

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

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on July 10, 2016. Chairman Benedetto called the meeting to order 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

GARDEN OF REFLECTION PERMITS DISCUSSION

Mr. Benedetto stated while this has been a contentious issue, the Board is trying to have financial transparency around the Garden of Reflection 501C3. Mr. Benedetto stated he feels that the Permit issued on April 20 is subject to Approval. He stated the Board is asking for information that has been requested from the Garden of Reflection Remembrance Fund 501C3. He stated the Board would like to have the full financials from 2011 through 2015 by July 25, 2016. He stated there is uncertainty around the evening ceremony scheduled to be held on September 11, 2016 for which a Permit has not yet been issued. He stated the Board wants to get the financial information before any Permit is issued, and July 25 is the deadline for receipt of the information; and if it is not received by that date, a Permit will not be issued for the evening Ceremony on 9/11. Mr. Benedetto stated they had requested an audited financial statement, but at this time they are asking for the financials that they were told they would receive; and the Township will do their own independent audit at the Township's expense based on the information they receive, and that audit will be publically available.

Mr. Lewis asked that Mr. Truelove provide a chronology of the events after which the Board can make a formal Motion to enact what Mr. Benedetto has just suggested. Mr. Truelove stated a meeting was held on April 20 where substantial discussion occurred; and at the direction of a majority of the Board, he then sent a letter to the 9/11 Memorial Garden of Reflection reflecting that at the April 20 meeting he

was directed to request audited financial information and a complete plan of Fund disbursement. He had also mentioned that their Registration Statement with the State had not been filed. He stated he had asked that this information be supplied on or before June 1, 2016. Mr. Truelove stated nothing was received in that timeframe; and he then wrote to the Garden of Reflection on June 30, 2016 again at the direction of a majority of the Board, referencing the April 28, 2016 letter which he also attached, indicating the lack of response; and that they were out of compliance with the requirements that were prerequisite to qualifying the group associated with them for eligibility to obtain Township facility Use Permits. He noted in the letter that the situation could be cured if they complied, and they were to respond with the information no later than July 8. Mr. Truelove stated he did receive an e-mail on July 7 which attached a May 25th letter from the Garden of Reflection Committee indicating that a review was underway, and that they were Registered. Mr. Truelove stated in response to that letter he sent another letter to the Garden of Reflection on July 14 indicating that the May 25 letter discussed the Audit/review but it was seven weeks since that date; and the Township had not received the requested information; and again advised that the organization was out of compliance with the necessary and appropriate Township requirements for the use of Township-owned facilities. Mr. Truelove stated there was a follow-up letter on July 19 that the review was still in process, and that it should be received by the end of the month; however, at that point the Board had directed him to follow up with a letter indicating that the books and records should be received by the Township Manager by the close of business on July 25, 2016. He stated he had indicated that if that information was received which was not the audit or a review, but just the books and records, that the Permit would be issued; and the Township would then undertake at its expense its own Audit.

Mr. Benedetto asked for a Motion to that effect, and Ms. Tyler so Moved and Mr. Fritchey seconded.

Mr. Benedetto stated he does not feel that what was discussed on April 20 had anything to do with the 501C3. He stated the Permit was issued, and there were no Conditions set forth saying that the financials had to be given. He stated he does not agree with tying that together with issuing a Permit. He stated while a Permit was not issued, the Application from Ms. Valerie Mihalek, does not have anything to do with the 501C3. Mr. Benedetto stated while he does not feel the request is reasonable, if the 501C3 can provide the financials by July 25, 2016, the Township, the 501C3, and those who want to hold the evening ceremony can move forward.

Mr. Eric Stark, Vice Chair of the Board of Directors of the 9/11 Memorial Garden of Reflection, stated he is not a Township resident. He stated they are very concerned since they do not see why there is a connection made between the Use Permits and the 501C3 financial records. He stated they have no problem providing financial

records, but the review is still at the accountant's office; and they do not even have a draft of it yet. He stated they would need to print off from Quick Books whatever reports they can put together if this is what the Township is now asking for. Mr. Benedetto stated any information would be helpful as they have reached a roadblock since the Township does not have any information, and any information provided would be a great step in the right direction.

Ms. Tyler stated they are requesting all complete books and records of the 501C3 from 2011 to date. Mr. Stark stated what they can do is print out reports from their Quick Books as these are their records. Mr. Stark asked what is the purpose of the Board having this financial information going back until 2011, and he asked what that has to do with Use Permits.

Mr. Fritchey stated every organization that engages in fundraising that takes money from the public and that seeks to get a Permit to use Township property or Township facilities provides financial transparency. He stated the other agencies and user groups do not complain about this or balk about it because they understand that it is in their interest and in the Township's interest to assure the public that everything being done by the organizations are completely on the financial "up and up." He stated this is not to say that Mr. Stark's organization is not, but the problem is that no one really has a clear picture of it. He stated what the Township does by issuing Permits is that they are giving the public a certain degree of consumer protection assurances that the Township has looked into the groups and asked them to provide financial information and received transparency from them which is available to the members of the public if they wish to come into the Township to look at it. He stated this gives a sense of public confidence and public stewardship that the Township is making sure that groups are doing what they are supposed to. He stated he does not understand why if they retained an accountant before May 25, nothing has been accomplished by this time. Mr. Fritchey stated the Township wants them to have the Candlelight Service, and they are not trying to prevent that; but the reason they do not have a Permit is because the Township made requests and there was not an adequate response. He stated as noted by the Township solicitor, they have extended the deadline three times.

Mr. Stark stated they did not know about the program of giving assurances to the public, and they were never asked for financial information or any information in the past. Ms. Tyler stated they had asked for those almost two years ago when they were before Park & Recreation, and Ms. Saracini had promised the financials on many occasions; and yet they have not appeared. Ms. Tyler stated this is not a new request which was only requested in May, and financial disclosure had been requested for many years.

Ms. Saracini stated they are prepared to meet the request, and they have written many letters. She stated she does not feel receiving a letter on Thursday with a four-day deadline is sufficient time to get the information to the Township. Ms. Saracini stated the rules and regulations have never been explained to them. She stated they indicated that they would produce the financials as soon as they get them back from the accounting firm. Mr. Fritchey asked if the information is in the hands of their accountant, and Ms. Saracini agreed. Mr. Fritchey asked the name of the accountant, and Ms. Saracini stated it is the Mercadien Accounting firm located in Lawrenceville, New Jersey. Mr. Fritchey stated he feels what they are requesting can be easily accomplished. Ms. Saracini stated while it can be, they cannot meet the deadline they are offering since they have not gotten it back from the accountant. Mr. Fritchey stated they are not asking for a review, rather they are asking for the primary documents. Ms. Saracini stated she now understands that they want to see an Excel spreadsheet that shows Income and Expenses. Mr. Fritchey stated he presumes she has books and records like all other financial organizations such as corporate records, records of meetings, various books where financial data is entered, receipts, disbursements, income statements, balance sheets, and tax returns; and all of those are the kinds of things that would be needed for an audit, and the accountant has probably already asked for those things, and is in a position to turn them over to the Township. Mr. Fritchey stated they asked for this information in a letter that the Township solicitor sent to Ms. Saracini on or about April 28, and it is now three months later. Mr. Fritchey stated this is not asking for something over a weekend, and this has taken an inordinate amount of time; and it needs to be addressed.

Mr. Stark stated this is not a simple request as the Township is asking for five years of financial statements which is what their accountant is preparing now. He stated they did not have an accountant retained for their organization, and their Treasurer was filing their 990s so they had to find an accounting firm that was going to charge them a reasonable fee, and then they had to give them all the information including the 990s. Mr. Stark stated they will do everything they can to comply by Monday, but it is not as simple as has been stated.

Mr. Benedetto asked if they have their 990s; and Ms. Saracini stated the 990 is a public document, and anyone can go on GuideStar.com and look up their 990s. Ms. Tyler stated they are asking them to provide their records to the Township. Ms. Tyler stated while they have requested this for years, the formal request was sent this April. Ms. Tyler asked Ms. Saracini to produce complete books and corporate records of their 501C3 so the Township can have them professionally audited.

Ms. Saracini stated they left and formed a 501C3 in 2011 because they had repeatedly asked the Township for financial information, and they have never to date received this. Ms. Tyler stated they went over the spreadsheet and handed it to her at a Park & Recreation Board meeting. Ms. Saracini stated they were handed a one-page report with yearly totals in categories which is hardly sufficient. Ms. Tyler asked Ms. Saracini if she is challenging the manner in which the Township has been paying for the maintenance of the Garden of Reflection, and she asked Ms. Saracini if she feels there is some impropriety there; and Ms. Saracini stated she does absolutely. Ms. Tyler stated that fund is audited every year, and there are no financial irregularities. Ms. Tyler again asked that Ms. Saracini provide the Township with the books and records so that the Township can conduct an audit at their own expense.

Ms. Saracini stated since before 2011, she has been asking the Township for the audited financials for the Garden of Reflection – the money that came in, and the money that was spent. She stated she put in most of the money, and she has no accounting from the Township of any of the money that she has put in through “hard work, sweat, and tears” over all these years.

Ms. Tyler asked Ms. Saracini if she is refusing the Board’s request; however, Ms. Saracini stated she is not, and they have sent letter after letter indicating that they will comply, but that they do not have the information yet. She stated as soon as they have the information, they will send it to the Township. She stated she provided an update as the accounting firm indicated to her that they would have the information within a month, and the Township is putting the deadline before that month’s time period.

Ms. Saracini asked where are the financials from the Township, and Ms. Tyler stated the audited financials are available to the public. Mr. Fedorchak stated every year the Township has audited the Township’s General Fund which includes all Garden of Reflection expenses and revenues. He stated that information is posted on the Township Website and is readily available for anyone. Mr. Fedorchak stated in addition to that the Township has their own 501C3, and even though by law they do not have to have that audited, it is audited every year. Mr. Fedorchak stated that information is also available to the public. He stated the Township has been transparent above and beyond what is required of the Township since that is the way he feels is the right way of doing things in the public sector when dealing with public funds. Mr. Fedorchak stated every year since 2009 they have also filed with the State all the necessary paperwork and received their Registration and Certification every year. Mr. Fedorchak stated he understands that was a problem for Ms. Saracini’s 501C3, and they have just for the first time in 2015 filed with the

State and got the proper Certification and Registry. Mr. Fedorchak stated the Township was way ahead of the curve, and perhaps they should take lessons from the Township as to how to do it the right way.

