

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – DECEMBER 6, 2017

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on December 6, 2017. Ms. Tyler called the meeting to order at 7:30 p.m.

Those present:

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

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

PROCLAMATIONS HONORING RACE AND MAZUR RAMBAM FOR THEIR  
FUNDRAISING EFFORTS FOR HURRICANE VICTIMS IN PUERTO RICO

Mr. Race Rambam stated they put on a haunted house in their garage and the forest with animatronics, decorations, and actors to help people in need specifically the Puerto Rican survivors of the hurricane. He stated this is the second year he has done this for a charity, and he plans to do it again next year. Ms. Tyler asked who they may seek to help next year; and Mr. Rambam stated there are problems every year; and whatever the problem is, he plans to help. Ms. Tyler asked if he needs any additional help, and Mr. Rambam stated more participation and more funds would help so he can help more people. Ms. Tyler asked how much was raised this year, and Mr. Rambam stated they raised approximately \$500. Mr. Race Rambam stated they had two separate haunted attractions, and his brother, Mazur, had one that was more family-friendly.

Ms. Tyler read the Proclamation into the Record.

PUBLIC COMMENT

Ms. Jamie Fazzalore-Truelove was present on behalf of the Mercer County Wildlife Center. She stated there is an abundance of wildlife in Lower Makefield and many are injured or orphaned; and she has sent many people to Mercer County Wildlife

Center in Titusville, and has taken several animals there herself. She thanked Mr. Fedorchak for allowing her to put a bin in the lobby for donations. She reviewed the list of items needed and stated the list is also on the Lower Makefield Facebook page. Mr. Fedorchak asked if this has been posted on the Township Website, and she stated she has not done that yet. She stated last year she did this for the SPCA, and they had over 500 pounds of dog food donated.

Ms. Kathy Hirko, 1450 Dolington Road, stated Patterson Farm Preservation Inc. is thrilled that the Pennsylvania Supreme Court has denied the Appeal of Sunflower Farm, and that the Satterthwaite parcel on Patterson Farm is once again owned by the Township. She stated there will be a Patterson Farm fundraiser and with the help of the Yardley pictures group and the talented local photographers, they have created the first Patterson Farm 2018 calendar which will be available on Wednesday, December 13 for \$17 with all proceeds to benefit Patterson Farm Preservation Incorporated which is a 501C3 created to support the perpetual preservation of Patterson Farm and the restoration of its historic homes and agricultural structures. She stated donations are tax deductible. She stated for more information about volunteering or purchasing a calendar, you can visit the Patterson Farm Preservation Website or Friends of Patterson Farm on Facebook, or contact Ms. Hirko directly.

Mr. Jeff Hirko, 1450 Dolington Road, stated he reached out to Sherwin Williams and they will be donating all of the supplies and paint for the interior and exterior of the Satterthwaite home. Ms. Tyler asked that Mr. Hirko meet with Mr. Majewski if they want to move forward with the repairs of the building. She stated she feels a lot of the wood needs to be replaced before they can paint the house. Ms. Tyler stated if they are going to have to go through HARB for approval, they will need Plans; and the Township will help Mr. Hirko with what needs to be done to move forward. Mr. Hirko stated they have estimated that they will need three hundred gallons of paint at almost \$50 a gallon. Ms. Tyler thanked Sherwin Williams for their donation and Mr. Hirko for his help.

Mr. Lewis asked if they have ended the Contract, and Mr. Fedorchak stated he and Mr. Truelove need to meet to discuss this. Mr. Lewis stated they need to make sure they have done everything correctly legally. He stated they also need to discuss stabilization of the property to reduce potential damage to the property during the winter. Mr. Fedorchak stated he and Mr. Hirko discussed how to best move forward, and Mr. Hirko had suggested they would look at the property within the next week or so, and Mr. Hucklebridge will be working with Mr. Hirko. Mr. Fedorchak stated no one has been in the property for the last three to four years, so they do not know what to expect. Mr. Fedorchak stated he also feels the Township should bring in a structural engineer to look at what is there now. He stated he feels this is an important first step for safety reasons and to prioritize what is needed.

Ms. Tyler stated an inspection of the property is very important, and she advised Mr. Hirko that he should not enter the property or bring anyone to the property as they cannot have people coming to the property at the moment. Mr. Fedorchak stated he and Mr. Hirko have already discussed this, and Mr. Hirko is on board with proceeding in this fashion.

Mr. Benedetto stated the Budget does not have anything in it for Satterthwaite which he feels is a mistake even though he knows that they just found out recently about the Court case. He stated he feels funds generated from Patterson Farm including funds generated from Mr. Stewart, the Artists of Yardley, and Bright Farms should be for the house. He stated at a minimum it should be \$5,000 to \$15,000. He stated while he appreciates what Patterson Farm Preservation is trying to do, the Township owns it; and it is the Township's responsibility to maintain it, and they have not done a good job of it. He stated the Township has to start doing a good job of maintaining our buildings like the Manor House and the Satterthwaite House.

