want to have it on an Agenda. Mr. Fritchey asked Mr. Benedetto what he would do to secure an amicable resolution to this without further controversy. Mr. Benedetto stated Mr. Fedorchak and Mr. Truelove just indicated that there is a question about the 501(c)3, and he feels they should send Ms. Saracini a letter indicating that there is a question as to what is going on, and that she should provide the audited financials or have a discussion with her attorney and this may be easily resolved. Mr. Lewis stated this is what is in the Motion; however, Mr. Benedetto stated it is not appropriate to have

a discussion about this when Ms. Saracini is not present. He stated Mr. Lewis could have a private discussion with her when they get the information. He stated she is not here to defend herself, and this is not the way to do it.

Mr. Lewis stated at the last Board of Supervisors' meeting they learned about a resident who had cut down trees in a protected area and violated the terms of an Agreement. He stated they were not present at the meeting, and they directed the Township Manager to write that person a letter. Mr. Benedetto stated in that situation they had a discussion with Mr. Ware, their neighbor, and Mr. Eisold; and he feels this is a completely different situation.

Ms. Reiss stated they should call the question. Mr. Benedetto stated it should never have been brought up.

Ms. Tyler suggested that they proceed with the first three items in the Motion and Table the fourth; however, Mr. Lewis was unwilling to do this. Mr. Benedetto stated that shows that Mr. Lewis actually has an agenda because he wants that very much in place. He stated there is not a spirit of compromise here, and there is no reason to "poke the bear." Ms. Reiss stated they have asked for this for four years, and there was no response. Mr. Benedetto stated if Ms. Saracini were here to defend herself, they could discuss it. Mr. Lewis stated they were not allowed to bring this up earlier. Mr. Benedetto stated Ms. Saracini indicated that she would be more than happy to come in and have a discussion about it. Mr. Benedetto stated they should put it on an Agenda; however, Mr. Lewis stated he does not get to set the Agenda. He added that the Agenda for tonight was revised at the last minute.

Mr. Lewis stated he would like to read the Motion again and have them take a vote. Mr. Benedetto stated Mr. Lewis is picking a fight when it is not necessary. He stated they are causing a problem with someone they really do not need to cause a problem with because they just had a very positive moment.

Mr. Lewis moved:

- (1) to re-affirm the Township's ownership of the Garden of Reflection and surrounding property;
- (2) that the Township plans to support the upkeep and maintenance of the Garden of Reflection in perpetuity with taxpayer money if necessary;

- (3) that the Township plans to offset any potential taxpayer support of the Garden of Reflection through community based fundraising executed through its existing 501(c)3
  - the Lower Makefield Community Foundation; and
- (4) that the Township solicitor contact any 501(c)3 that purports to fundraise on behalf of the Garden of Reflection and request audited financials, a complete plan of funds disbursement and Certification of compliance with Federal, State, and Local Laws prior to June 1, 2016.

Ms. Reiss seconded. Motion carried with Mr. Benedetto opposed.

Mr. Fritchey stated he is reluctant to create an unnecessary confrontation, but they have asked for this for years.

#### APPOINTMENTS

Mr. Fritchey moved, Ms. Tyler seconded, and it was unanimously carried to re-appoint Sue Herman to the Citizens Traffic Commission

There being no further business, the meeting was adjourned at 1:30 a.m.

Respectfully Submitted,

Kristin Tyler, Secretary