Mr. Stark stated auditors do not look at every single expenditure or revenue item, and they test things on a random basis. Mr. Stark stated what they have asked for from the Township but never received is a list of the expenditures by transaction for the Garden Funds because they believe that there are expenditures in there for maintenance of other areas of Memorial Park that should not have been paid for with Garden of Reflection funds. Mr. Stark stated they worked very hard to raise the money for the construction and maintenance of the Garden, and they continue to work very hard to raise money for an Endowment Fund so that the maintenance does not fall on the backs of the taxpayers. Mr. Stark stated he feels the Township is fighting them, and he asked if they do not want them to raise money for an endowment.

Mr. Benedetto stated he feels the Township “moved the goal post” on them, and this has nothing to do with the User Permit; and it was never part of the Motion on April 20. Mr. Benedetto stated he does agree that the Township does not have any information from them that was requested in years past. He stated now there is a link between the financial information and the Permit even though he does not like it. He stated if they want the Permit to be issued, they need to submit the information by July 25. He stated he also feels that they are being held to a different standard. He stated he spoke to Jason Simon today, and PAA had never been asked for what the Garden of Reflection is being asked for; and this year is the first time the Township has asked for the more extensive information from everyone because they wanted to be consistent.

Ms. Saracini stated what is being requested is an Audit, and they do have all that information; however, she stated as a private 501C3, they are not required to do an Audit. She stated they are only required to do a review, and that is what is being done for the past five years. Mr. Fritchey stated the Township will pay for the Audit. He stated this is a matter of public confidence. Ms. Saracini stated she feels this is a matter of mixing two things together and holding hostage the Use Permit for the Remembrance Ceremony and the 5K in order to get financials that they have been asking for for years, although she has been asking for five years before that for the financials from the Township of which they have never gotten. Ms. Saracini stated they keep saying that the Township keeps asking for this, but this is the first time it came up after April 20 that they went on record; and then went to play “catch up” with every other 501C3 in the Township so it would not look like she was being singled out. Ms. Saracini stated the Garden of Reflection has been specifically singled out by members of the Board many times over the Board’s existence for reasons that are “ridiculous.” Ms. Saracini asked if the Board wants them to stop

fundraising adding that none of the other 9/11 family members are going out and “hustling” time after time and coming up with numerous fundraising events like she is. Ms. Saracini stated she went to the Board of Supervisors in 2011 asking for all her fundraising efforts going forward to be separate from the Township in a 501C3, and that she would continue to fundraise for an Endowment. She stated at that time Mr. Fedorchak had repeated her words indicating that they understood that moving forward all of her fundraising efforts would be put in a separate from the Township 501C3, and she stated that is what she has done. She stated this was voted on and approved unanimously. She stated she has not done one thing over the years that was not presented to the Board of Supervisors and/or Park & Rec. She stated she is the only one that truly goes ahead and fundraises and brings in money. She questioned what the Preservation Committee has brought in, and she asked what demands are on the Preservation Committee to do what they say they are doing. She stated the Preservation Committee was supposed to bring in funds for the daily maintenance while the Endowment is being funded, and they are not doing that. Ms. Saracini stated that when the Township sees the financials, they will not see anything wrong; and they bring in money which sits there. She stated the only expenses that come out are for fundraising events, and they are not putting out money anywhere. She stated she questions the Township accounts which she has not been able to view. Ms. Saracini stated Mr. Fedorchak had indicated that they are on-line; however, she stated all of her documents are on line as well, and the Township knows this as they have already reviewed and discussed them. Ms. Saracini questioned why she has not received line items from the Township which she has requested multiple times.

Ms. Saracini stated they should review all the Supervisor notes, and they will see that she had a unanimous vote on all the things she has been doing; and she has been the one person that has continued to fundraise. She stated they are looking at getting up to \$600,000 this year, and this is after her having many personal issues. She stated no one is coming close to the amount she has raised, and she feels it is very insulting that they have to look at the records and to tie it to Ms. Mihalek trying to get a Use Permit for a Remembrance Ceremony about which the Township has spoken loud and clear about. She stated over 1,200 people come to the Remembrance Ceremony.

Ms. Saracini stated Greg Tarallo was informed today by Donna Liney that the Permit could not be issued for the 5K because the Preservation Committee wants it to be serene. Ms. Saracini stated because Judi Reiss has taken out a Use Permit from Saturday, September 10 at 7 a.m. until September 11 at 9 p.m. at night, they are having a problem and cannot get the Permit. Ms. Saracini stated Ms. Reiss is doing a morning ceremony on September 11 and a vigil that night.

Ms. Saracini asked what is from 7:00 in the morning until 6:00 that night that Mr. Tarallo has not been issued a Use Permit for a fundraising event that they have had for thirteen years. She stated that no other Board has not given permission to Mr. Tarallo who is a citizen from the Township who wants to participate in an event that raises money and donates all the money, most of which has gone to the Township. Ms. Saracini stated after the 501C3 Endowment was established, Mr. Tarallo stated he wanted his money to go to preserving the Memorial in perpetuity. Ms. Saracini stated Ms. Liney has indicated he has to pick a different date. Ms. Saracini stated Mr. Tarallo gave the Use Permit into the Township on May 4, and two and a half months later they are telling him today that he cannot have a Permit and that he should find another date when he has already sent out all the postcards, the Website is made up, and donations have come in. She stated this is all because they do not trust that the accounting is okay with the 501C3 which she feels is “disgusting.”

Mr. Greg Tarallo stated he did receive a call today, but they had already sent out postcards about the event. He stated Ms. Liney had stated they could not have it because Ms. Reiss had put in a request for a Permit for the two days. Mr. Tarallo stated he had advised Ms. Liney that his event has been on the Saturday or Sunday closest to 9/11 for thirteen years unless it fell on 9/11 as they never do it on that day. He asked Ms. Liney what would be taking place between 7 a.m. and Noon on that Saturday; and she stated that nothing was, but they wanted that area to be serene.

Ms. Reiss stated she is the one with the Permit, and she does not have a problem; however, the problems are that in March someone put in a Permit for a Home Run Derby that will take place on the fields and it goes from Oxford Valley to Mill, and they will be closing the street. She stated the resources the Township has are finite; and she was told that because of the Home Run Derby, the Township could not provide whatever they needed to provide for the 5K. Ms. Reiss stated also cleaning up after the 5K is a major problem; and Ms. Liney has advised that there are bottles, cups, papers, and they also have people who tend to use the “trees like dogs.” Mr. Tarallo stated he disagrees; and when they leave, it is like they have never been there. Ms. Reiss stated she has participated in the 5K in the past and brought people and felt that it was one of the best events that goes on in the Township; but the problem is the Home Run Derby and the fact that they have finite numbers of Police, etc. to deal with it. Ms. Reiss stated they had no right to send out postcards without having a Permit. She stated she has a fiduciary and a responsibility for the safety of the people in the Township, and this was the call of the Park & Recreation Board.

Mr. Stark asked if they could have their event on Saturday, September 10 between 7 a.m. and Noon.

Mr. Benedetto stated he feels a decision needs to be made since it is not fair to the volunteers to indicate they will figure this out once they get the financials.

Mr. Benedetto stated he does not feel the financials should be tied together since they have never been tied together before. He stated nothing on April 20 was decided that the Township needed the financials, and that was a totally separate discussion that happened at the end of the meeting that had nothing to do with issuing Permits.

Mr. Fritchey stated he disagrees, and when there are user groups that are involved with public funds, they always require financial transparency; and they made that clear in the letter that went out on April 28, 2016. Mr. Fritchey stated if there is no Permit now, it is a self-inflicted hardship since people did not respond to the letter from the Township solicitor. Mr. Fritchey stated if there were questions about what the letter meant, they could have called the Township solicitor, and they did not.

Mr. Fritchey stated if they want to get a Permit and to truly honor the fallen as opposed to fighting with the Township, they know what they have to do. Others in the audience indicated they felt the Township was picking a fight with them.

Mr. Fritchey stated there is one person standing in the way of their Permits, and that is Ms. Saracini; and if she had done what she was supposed to do in the first instance, they probably would have had their Permit in May.

Mr. Benedetto asked if both Permits will be issued or are they saying the event should not take place on September 10. Mr. Fritchey asked why the event needs to take place on September 10 if there is a conflict with other things, and he asked if it could be moved to another day; however, Mr. Tarallo stated it cannot at this time since they have paid for and put out postcards, and there are already volunteers and people who have registered. Mr. Fritchey stated they did all this without having a Permit which he does not feel is a responsible way to operate. Mr. Tarallo stated they have always had this event on the Saturday or Sunday closest to 9/11. He stated he is asking them today if they will allow him to have this event on September 10 between 7 a.m. and Noon. He stated he would also like to give Ms. Reiss an opportunity to apologize to the participants, the volunteers, and the families for saying that they leave the Park a mess and people are urinating on trees which he feels is a disgraceful statement. Mr. Tarallo stated he is a private citizen that is raising money. He stated he started this event three years after 2001 as an outlet to help himself and to help others to be able to do something. He stated for thirteen years getting the Permit was never a problem so there is precedence. He stated most of the years Ms. Liney has contacted him and provided the Permit since she knows which weekend it will be. He stated he is asking if they can have the event on September 10 between 7 a.m. and Noon and is also asking Ms. Reiss if she would like the opportunity to apologize for what she said about how their volunteers, families, and participants leave the Park.

Mr. Lewis stated he would like to call the Question, and he asked Mr. Truelove to review the Motion. Mr. Benedetto stated he feels the Motion is just regarding the Permit for the evening Ceremony. Question was called and Motion carried with Mr. Benedetto opposed.

Mr. Benedetto stated all information requested should be submitted by July 25.

Ms. Tyler stated the problem with the event for September 10 is that there are three Public Works employees who have to be at the Home Run Derby. She stated she has not yet had a discussion with Ms. Liney about this, but she feels Ms. Liney's decision was based on resource allocation. Mr. Benedetto stated he had a conversation with Ms. Liney and the issue was that the Permit is held currently by Ms. Reiss' Committee, and there was a conflict, and that it is not a resources issue. He stated he feels that it can be done, but it seems that for whatever reason they do not want this event held on September 10 because there are other events going on, and he does not feel it is a resource issue. Ms. Tyler stated it is also a Police allocation issue since they need to control traffic at both spots. Chief Coluzzi stated he has not discussed any details of the Home Run Derby, and he has not had any input with Ms. Liney about any of these events thus far. He stated over the past thirteen years, there have been minimal Township services and Police for the 5K. Mr. Benedetto stated he feels they owe Mr. Tarallo a vote; however, Ms. Tyler stated she is not sure they can vote on that with the Permit issued to Ms. Reiss since it would override that Permit.

Ms. Reiss stated if Ms. Liney and Parks & Rec feels it is feasible, she has no problem with it, adding she has had no problem with it from the beginning. She stated she has received numerous harassing e-mails, and they are putting their anger at her. She stated has participated in the Run and brought ten people in the past, and she feels it is a wonderful event. Ms. Reiss stated she was told by Parks & Recreation that they did not want to have to put up all the set up for both Saturday night and Sunday and all of the other set up that needs to come in because they had agreed it needed to be put it in on Saturday; and they felt it was too much for Public Works and Parks & Rec. Ms. Reiss stated if they want to talk to the Parks & Rec Department, she does not have a problem with that.

Ms. Saracini stated there is nothing being set up for the September 11 ceremony the day before. Ms. Reiss stated Ms. Saracini had stated that the torches would be going up; however, Ms. Saracini stated the torches will be up three days before that. Ms. Reiss stated Ms. Saracini stated they would be delivering chairs and deciding where they were going to put them. Ms. Reiss stated if Parks & Recreation advises her that this is approved by them, she does not have a problem.

Ms. Saracini stated Ms. Reiss took out a Use Permit for the Garden of Reflection for Saturday at 7 a.m. but the first event that was approved was the vigil at 6 p.m. that night. She stated the Permit then goes to 9 p.m. on September 11 precluding her from having the Remembrance Ceremony. Now they are being told that they have to give something if they want a Permit. Ms. Saracini stated Ms. Reiss' Permit interferes with the time that Mr. Tarallo wants to have the 5K, and this was all done so that Ms. Reiss could control two days on the September 11 weekend so that anything she wanted would be fine.

Mr. Fritchey stated he feels this should go back to the Township Administration, and the Board should not be voting on this at this time. Mr. Benedetto stated he had a discussion with Ms. Liney today, and she made it very clear that the impediment to getting the 5K approved is the holder of the Permit. He stated the issue is that Ms. Reiss decided to file a Permit, and he feels that was a tremendous mistake on her part because now there is a huge conflict. He stated the problem is that Ms. Reiss is now voting on an issue of which she is the Permit holder.

Mr. Benedetto stated Ms. Saracini has been told that she needs to submit the financials by July 25, and Ms. Saracini stated they will give what they have before July 25; however, they cannot give what the Board is requesting in the review. Mr. Benedetto stated he feels they should decide now on the 5K adding he received the postcard today about the 5K. He stated he feels the Board needs to have the courage and courtesy to make the decision as opposed to "punting" it to Ms. Liney. He stated Ms. Liney is not elected to make these decisions, and it is the Board that was elected to make these decisions. He stated Ms. Liney has indicated that she answers to the Board of Supervisors; and if the Board tells her to issue the Permit, she will do so tomorrow. Mr. Benedetto stated the Chief also just indicated that if a Police presence is needed, it can be done. Mr. Benedetto stated the Permit issued for the Home Run Derby that will take place across the street has nothing to do with the ability for them to conduct the 5K on September 10.

Mr. Fritchey stated there are 365 days in a year, and they have selected the one day where there is a conflict. Ms. Saracini stated they have done this for thirteen years. Mr. Fritchey stated they picked September 10 and sent out notices without having a Permit which is not a reasonable way to operate. He stated they have done a great job in running this in prior years, and it should take place; however, the problem is it is happening on this particular day. He urged them to pick another day which he feels would be approved very quickly. Mr. Tarallo asked what is happening that day between 7 and Noon. Mr. Fritchey stated there is a Home Run Derby going on and set up for all the 9/11 activities. Mr. Tarallo stated they have a thirteen-year precedence, and he asked for permission to have his event between 7 and Noon.

He added that they are very self-sufficient. He stated they block off the street, and they have responsible adults with vests who can block off the streets. He stated the issues are minor and can be overcome.

Ms. Saracini stated the bathrooms are already there, and portable restroom facilities will already be there for the other events. She stated the Police will come or not as they have had both over the years. She stated they are asking Park & Rec to pick up a few black trash bags which all of the garbage will have been put in.

Mr. Benedetto moved for the 5K on September 10 Permit to be approved. There was no Second to the Motion, and the Motion died.

Mr. Lewis stated he was not familiar with the scheduling of this at the April 20 meeting; and does not feel the Board should make a decision now without all the facts. Mr. Lewis stated he feels the Board has been flexible, and they are offering to provide a free Audit. Mr. Lewis stated he does not feel it was the best project management to send direct mail pieces when they had not confirmed the date. Mr. Lewis stated he would be willing to direct the staff to determine something within a week's timeframe. Mr. Fedorchak stated he would like to bring in Ms. Liney and invite Mr. Tarallo to join them early next week to go over the details to see if they can make this happen. It was noted that no Motion was necessary for this to occur. Mr. Fedorchak asked that they meet Monday or Tuesday.

Ms. Saracini stated this the first Board that has stopped this from happening until it is further looked into it. She stated Mr. Tarallo has gotten a signed Use Permit two different years, and a Use Permit was not even filled out the first five to seven years. Ms. Saracini stated Ms. Liney had advised her that she was supposed to fill out a Use Permit; however, Ms. Saracini did not know what it was when Ms. Liney brought this up since they had not filled them out for the Remembrance Ceremony. Ms. Saracini stated Mr. Tarallo then started filling out Use Permits, and some years he got them and some years he did not; but it was never denied until this Board, and now they have to look into it to figure it out. Ms. Saracini stated they started fundraising to bring awareness around September 11. She stated every year the 5K was either on the Sunday closest to September 11, or if September 11 fell on a Sunday, it was moved to the Saturday. She stated now they are coming up with new and confusing complications that they now have to abide by in order for anyone including a private citizen who is giving his time and devotion to. Ms. Saracini stated they are doing the same thing to Valerie Mihalek and the other 9/11 family members and over 1,200 others who all want the Remembrance Ceremony.

Ms. Saracini stated she had stated right from the beginning that the Township would get the financials. Ms. Saracini stated she understands that they want her to copy all the 990s and an Excel spreadsheet that shows what came in and what went out. Ms. Tyler stated this is not what they asked for. Ms. Saracini stated that is all that there is. Ms. Tyler stated they want all the corporate books and records including all invoices and all receipts. Ms. Saracini stated they are a “very tiny 501C3” and there are not “all these books.” Mr. Fritchey stated they want bank statements, deposits, expenses, and checks. Ms. Saracini stated they are asking for all this by July 25, and this is a new thing because she was never asked for this before tonight. Ms. Saracini stated she now understands that they want by July 25 invoices, bank statements, etc.; and they will not wait for the review which she had advised the Township was coming within the month.

Mr. Fritchey stated Ms. Saracini was asked for this information three months ago. He stated if they have a competent accountant, he will already have all of that information. Ms. Saracini stated they have a Treasurer who fills out the 990, and they do not have an accountant on staff. She stated they are not big enough, and they do not do anything with the money so they do not need an accountant on staff. Mr. Fritchey reminded Ms. Saracini that she stated that they hired an accountant. Ms. Saracini stated they hired an accounting firm to review 2001 through 2015, and that is what they are waiting on. She stated they fill out 990s, and they have an Excel spreadsheet that shows everything that came in and everything that went out for expenses for fundraisers; and if the Township wants that, they can give it to them although she does not know what they feel they will get from it. She stated she promises that the Township will have it before the 25th; but she feels they should make a decision this evening since Mr. Tarallo is present this evening, and she does not know why they should have to meet about this at another time.

Mr. Tarallo advised that they want to have the event on Saturday, September 10 between 7 a.m. and Noon. He stated they have someone who has volunteered to provide trucks where they can put the garbage in so that the Township will not have to even pick up garbage. He stated he does not understand why the Township would turn them down when they have done this for thirteen years on that same weekend.

Mr. Benedetto stated he feels that there should be a public vote, and the Board should decide this as opposed to Mr. Fedorchak and Ms. Liney. He stated the Board should either let them have it or turn them down.

Ms. Saracini stated if they are going to change something, she feels it should be for a future year when they have had time to discuss why the Board does not want it on the tenth; but for this year when nothing was ever told to Mr. Tarallo after two and a half months of having a Use Permit. Mr. Fritchey stated he does not have a Use Permit. Ms. Saracini stated Mr. Tarallo put in for a Use Permit to the Township. Mr. Benedetto asked why it was not turned down right away. Ms. Saracini stated after everything has been mailed out, now they are saying they cannot have it.

Mr. Lewis stated they indicated previously that they can meet with the staff to resolve this, and Mr. Fedorchak had indicated it could be done by Tuesday which Mr. Lewis stated he feels is a relatively rapid timeframe.

Mr. Lewis moved to direct the staff to meet with Mr. Tarallo and the organizing committee to resolve this by Tuesday, July 26; and make a final determination at that time.

Mr. Benedetto asked who would make the final determination since the Board does not meet again until August 17.

Mr. Fedorchak stated if they can agree that they can make this happen, there would be no conflict; however, if for some reason, they feel it cannot happen, they will immediately report that to the Board. He stated he hopes that they can find a way to make this work, and that will be their mission.

Mr. Fritchey seconded the Motion.

Ms. Jayne Ortendahl, Wrihsttown, stated she is a volunteer for the 9/11 Golf Classic and has been for the last seven years and has had the privilege of working with Ellen Saracini all seven years. She stated the Golf Classic Committee is comprised of three people, and they work twelve months out of the year preparing for that and donate weeks of their time, money, and resources to raise money for the Endowment Fund. Ms. Ortendahl stated the Garden is Ms. Saracini's passion and drives her to preserve the Garden and make sure that it is not an expense for the taxpayers in twenty years when they are all gone. She stated the Board has indicated they do trust Ms. Saracini, but she does not feel that they trust her; and they want her to provide every single financial piece of paper she has. Ms. Ortendahl stated when Ms. Saracini is not working for the Garden, she is lobbying in Washington D.C. to preserve the pilots and protect the passengers by keeping secondary barrier doorways in the airplanes along with dealing with other personal health issues. She stated it seems that the Board is "crucifying" the people who want to do good. She stated it has already been determined that a Police presence is not needed, and that they will clean up the trash. She stated she has also heard that the person who holds the Permit for that morning can make the decision

if a Permit should be approved, and she feels it should be an easy decision so that Mr. Tarallo can have the 5K which people have already committed to and invested money. She stated they are requiring all the papers from Ms. Saracini so that they can have complete transparency when the Township itself has not provided that complete transparency to Ms. Saracini. Ms. Ortendahl asked why Mr. Tarallo cannot have the Permit this evening.

Mr. Joe Robinson stated he is a Township resident and had the privilege of playing in Ms. Saracini's golf outing yesterday. He asked if anyone has ever defined to Ms. Saracini and her group what books and records consist of. He stated he is an accountant and "books and records" is a hazy thing and means give me anything you want. Mr. Robinson also asked if every 501C3 organization within the Township has been required to produce all of their books and records, and Mr. Benedetto stated they have not. Mr. Benedetto stated he just spoke to a PAA representative today, and was told that they have not. Mr. Fritchey stated they are not a 501C3; however, Mr. Benedetto stated they are a non-profit 501C3. Mr. Fritchey stated they do provide records they have been asked to provide. Mr. Robinson asked if they provide all of their books and records.

Mr. Benedetto stated he was part of the Veterans Committee as Liaison, and they did not provide detailed audited financials. He stated what they are asking Ms. Saracini for are audited financials. He stated the Motion on April 20 read, "Solicitor contact any 501C3 that purports to fundraise on behalf of the Garden of Reflection and request audited financials." Mr. Benedetto stated the Township has said that they will pay for it. Mr. Benedetto stated Ms. Saracini stated that she would provide the review from their independent auditor, and the Township agreed that they will take that information and do their own audit which the Township will pay for. He stated the Board has not asked this from anyone else. Mr. Robinson stated the Township has not offered to pay for audited financials for PAA, YMS, or the Artists of Yardley; and he hopes they have not since he feels that is a waste of taxpayer funds.

Mr. Lewis stated the concern is that a significant amount of funds have been raised, and nothing has been provided to the Township. He stated it is not that the Board is not trusting or has ulterior concerns, but they have to make sure that they are doing proper due diligence because people have been donating money, and that money has not gone directly to the Garden of Reflection. He stated during the April 20 meeting one of the things the Township did was take full control and full responsibility for the Garden of Reflection and decided in perpetuity that if taxpayer dollars were required, they would spend that to keep that up. He stated the challenge is that people are donating to an organization which has not been audited or provided money to the Township. Mr. Lewis stated there is a separate Lower Makefield Community Foundation; and when people donate to that, it goes directly to the Foundation which is an audited process and is used for the Garden of

Reflection. Mr. Lewis stated he feels the Board has been very solicitous about this, and they had provided letters and given reasonable timeframes, but were rejected multiple times with non answers or delays. He stated the Board is trying to make it as easy as possible to resolve the situation.

Mr. Benedetto stated the other Board members are requiring Ms. Saracini's 501C3 to provide financials before Permits will be issued. Mr. Robinson stated he is "ashamed" of a couple of the Supervisors.

Ms. Pat Caimano stated she agrees with Mr. Robinson, and this is why people are discouraged with their elected officials. She stated people seem to have their own motives and agendas. She stated they want to honor the people who died on 9/11, and people fighting among themselves and each other are making the terrorists happy. She asked that they join together with love, respect, and consideration. She stated the Board was chosen by the constituents, and they should represent them well and fairly.

The question was called, and the Motion carried with Mr. Benedetto opposed.

PUBLIC COMMENT

Mr. Pete Borowsky, 1552 Cartpath Court, stated he send e-mails to the Supervisors earlier this week regarding the bike path along Woodside. Mr. Benedetto stated they will discuss this later on the Agenda when they discuss the Delaware River Joint Toll Bridge Commission sale.

Mr. David White, Gayle Drive, asked for an update from Mr. Eisold on the Quiet Zones. Mr. Eisold stated they received two Bids, but they have not gone through all the numbers at this point. Mr. Eisold stated he will meet with Mr. Truelove tomorrow morning to review that information.

Mr. Kevin Treiber, Sherwood Drive, stated he is disappointed this evening; and he feels anyone speaking from the podium should be given respect by the Supervisors, and the Supervisors should not speak over them. Mr. Treiber stated he is the President of the Veterans Square Foundation, and he can guarantee what Mr. Benedetto stated is true, and they have not been audited or asked to be audited. Mr. Treiber stated he answers to the IRS as the President of the Foundation and not to the Board of Supervisors. Mr. Treiber asked if they are allowed to have a Parade without an Audit or a financial review. Mr. Benedetto stated he does not feel it should have been tied together. He stated it was never discussed on April 20 to tie any financial statement requirement to the issuance of a Permit for the evening ceremony.

Mr. Fritchey asked if the Parade is a fundraising event which uses a Township-owned facility, and Mr. Treiber stated it ends at the Veterans Square Park. He stated they do sell some postcards and sell pavers; however, Mr. Fritchey stated he feels this is a different situation. Mr. Treiber stated there was an issue with a non-funding raising event Ms. Saracini was pushing for which is the Evening Ceremony, and Mr. Fritchey stated that has historically been a fundraising event; however, Mr. Benedetto stated that is absolutely incorrect, and that is not the primary purpose of that event. He stated he would agree that the 5K is a fundraising event, but there is a huge distinction between that and what is going on at the evening ceremony. He stated there is also an evening ceremony the night before, and it is no more a fundraising event that night as there is at the ceremony the night before.

Mr. Treiber stated he agrees with the prior speaker that they should be honoring those who were lost, and he is sad that there is any animosity among the families that lost loved ones.

Ms. Reiss stated that for three years she stood between the two different groups and tried very hard to get them together because she felt in unity there was strength. Ms. Reiss stated she has been verbally assaulted, and part of the problem is that there were people who were on the original 501C3 that were told they were off without any reason so they are angry. Ms. Reiss stated she went and got a Permit in good faith, and she had no problem when she was requested to give up the evening since it was the right thing to do. She stated she also had no problem with them setting up the day before to get everything ready so that it would make it easy for them. Ms. Reiss stated she was told by them that they could not put up the doves; however, that was approved. She stated there are constant issues, and it has been hurtful and painful to her since she lost her son that day, but she is also a Township Supervisor who is responsible for fiduciary, welfare, and safety of everyone in the community; and she took her direction from a Board vote. Ms. Reiss stated she is not trying to stand in anyone's way, and she has participated in the 5K. She stated she knows that when the Permit was given for the Home Run Derby no one had asked for the 5K, and the assumption was that it was going to be the week before or the week after on Sunday. She stated no one came to her about the 5K until this week. She stated she was "battered" on all day, and she was "harassed" by one person; and she does not feel anyone deserves that.

Mr. Benedetto stated he had a discussion with Ms. Liney about one month after April 20 about the Permit for the 9/11, and Ms. Liney advised him that Ms. Reiss would not release the Permit. Mr. Benedetto stated the Motion the Board approved states clearly, "The Permit holder" which Mr. Benedetto stated is Judy Reiss, "must notify the Township in writing of any such Agreement and the identity of the Party to which it was agreeing to relinquish time," which Mr. Benedetto stated is

Valerie Mihalek; and he stated that has not been approved. Mr. Benedetto stated all the financial discussion has nothing to do with what the Board decided on April 20. He stated the reason the Permit has not been issued is because the current Permit holder has not released it. Mr. Benedetto stated the Board will not agree to issue any Permit unless Ms. Saracini's 501C3 provides financials which was never part of the "deal" going back to April 20.

Mr. Fedorchak stated he wants to publically commend and compliment Supervisor Judi Reiss as she along with Mrs. Godshalk and Ms. Bane have been part of the Garden of Reflection Committee which has very actively and successfully raised \$40,000 to \$50,000 in funds which were placed in the Township's Community Foundation, and all of that money has gone directly for the maintenance and upkeep of the Garden of Reflection. He stated this has been a very important source of revenue for the Township over a period of time. He stated currently the Township has approximately \$35,000 left in the fund; and if it were not for the efforts of Ms. Reiss and the Garden of Reflection Preservation Committee raising the money and providing it directly to the Township which put it directly into the maintenance of the Garden including landscaping, payment of electric and water bills, light bulbs, etc., at this point the Township would already be using taxpayer monies to pay for those expenses. He stated he feels they should be given special recognition for that, and he personally thanked Ms. Reiss as the Township Manager as she has made his job easier which he appreciates.

Ms. Donna Doan, 2814 Langhorne-Yardley Road, Langhorne, stated she has been coming to these meetings for close to twenty years; and this is the "saddest, most upsetting meeting" she has attended. Ms. Doan stated if they want an audit, they can go to the Department of State Website, find the charity, and click on the tab which indicates "Request an Audit;" and you will get it. Ms. Reiss stated as of May, they were not Registered with the State; and she does know that this is a requirement. Ms. Doan stated she feels they should just issue the Permit. Ms. Reiss stated she is directed by the Board. Mr. Benedetto stated his direction would be to issue the Permit. Mr. Benedetto stated the direction from the Board on April 20 was that the Permit Holder would have the approval. He stated the Meeting Minutes indicate on Page 30 that the Permit Holder has the approval. He read from the Minutes as follows: "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." Mr. Benedetto stated the Permit Holder has not agreed to relinquish the time for Valerie Mihalek's Permit. Mr. Benedetto stated nothing changed from April 20 until tonight.

Mr. Lewis noted Item #6 of the Motion, and Mr. Benedetto read as follows: “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. Benedetto stated he has seen the January 4 Permit, and it has nothing to do with a financial Audit or a 501C3; and that is totally unrelated to Valerie Mihalek or anyone who wants to hold that ceremony on 9/11.

APPROVAL OF BOARD OF SUPERVISORS MINUTES OF JULY 6, 2016

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to approve the Minutes of July 6, 2016 as written.

APPROVAL OF JUNE 20, 2016, JULY 5, 2016, AND JULY 18, 2016 WARRANT LISTS AND JUNE, 2016 PAYROLL

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to approve the June 20, 2016, July 5, 2016, and July 18, 2016 Warrant Lists, and June, 2016 Payroll as attached to the Minutes.

APPROVAL OF ARTISTS OF YARDLEY LEASE AGREEMENT

Mr. Truelove stated there were several iterations of a Draft Agreement, and they went back and forth with Ms. Robinson of Artists of Yardley. He stated there are some remaining issues based on the e-mail chain he saw, one of which was made by Mr. Benedetto to break down the categories of repair costs; and he would suggest that they do this. Mr. Truelove stated Ms. Robinson also had a request to revert to the prior iteration of the parking language; and from his discussions with the Board, he feels they were in agreement with that. Mr. Truelove suggested approval of the Lease which was circulated with the changes of breaking down the repair categories as indicated and also reverting to the parking language back to a prior submission given by Ms. Robinson some time ago.

Ms. Tyler moved and Ms. Reiss seconded to approve the Artists of Yardley Lease as outlined by Mr. Truelove.

Mr. Benedetto stated this is a ten-year Lease which commences on September 1, 2016 with a five-year option for renewal. He stated there is \$1,000 a month rent which will be adjusted annually based on the percent increase or decrease in the Consumer Price Index. He stated the Artists of Yardley will be responsible for the utilities, cleaning, and waste removal. He stated the Leased premises are outlined in

Exhibit A which is the Janney-Brown farmhouse, the lawn immediately surrounding it, and the small garage that was previously utilized by Artists of Yardley for storage. Mr. Benedetto noted Section 2R12 and the right of first refusal for the pack house which is Section 2YY.

Mr. Benedetto stated the Artists of Yardley have been there since approximately February, 2010; and he feels this has been a tremendous partnership. He stated they have made tremendous improvements to the property, and they are a tremendous asset to the Township and he particularly noted the events and art classes held there.

Mr. Zachary Rubin, 1661 Covington Road, asked about specifics with regard to the Consumer Price Index; and Mr. Truelove read the pertinent Section of the Agreement.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, thanked the Board for getting this done; and he stated that while he knows it is not exactly what some people would want to use the house for, he feels it is one of the gems of the Township and it maintains the character of what the land and house were. He stated it has opened up a new artistic community in Lower Makefield that did not exist before.

Ms. Edna Patterson Dilliplane, 1870 Yardley-Newtown Road, stated she likes the Artists and their work; however, she feels they are in the wrong place, and a historic house is not the place for all of that activity. She noted Section D – Termination of the Original Lease – and she asked the reason for the Waiver of the repair requirement. Mr. Benedetto read that Section, and stated Mr. Stewart had identified someone who could paint the barn; and it was agreed that company would paint the pole barn as it is a very reasonable price which the Township will pay. Mr. Benedetto stated while it was in the original Lease that the Artists had to paint the pole barn, they have removed that requirement. Ms. Dilliplane stated there was no penalty which she feels is unfair. Mr. Benedetto stated they have done a significant amount of work there including updating the electrical system at their own expense. Ms. Dilliplane stated she feels a lot of the improvements they made were for their own use and not for the upkeep of the house.

Ms. Dilliplane noted Section F, Intended Use, and she stated she feels the term “and the like” is overly inclusive and ambiguous. Mr. Truelove stated they felt that there may be other activities that they had not contemplated but would be consistent with the use. Ms. Dilliplane stated she feels that a lot of the activities are not what you would expect on a preserved farm. Ms. Dilliplane also noted Section J – Parking – and since she did not see Exhibit A, she does not know what “additional parking” means. She stated on the Lease she saw, there was a blank where it indicated how many parking spaces there would be, and she asked if that has been filled in.

Mr. Truelove stated that is the language he was referring to that will revert back to the earlier language. Mr. Benedetto stated with regard to Exhibit A, nothing has changed with regard to the footprint. Mr. Benedetto stated the requirement is that if they are going to hold an event, they are to let the Township know, within reason, how many people they expect there. He stated the current Lease indicated they had to advise the Township thirty days prior to the event; but he did not feel that was reasonable to expect that they would know that far in advance how many people would attend, so they changed it to ten days so that they would have more certainty. He stated they will come to the Township and advise if they will have more attending than could be within the footprint. Ms. Dilliplane asked where they would then park, and Mr. Benedetto stated it would be where they have parked in the past which is behind the hedges in the back. He stated this is not a new tenant coming in, and these events have been going on now for years; and they have been very communicative with the Township.

Ms. Dilliplane stated she was concerned with all the paving that was done at Elm Lowne, and she is concerned about more parking. Ms. Reiss stated there is no additional parking than what they had before, and there is no plan to do paving. Ms. Dilliplane stated she saw what happened at Elm Lowne. Mr. Fedorchak stated they did not pave anything at Elm Lowne. Ms. Dilliplane stated there was a big parking area, and Mr. Fedorchak stated it was all stone and not a paved parking lot and did not in any way effect the portion of Elm Lowne that was farmed. Ms. Dilliplane stated if the parking area was done as has been suggested, it could never be used again for farming.

Ms. Donna Doan stated the concerns she wrote out to the Supervisors are on the Facebook page for Patterson Farm Preservation. She stated she did ask the Supervisors to let the Zoning Hearing Board and the Planning Commission weigh in on this issue because there are a number of major changes to the Patterson Farm that are in this Lease that are not desirable, and this is a much bigger issue than a Lease that is being renewed. She stated this Lease drives a long term and expanding wedge into the heart of the agricultural purpose of this property. She feels that this Lease is a “done deal that will be rammed through tonight” before people get a chance to really understand and have clarification on what all the ramifications are of this for the long term of Patterson Farm. Ms. Doan stated when the Country was founded approximately 97% of the population were farmers, and at this point they are down to about 1%. She stated there will never be a huge contingency of people coming into the Township to stand up for the preservation of the Farm. She stated she agrees with Mrs. Dilliplane that this is not about the Artists of Yardley, it is about the location. Ms. Doan stated she would be happy to have the Artists of Yardley stay in Lower Makefield, but not on the Patterson Farm. She stated there is in the works a Community Center, and she feels an appropriate response would be to issue the Artists of Yardley a two year Lease until the Community Center is built; and they

could then move there, and the Patterson Farm could be preserved as a whole for a specifically designated site for farming, the teaching of agriculture, the perpetuation of the history, and the legacy. She stated this is the first time in 333 years of agriculture on Patterson Farm that after the signing of this Lease, there will be no home on Patterson Farm for a farmer. She stated the Satterthwaite farmhouse is now in jeopardy with the Veterinarian development. She stated there are concerns with the Artists of Yardley legacy on the Farm between 2009 and 2015 as they incurred \$48,500 in maintenance expenses that were not reimbursed. She stated there are six years of lawn maintenance that was never undertaken by the Artists of Yardley even though the Lease specifically stated that they were to maintain the lawn, and it has always been done by the Public Works Department at the taxpayers expense. Ms. Doan stated they refused to paint the barn or pay for snow plowing, and they destroyed the sod that is in the middle of the driveway because they parked all over it. Ms. Doan stated she is constantly picking up Lunetta bottles because they are tossing the wine bottles out of the windows of their cars before they get back on the road. Ms. Doan stated she has been to the Board of Supervisors a “million times” about the use of alcohol on the Farm; and before they sign the Lease they should realize that if there is a fatal accident, they will not have enough insurance to cover the death of a person, and it is an unnecessary use. She stated they should designate Patterson Farm for agricultural pursuits, pursuits of heritage, and the legacy of what they have in Bucks County that people came here for; and they should let it be a Farm. Ms. Doan stated there was a lot of talk in the neighborhood when eminent domain was used to take the Farm that the Township would not be satisfied to leave the Farm be a farm. Ms. Doan stated the pack house clause should be removed since it is an essential for the farmer. She stated crops taken out of the field have to be washed and processed in a building with a cement floor.

Ms. Doan stated Tom and Alice Patterson gifted the Township with millions of dollars worth of real estate and one of the most important farms in southeast Pennsylvania. She stated it is one of the last vegetable farms along the I-95 corridor between New York and Washington, D.C. She stated she feels this art facility is a retail facility “cloaked” in a 501C3 because there is a lot of money being made there which is not going back to the taxpayers. She stated she feels it is a travesty that this is the location that they are going to lock down for this art group when there is so much potential for the property to do good as Tom and Alice Patterson wanted it to do to promote agriculture, to work with DelVal College, to restore the bees, and to educate people about where our food comes from. Ms. Doan stated the Farm could be self-sufficient with wind power, solar power, and could be a place that would far exceed what the Artists of Yardley would do with it. Ms. Doan stated she feels it is “appalling” that they feel this ten year Lease is the best they can do.

Ms. Doan stated today is the one-year Anniversary of the formation of Patterson Farm Preservation Incorporated which is a 501C3, and they have obtained all the insurances the Township has required and done everything the Township asked; and they would like to get to work, but they want to make sure that the Farm has its highest and best use pursued.

Ms. Reiss stated they spoke to the person who is doing the farming along with his nephew, and they seem to be pleased. She stated she feels the Patterson family would also appreciate the laughter of children rather than a “dead house.”

Ms. Doan stated she feels the Pattersons would very much appreciate a farmer taking up the legacy that they had left. Ms. Reiss stated if they had a farmer that wanted to rent it and farm it, they would have done that; but they do not have one. Ms. Doan stated the Township never once advertised that house to a farmer, so that is “a lie.” She stated the Artists of Yardley moved into the house in 2009, and there was no public discussion because Pete Stainthorpe “let them sneak in the door.” Ms. Doan stated the Township should have had a Master Plan in place before the Farm was taken by eminent domain. She stated that a farmer in Middletown Township fought the condemnation of his farm and won because Middletown had no Plan. She stated twenty years later, Lower Makefield still does not have a Comprehensive Master Plan for the Farm; and it should have been in place a long time ago. Ms. Doan stated it is “nonsense” that there is no farmer that wants to live on Patterson Farm.

Mr. Benedetto stated he feels that Ms. Reiss was referring to conversations with Mr. Stewart who indicated he was not interested in living there, and he is the current farmer of that property.

Motion carried unanimously.

Mr. Truelove noted that the Board met in Executive Session beginning at 6:15 p.m. and items of personnel, real estate sale, and lease conveyances were discussed as well as informational items.

AUTHORIZE SALE OF PARK & RIDE LOT TO DELAWARE RIVER JOINT TOLL BRIDGE COMMISSION

Mr. Truelove stated on July 14, 2016 Mr. Fedorchak received a letter from Mr. Resta, the Executive Director of the Delaware River Joint Toll Bridge Commission with regard to an offer for the purchase of the Park & Ride facility which is located off of Taylorsville Road in the northern end of the Township. Mr. Benedetto stated this

was technically a counter offer since they made an offer on June 7 which the Township countered, and they then responded to the Township's counter offer; and Mr. Truelove agreed.

Mr. Truelove stated it is approximately a ten-acre parcel with the purpose being the construction of a new Commission Administration building. He stated the following points were listed:

- 1) The Commission upon successful passage of a Resolution at the meeting tonight agrees to purchase the ten-acre parcel for \$800,000.
- 2) It commits to provide \$250,000 to the Township EAC to the Tree Bank provided that the EAC does not plant trees on the Commission property and does not plant trees in project corridor while the Bridge replacement project is underway.
- 3) The Commission will also re-construct at Commission expense the Park & Ride facility to include a total of 103 parking spaces and will take measures necessary to terminate the current Maintenance Agreement with PennDOT, LMT, and the Commission for the facility but will shoulder responsibility for future operation, maintenance, landscaping, snow removal, and trash removal in perpetuity ultimately providing for the capital replacement of the Park & Ride facility when that newly-constructed facility reaches the end of its useful life.
- 4) The Commission will construct at Commission expense a bicycle/pedestrian path from the Park & Ride facility to the Delaware Canal Park towpath area along the south side of Woodside Road.
- 5) The Commission commits that the use of the ten-acre parcel is intended for the construction of an appropriately-sized Administration building that does not also stage maintenance activities like the storage of salt or long-term parking of trucks and large equipment as those activities are staged elsewhere by the Commission.

Mr. Truelove stated he understands that the Commission approved this officially at their Commission meeting, and these were the terms that were offered as part of the overall negotiation. Mr. Truelove stated the Commission is not subject to the local Land Development or Zoning Ordinances; and the elimination of other uses is something that they would not have to commit to.

Mr. Lewis moved to accept the sale of the Park & Ride Lot to the Delaware River Joint Toll Bridge Commission, and that they allocate \$300,000 of the receipt of the money from the Delaware River Toll Bridge Commission for the completion of a bike path along Woodside Road from Merrick Road to Taylorsville Road.

Mr. Lewis stated this will allow them to link the bike path from Lindenhurst Road to the Bridge and will allow people to ride over the Bridge into New Jersey.

Ms. Tyler seconded the Motion.

Mr. Benedetto stated the bike path that will connect the Park & Ride is something that Supervisor Reiss has been adamant about. He stated the bike path from the Park & Ride facility that will connect to the Delaware Canal and to the Raritan Canal across the River is a tremendous asset and is hundreds of thousands of dollars that is a cost that the Township will not have to bear. He stated both Ms. Reiss and Mr. Lewis advocated for this bike path and have consistently advocated for recreational facilities in the Township including sidewalks. Mr. Benedetto thanked them for getting this piece into the Agreement.

Ms. Reiss stated she feels the bike path will hook up to the Delaware Canal and people will be able to go to New Jersey. She hopes that they can start completing other bike and walk paths that are disconnected which is an important asset.

Mr. Benedetto stated Supervisor Tyler also did a tremendous job of getting the \$800,000 since their initial offer was \$500,000; and the additional \$300,000 will be dedicated to the bike path.

One gentleman thanked the Board for all their work and making these connections.

Mr. Alan Dresser, 105 E. Ferry, Chair of the Environmental Council, stated the next time this happens it would be helpful if the letter is put on-line so that they can see it. Ms. Tyler stated they cannot do that since they are negotiating real estate transactions and this could compromise their negotiations; and it is one of the few areas that is not subject to disclosing. Mr. Dresser stated originally they were going to get no replacement trees for this parcel being sold. He stated they are also taking

down trees along I-95, along Woodside, and along Taylorsville Road. Mr. Dresser stated because the Tree Replacement Ordinance is a local Ordinance, it could be ignored by the Commission. Mr. Dresser stated New Jersey was losing approximately the same amount of trees on the other side of the Bridge, but they have a State law that requires tree replacement so they are getting 2,113 trees. Mr. Dresser stated the Township will get \$250,000; and if they use the figure of \$315 per tree, this is approximately 800 trees. Ms. Tyler stated it was the effort of the EAC that helped the Township secure these trees. Mr. Dresser stated Senator McIlhinney and Representative Santarsiero also sent letters to the Commission on this.

Mr. Dresser stated he is concerned that they have no input on the building, stormwater management, or the driveways; and he asked if they could at least request to be able to see the Plans and submit comments. Mr. Truelove stated he feels they would be willing to submit the Plans and feels they would look at the comments. Ms. Reiss stated they know that this is protected wetlands, and she feels the EPA would look into this. Mr. Fritchey stated they did give a general description of the building; and looking at their current building, it is not an objectionable building. Mr. Dresser stated if they would have the entrance to their building through the Park & Ride, they would not have to run a big driveway through the woods which would also save them money in the long run.

Mr. Dresser stated they are losing 1.3 acres of Clearview Farms, and he asked if there will be compensation for this. He stated the Township is also losing $\frac{3}{4}$ of an acre of land identified in their EIS as Lower Makefield Open Space so the Township should be compensated for that. Ms. Reiss stated they are going to be paying Farmland Preservation for the 1.3 acres. Ms. Tyler stated this is part of the Condemnation process, and Mr. Lewis stated that is separate from this Agreement. Mr. Dresser stated while there is a \$5 million bond for Open Space, they are selling seven acres of open space here. He stated there has been a pattern of selling off Open Space and using the money for General Fund purposes. He stated they did it for Elm Lowne and the By-Pass at 95 at Patterson Farm. Mr. Lewis stated they actually want to grow the amount of acreage of Open space.

Motion carried unanimously.

APPROVAL OF ORDINANCE NO. 403 REGULATING BAMBOO

Mr. Truelove stated they had a discussion previously about this Ordinance, and prior to advertising they made some changes thanks to Mr. Dresser. He stated the

Ordinance has been properly advertised, and it is limited to bamboo and does not comply to other vegetative plants that are addressed in other parts of the Ordinance and the Code.

Mr. Fritchey moved and Ms. Reiss seconded to approve Ordinance No. 403 regulating bamboo.

Ms. Tyler stated she feels she is the only one on the Board who disagrees with this. She stated bamboo is a trespass upon property, and there is adequate remedy of law to cure that trespass and to recoup damages. She stated before passing this Ordinance, they have not done any assessment as to how much bamboo is on Township property and what the potential liability the Township faces as a result of passing this Ordinance. She stated all this does is give the Township fining power over the residents, and it really does not help the adjoining landowners.

Mr. Benedetto stated it not only deals with existing bamboo, but it also prevents the planting of new bamboo which he feels is something they should be addressing because of issues residents are currently experiencing with bamboo running onto their properties. Mr. Benedetto stated there are multiple Townships and States which have passed Bamboo Ordinances to restrict this. He stated he does recognize Ms. Tyler's point, but this establishes a set of guidelines and includes Township fines. Mr. Benedetto stated he feels people have irresponsibly planted this and allowed it to become a nuisance.

Ms. Tyler stated she would not have a problem with the Ordinance if it just addressed planting of new bamboo. She stated her adjoining neighbor's bamboo has run into her yard, and she has dug it up; and she has come to an agreement with her neighbor and they dug in a barrier without asking the Township to come and help them out.

Ms. Reiss stated she understands Ms. Tyler's comments, but she feels this is needed when there is a neighbor who does not want to cooperate. She feels this will put in some "teeth" if residents have to go to Court, and she does not feel the Township will have any major issues. Ms. Reiss stated she has read the report from other Townships who have enacted this; and they have only had to cite a few people who as soon as they were cited, complied quite quickly.

Ms. Phyllis Maguire, 1100 Buckingham, thanked the Board for considering this Ordinance. She noted a Section under Bamboo Owner 84 A 2 and B where she feels there needs to be clarification, and should be "either/or" and Mr. Truelove agreed.

Ms. Maguire stated Section 84A3B with regard to the barrier is much more vague with regard to existing bamboo. She stated she feels it should be made clear that with pre-existing bamboo, people would have to meet the specifications in 85A3B, and Mr. Truelove stated he feels it incorporates that.

Mr. Fritchey moved to Amend his Motion to make these changes, and Ms. Reiss seconded. Motion as Amended carried with Ms. Tyler opposed.

DISCUSSION OF LOWER MAKEFIELD TOWNSHIP PERMITTING FEES FOR PENNSBURY SCHOOL DISTRICT MIDDLE SCHOOL PROJECT

Mr. Truelove stated there was a joint meeting between Township officials including members of the Code Enforcement Office, the contracting group, as well as some Supervisors and himself with members of the School District Administration and staff. Mr. Truelove stated the District has asked for relief from Permitting Inspection Fees; and the estimate was that if they were assessed at the amount they could be, it would be close to \$900,000. He stated this is for the Middle School Campus project that is primarily the Pennwood Middle School and a piece of the William Penn Middle School. Mr. Truelove stated he received a proposal from the School District from their Solicitor, Mr. Clark; and they proposed to put \$400,000 in escrow, and the Township would then invoice the District monthly for actual out-of-pocket costs to the third party inspector which in this case is Keystone Municipal Services, and 10% for administrative costs. Mr. Truelove stated in the event that there are unused funds, the Township would agree to return those at the end of the project. Mr. Truelove stated corollary to that would be that if the amount was in excess of that amount, the Township would want the District to commit to paying any amount over and above that amount.

Mr. Truelove stated they need to discuss the percentage amount for the administrative costs. He stated this is an estimate since there is no way of knowing until the work has commenced; but the estimate for administrative costs at this point would be approximately \$125,000 to \$130,000 and 10% would be \$12,000 to \$13,000.

Mr. Benedetto stated Mr. Lewis was part of the discussion with the School District. Mr. Lewis stated he is comfortable with the Building Fee structure as it is now; and after speaking with Mr. Ware and others, it is comparable to other Townships, and in some cases is lower than other Municipalities. He stated he is somewhat persuaded by the School Board's request that should there be a surplus in revenue generated from the Building Fees, that would represent an unfair subsidization of other participants of Pennsbury School District with Lower Makefield Township residents; and to that end he does not want to create an unfair subsidy situation.

He stated he would like to add for those who advanced that argument very vociferously in the meeting that the Township in fact pays taxes that go to the School District as well so that they are actually each year subsidizing the School District by \$56,000 a year on Township-owned property, and they have never asked for a Waiver of that; and he feels it would be fair to talk about that issue as well. Mr. Lewis stated he feels the Board is more than willing to come to an amicable solution that reduces that potential subsidy should it exist, but in discussions with Township Administration, there is a certain percentage which he feels is significantly higher than 10% which would represent the Township's true cost in administering the process. He stated he believes there has been discussion as to what would be a reasonable percentage.

Mr. Fedorchak stated no School property facilities or land pay Township property tax, but there are several structures and land which are Township owned where the Township is paying School property tax in the amount of about \$56,000 on an annual basis, and they would respectfully request that this be considered.

Mr. Fedorchak stated they are also discussing what an appropriate mark up would be, and they are not simply talking about the cost of the inspection service which is supplied by Keystone who is the contractor who charges approximately \$65 to \$70 an hour; adding it is his understanding that the School District will be paying those fees although they do not know what the exact total will be. He stated there was one estimate which was \$125,000 to \$150,000. Mr. Fedorchak stated the School Board should also consider the fact that not only are there these Inspectors, but there is also an entire Planning and Zoning Department with employees that directly support these people handling the Permits and the paperwork, etc. He stated while this is not a large number, he would ask that they consider rather than 10% a mark up of 30% to 35% which he believes to be more realistic.

Mr. Benedetto stated similar to what occurred in other Townships and to what occurred in 2010 as noted in the meeting Minutes a precedent has been set for costs. He stated for the Makefield Elementary School project, one of the School Board members at the time, Simon Campbell, came with a letter from their Solicitor asking for \$250,000 to come back to the School District; and the Township agreed that the Township should not be making a profit. Mr. Benedetto stated the Solicitor's opinion from the School District indicated that it was illegal to make a profit off of the fees, and they were going to initiate a lawsuit if that happened. Mr. Benedetto stated at that time he feels the Township did the right thing and gave back the money, and there was no profit gained. Mr. Benedetto stated Keystone was doing the Township's licensing and inspection back then, and they received their costs. Mr. Benedetto stated he feels if the cost is \$125,000 to \$150,000 to Keystone and there is money left, they would give the money back to the School District. He stated if this is not done the taxpayers in the other Townships would have to make up the difference. Mr. Benedetto stated if they want to go into the

administrative costs for Township employees 10% was equal to \$13,000 and 35% would be close to \$50,000 which he feels would be close to an employee's salary for the entire year and he feels that would be excessive and not fair to the School District. He stated he does not feel any other Township has charged administrative costs. He stated he feels the request to the School District for \$400,000 in escrow is reasonable, and he feels 10% for Administrative costs is reasonable.

Ms. Reiss stated there are administrative costs although she does not know what the percent is, and she would count on the people who know more about this than she does. She stated she does not want to feel that they making a profit on the School District; however, they need to consider that Lower Makefield pays an exorbitant amount percentage wise to the Pennsbury School District. She suggested that they come up with a percentage of administrative costs somewhere in the middle.

Mr. Lewis stated the last time they spoke there was a concern about being in the critical path of the project; and at every step of the way the Township wanted to be accommodating in the process. He stated he understands that the School District filed for a Demolition Permit, and he asked if everything is fine with that.

Mr. Christian Schwartz stated he is a Pennsbury School Board member and a Township resident at 306 Cinnabar Lane. Mr. Schwartz stated the Demolition Permit, as was noted at the meeting which was held, was sitting on the desk of the Inspector waiting for a check. Mr. Schwartz stated they wrote a check the next morning for almost \$40,000, and they got the Permit. Mr. Schwartz stated the estimate for the Demolition Permit from the Township's Building Inspector was \$22,000 so there was a \$17,000 difference. Mr. Schwartz stated they have no issue with paying all of the Third Party Fees to the Inspection agency as well as to the engineers for all the site work and planning. He stated that process is taking a little longer than he had hoped, and they have had three letters go back and forth for changes on the Plans; and now they are being asked to take the Plans back to the Soil Conservation District to get a new letter which the School District will have to pay for again. He stated they are incurring more costs, and the process is being drug out unnecessarily he feels as this could have possibly been done with two letters. Mr. Schwartz stated he does not know what the Township engineering costs will be for the site work alone, and he does not know how many inspections there will be as Mr. O'Brien stated that all he could do was estimate the number of hours per week for the course of the job. Mr. Schwartz stated there could be months when they do not have an inspection, and then in one week they could have an inspection every day.

Mr. Schwartz stated he is in this business and has done a lot of School renovations. He stated he pulls a Permit for this type of job on the residential side weekly either in Lower Makefield, in the County, and in the State of New Jersey; and the fees in Lower Makefield are the highest that he pays. He stated he feels they should look at their fee schedule and how it works.

Mr. Benedetto stated the estimated engineering costs are approximately \$200,000; however, Mr. Schwartz stated that is not the estimated engineering costs – that is from the fee schedule which is 5% of the cost of the Contract. He stated the estimate of what has been spent so far is \$35,342 which is the Site and Plan review; and he does not know how much more is to come in the course of the job. Mr. Schwartz stated there are two parts – the outside work which is the site work, and then the building proper. He stated these Permit fees are totaling almost \$800,000, and then the \$200,000 so it is almost \$1 million. Mr. Schwartz stated with regard to the administrative costs, even if the School District were not doing this project, the Township would still have to pay those employees. Mr. Schwartz stated the School District feels that paying an administrative fee of 10% would help supplement that, and they would have no problem paying that.

Mr. Lewis stated he has gone before the School Board to access the management practices and costing of the administration of the School system, and he feels what the Township is offering is reasonable; and they are willing to give them actual costs with a reasonable mark up. He stated if the stated amount is \$800,000 and it could be less than \$250,000, he feels the School Board should take that “deal.” He stated he feels as a separate Agenda item, the School Board could come before the Board of Supervisors and suggest that the fee structure is excessive. He feels the Board of Supervisors is being eminently reasonable as to how they could structure this.

Mr. Schwartz stated there are a lot of similarities between the Board of Supervisors and the School Board as they are both elected to oversee management of the property and manage a Budget. He stated the Board of Supervisors has a base of taxpayers in Lower Makefield; but for the School Board, their taxpayers are from four Townships and Municipalities, and they have to tell those other Townships and Municipalities that they are giving money to Lower Makefield that is not really needed for the School process.

Ms. Tyler stated she disagrees with that characterization. She stated when the Township Manager tells her that 35% is going to cover the Township’s actual Admin costs, that is what she is going to listen to. Mr. Schwartz asked what those costs would be, and Ms. Tyler stated it would be the staff they have. Mr. Schwartz stated if the School District does not do this project, the Township still has that staff.

Ms. Tyler stated these are actual costs. She stated she discussed with Mr. Ware and others whether the Fee structure was “out-of-whack,” and was told that it was not; and that they fall into the average. Ms. Tyler stated she is comfortable with the number Mr. Fedorchak has provided.

Discussion was stopped at this point on this matter so that representatives for the School Board could have a private discussion.

UPDATE ON LAND DONATION BY TOLL AT REGENCY AT YARDLEY AND MOTION TO HAVE SOLICITOR AND ENGINEER HAVE FURTHER DISCUSSIONS

Mr. Eisold stated that at the last meeting there were questions about the Agreement between Matrix/Toll and the Township with regard to a five-acre parcel donation and a pavilion. Mr. Eisold stated he has since discussed this matter with Mr. Garton who had received a letter from Toll Bros. dated May 16, 2016 which spells out exactly what Toll is going to provide to the Township which is based on the Matrix Agreement which was agreed to some years ago. Mr. Eisold stated that the letter states that Toll will provide a parcel of land of five acres with a pavilion of 2,500 square feet which would include the concrete slab under the pavilion. Mr. Eisold stated in addition to that the Agreement indicates that they will provide picnic tables in the pavilion, and Toll has agreed to provide eight picnic tables. They have provided a sketch of the parcel that they would be donating to the Township as well as a sketch of the pavilion that would be provided, and copies were provided to the Board this evening.

Mr. Zachary Rubin thanked Mr. Eisold for looking into this. Mr. Rubin reviewed the history of this property. He stated at the last meeting he asked when they will begin to work on the pavilion; and Mr. Eisold had found out that at the new section where the carriage homes are being built, after they have settled twenty of those properties, they will start developing the five acres. Mr. Rubin stated they are only giving the Township five acres with a pavilion but they are not putting in a road, paths, electrical, or a sign at that location which he feels is fine.

Ms. Reiss stated she is concerned with this location as you are not even allowed to cross the street, and there is no path. She stated she only sees this as a maintenance expense to the Township for a site that will be useless to anyone in the Township other than the people who live in the carriage houses. She stated there is nowhere to park or any way to walk or ride a bike to this location. Ms. Reiss stated she does not want the expense of keeping the pavilion up in a useless area. Mr. Fritchey stated he feels there are other places in the Township where a pavilion would actually be used.

Mr. Rubin stated while he feels these points are well taken, this was all part of a discussion of trying to get Matrix to pay and build a Community Center in the Township; and what was agreed to was a compromise instead of them building a Community Center. Mr. Rubin agreed that the five acres could have been in a more accessible area, and he agrees that there is no parking facility so the Township would have to put down gravel similar to what is at Veterans Square. He agrees that there will be costs in the future and that the five acres will not be accessible. Mr. Rubin stated the problem was that the Township and RAM were trying to get them to build a Community Center/Senior Center near that area, but Matrix did not want that to compete with their own private Community Center/private pool and tennis courts there so they did not want any buildings around there. He stated instead they agreed to put a pavilion on five acres of land.

Mr. Eisold stated they could have discussions with Toll Bros. as they have a cost for this project included in their development, and they could ask them if they would build this somewhere else. Mr. Fritchey stated he feels that they are turning a potential asset into a liability by having it at a place where it is not going to be used and will be a maintenance expense for the Township. He stated it would be better if it were at another location where it could do a lot of good.

Mr. Rubin stated while he is not arguing this, part of the Agreement was that Toll Bros. cannot build more than 600 units on the property, and currently they are at 548. He stated if the Township wants to negotiate and give Toll Bros. back the five acres so that they could put another 30 to 40 townhouses on that, they could do that since they can build up to 600. Mr. Rubin stated if the Township were to give them five acres, the money could be used to subsidize a Community/Senior Center that has already been approved.

Mr. Benedetto asked for a Motion to have the solicitor and the engineer have that discussion, and Mr. Fritchey moved and Ms. Reiss seconded. Motion carried unanimously.

CONTINUATION OF DISCUSSION OF LOWER MAKEFIELD TOWNSHIP PERMITTING FEES FOR PENNSBURY SCHOOL DISTRICT MIDDLE SCHOOL PROJECT AND MOTION ON FEES

Mr. Gary Sanderson, President of the Pennsbury School Board, stated they appreciate the efforts of the Board of Supervisors in looking at this. He stated the outcome of this will be a benefit to the Pennsbury School District and the taxpayers

not only of Lower Makefield, but also of the entire District. He stated they appreciate that the Board has looked at past processes. He stated the School District representatives met and appreciate Ms. Reiss' comment to meet in the middle.

Ms. Tyler moved to approve the School District putting \$400,000 in escrow, and the Township will invoice the District monthly for actual out-of-pocket costs for the third party inspector plus 25% for administrative costs underscoring that this would be applicable to any overage over \$400,000 as well. The Township will agree to return all unused funds at the end of the project or if it exceeds that amount, the District will pay anything over and above that which will be properly assessed.

Mr. Lewis asked if this would be for all Permits starting today going forward, and Mr. Eisold stated he agrees. Mr. Sanderson asked about the Permit that they just paid for the demolition; and Ms. Tyler stated it would be moving forward. Mr. Benedetto asked how much they paid for the Demolition Permit, and it was noted it was \$40,000. Mr. Benedetto stated this would then be the \$40,000 already paid, \$400,000 escrow, and the 25%. Ms. Tyler stated the Demolition Permit is done, so it would just be moving forward. Mr. Benedetto stated it was his understanding that the cost was \$125,000, and Ms. Tyler asked if that included the demo, and Mr. Benedetto stated it did. Mr. Fedorchak stated he is not sure that was the case although he was not present at the meeting. One gentleman stated that there was a handwritten paper that showed all the Permit fees and one of the items in the middle of that was the demo. Ms. Tyler asked if that was included in the \$125,000 number. Mr. Fedorchak stated it was included.

Mr. Benedetto restated the Motion that it is the Permits for the entire project, the Permitting costs, and the School District will escrow \$400,000, and on top of that there will be a 25% administrative fee. Mr. Truelove stated the other part was that the Township would agree to return all unused funds at the end of the project or the District would agree to pay anything over and above that if it was indeed properly incurred.

Ms. Tyler asked if this is exclusive of site improvement Permit costs. Mr. Eisold stated his understanding is that they are talking about building inspection and Permitting fees. One gentleman stated there is the building proper and the site and there are Permits for both, and there are fees for both. The gentleman stated whatever Boucher & James bills the Township, the School District will pay. Mr. Benedetto stated they will also pay the 25% administrative fee. Mr. Benedetto stated it will be the \$400,000 in escrow and the 25% administrative fee cost; and this is for the beginning of the project moving to completion.

Mr. Benedetto seconded the Motion.

Mr. Lewis stated he may be outvoted, but his primary concern is potential inappropriate cross subsidization; and the Township is currently spending \$56,000 in School taxes, and they have never asked for that back. He stated he feels the Township should start asking for that back if they are going to yield what in this case is probably \$600,000 of potential revenue.

Mr. Benedetto stated he feels the \$56,000 is immaterial since every Township pays the School District taxes on their properties, and he does not feel it is relative to this at all.

Motion carried with Mr. Lewis opposed.

SUPERVISORS REPORTS

Mr. Lewis stated the Electronic Media Advisory Board is still working through the Township's Website, and is getting close to completion. He stated the Economic Development Commission is compiling their business survey.

Ms. Reiss stated Farmland Preservation was concerned about the bamboo, and she will make sure that they get a copy of the Ordinance. Ms. Reiss stated Mr. Dickson has resigned from the Planning Commission, and she thanked him and stated he will be missed since he had a lot of knowledge and history on the Planning Commission. She stated there is now an open seat on the Planning Commission, and any interested parties should send resumes to the Township Manager. Ms. Reiss stated the Seniors are waiting for the Bids to come in for the Community Center. Ms. Reiss stated Special Events will be a fun Board; and they would like men, women, and teenagers to help. She stated they are trying to plan with the Historic Commission a night at the Slate Hill Cemetery.

Mr. Benedetto asked Mr. Fedorchak when the Bids are expected for the Community Center, and Mr. Fedorchak stated they expect them on July 25.

Ms. Tyler stated there will be an e-recycling event in October, and the date is shown on the tax bill. She stated it will be at the Lower Makefield Corporate Center. She stated the Historic Commission is planning a cemetery walk through the Slate Hill Cemetery on October 29 from 3 p.m. to 8 p.m., and they are looking for re-enactors; and Special Events is assisting them with this event.

Mr. Fritchey stated the Park & Rec Road Tour will be on Tuesday, July 26 at 6:30 p.m.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, asked about the sewer billing company the Township was supposed to be using. Mr. Fedorchak stated the bills have been sent out, and Mr. Benedetto stated he received his today. Mr. Fedorchak stated if anyone has questions, they can call the Township; but he encouraged calling the number on the bill which is the call center for Bucks County Water and Sewer Authority which is taking over from this time forward. Mr. Fedorchak stated the bills have come in very non-descript white envelopes, and this will be changed in the future and will have the Township's logo on it. He stated he would like to get feedback on the new bills. Mr. Benedetto stated you can also sign up to pay on-line. Mr. Fedorchak stated they are advancing the service level substantially, and you can pay on-line and by credit card at no charge.

GOLF CART DISCUSSION, REJECTION, AND MOTION TO ACCEPT BID

Mr. Mike Attara was present and stated they went through the Bid process and received three Bids; and all three met the specifications. He stated the low Bid was Golf Cart Inc. for the Club Car Bid. He stated as they went through the process they recognized that Club Car was a member of U. S. Communities and could also match that price. He stated Club Car has matched that price, and they provided a document today. Mr. Attara stated a representative from Club Car is present if there are any questions. Mr. Attara stated the price they are paying currently on the existing Lease will go down, and there will be approximately a \$10,000 savings over four years. He stated the new Lease price will be \$6,888 for four years.

Mr. Truelove stated they need to rescind the vote rejecting all Bids that was made at the last meeting, and then they can award the Bid to Club Car per the July 20, 2016 amended low Bid reflected in the letter to Mr. Attara.

Mr. Lewis moved and Ms. Tyler seconded to rescind the July 6, 2016 rejection of Bids for the golf carts.

Mr. Tim Collins, Jenny Drive, asked if the \$6,888 is per cart; however, Mr. Attara stated it is \$6,888 per month. He stated the Bid was for 75 golf carts, a beverage cart, six carry alls for the staff, and a range picker. Mr. Collins asked if this includes maintenance and batteries. Mr. Attara stated the warranties for the batteries are for four years.

Motion carried unanimously.

Mr. Reiss moved, Ms. Tyler seconded and it was unanimously to accept the Bid from Golf Cart Inc. for \$6,888 per month for a four-year term.

Mr. Attara invited everyone to come to the Golf Course this Friday, from 6 p.m. to 9 p.m. when they will have happy hour prices and live music. Mr. Benedetto noted that the information is on the Website.

APPROVAL OF RESOLUTION #2306 APPROVING EXECUTION OF THE FIVE YEAR WINTER TRAFFIC SERVICES AGREEMENT WITH PENNDOT

Ms. Reiss moved, Ms. Tyler seconded and it was unanimously carried to approve Resolution #2306.

MOTION TO CANCEL AUGUST 3, 2016 MEETING

Ms. Tyler moved, Mr. Fritchey seconded and it was unanimously carried to cancel the August 3, 2016 meeting.

UPDATE ON CSX POLE

Mr. Truelove stated he and Mr. Ware met with a representative from CSX, and they did confirm that the pole will be in the right-of-way for CSX somewhat near the Rescue Squad; and they advised him that the Township wanted to have their engineer review the Plans to make sure that it is structurally sound, and they were agreeable to this. Mr. Truelove stated there was also no push back about the possibility of going through the Conditional Use process since it is a different facility from a cell tower, and they are still looking into this. He stated once they get more information and Mr. Eisold has done the engineering review, they will report back to the Board.

Ms. Tyler asked that Mr. Truelove begin the dialogue with the CSX Vice President reminding him that all three of the crossings on the CSX lines need to be fixed.

Mr. Benedetto stated he understands the pole is for the positive train control.

There being no further business, the meeting was adjourned.

Respectfully Submitted,

Kristin Tyler, Secretary