Mr. Fedorchak stated while funds were not specific to the Satterthwaite House, he believes \$10,000 to \$15,000 was included in the Budget for the Patterson Farm; and he will make sure that is included.

Ms. Reiss asked if they could add this acreage to the Conservancy once they are finished with the initial one. Mr. Fedorchak stated that was the Board's intention, but at this point they want to complete the first one and they would not want to do something that would slow the first one down.

Mr. Fedorchak stated he recently received a communication from Mr. Rich Harvey with respect to another property, and they have sent some language with respect to open space easements; and that will be on a future Agenda once he and Mr. Truelove have had an opportunity to review that.

Ms. Reiss suggested to Friends of Patterson Farm that they reach out to the Historical Society and the Historic Commission who might work with them on fundraisers.

Mr. Joe Menard, 917 Putnam Drive, stated the ending Projected Budget when they did the 2017 Budget was \$2,130,570; and the Audited Ending Fund Balance was \$2,652,616 which is a \$522,000 difference which equals 24%. He stated he feels they should get an explanation as to why there is such a large "swing" in the Fund Balance since if they have that large swing, you cannot prepare properly for the following year.

Mr. Benedetto stated he feels this relates to the Transfer Tax, and he feels they are being too conservative with this; and he feels part of the reason they are doing this is that it allows for a cushion. Mr. Menard stated an analysis on the surplus was presented two years ago, and the way to handle this is to provide for emergencies or contingencies within the Fund Balance which would allow them to do a more rational projection of the Budget based upon certain standards that have already been established which they are not following.

Mr. Menard noted Page 59 of the Budget regarding General Fund Revenues. He noted the line item for Leaf Assessment is \$50 per house which was the number for 2015, and he believes it was raised in 2017 to \$75 a household so a footnote needs to be added. He stated in 2012, it was \$40. He stated he understands that the \$10 increase from \$40 to \$50 was to be for Capital Reserves for leaf collection equipment; however, over the last seven Budgets he has not seen any line item transferring that money out of the General Fund to go into the Capital Reserves for that specific purpose. He stated he feels a total of \$1.3 million should have been transferred.

Mr. Benedetto stated there are complaints on Social Media about the leaf collection; however, he feels Public Works does an excellent job, but the problem is that even with the increase per household, there has been no increase in service so he questions where that money is going. Mr. Menard stated it is going into the Fund Balance adding that \$1 million was taken out of that balance although he cannot determine what that was used for other than to cover a \$1.9 million deficit in Capital Funds. Mr. Benedetto stated that money was supposed to be used for Capital improvements such as the tub grinder which was specifically mentioned when the assessment was increased from \$40 to \$50. He stated they have now gone from \$50 to \$75 with nothing built in to replace the tub grinder.

Mr. Menard stated if you look at the total Capital Funds required over the next twelve years, the average is approximately \$225,000 a year; however the new levy they came up with for this year's Budget of .15 mills which equals \$75,000 does not begin to cover the \$225,000 needed; and because they have not been doing the proper appropriation into the Capital Fund for these items which they have known about for years, they now have to go to the Bond market and use Bond funds to pay for equipment that they need.

Mr. Menard stated with regard to Liquid Fuels, he asked what is the cost of the road improvement projects. Mr. Fedorchak stated for 2018 the road resurfacing project is around \$800,000. Mr. Menard asked if this is all coming from Liquid Fuels, and Mr. Fedorchak agreed. Mr. Menard stated they have indicated previously that they need \$1 million to \$1.3 million every year for the roads so that amount is not there.

Mr. Menard stated with regard to the Golf Course, because of the change in the operation of the Golf facilities by adding the tent and doing \$400,000 worth of Capital improvements, three years ago he offered a proposal on how to better present the Golf information in the Budget. He reviewed how he feels it should be shown so that they can compare it to industry standards. He stated in 2017 in the projected Budget, they only had one category for Food and Beverage and now they have two which he is assuming is for banquets; however, when you go to the tent it is a separate item and he felt the tent was also to allow for outside catered events for which they were supposed to get so much per head to provide the tent and the facilities. He provided information on this to the Board so that they can review it further.

Mr. Menard stated there is no Capital Fund included for the Golf which is the same problem they had last year when it was omitted, yet in the Budget there is a \$75,000 revenue item coming into the Operating Budget, but there is only \$35,000 of Capital expenditures. He stated there should not be Capital money coming into an Operating Business Fund. He stated the Capital transaction should be separate, and there should be a separate reporting and accounting for those Capital Funds. He stated they are showing a \$10,000 shortfall in Revenue and Expenses but when you take into account the \$65,000 that is coming from the Capital Fund, this means that is really a \$75,000 deficit.

Ms. Tyler stated she had suggested that Mr. Menard speak to Mr. Fedorchak about all of these items rather than during Public Comment, but he refused her suggestion. She stated she feels the best way is to discuss this with Mr. Fedorchak as he prepared the Budget; however, Mr. Menard stated he has been doing this for five years, and did not get anywhere so he felt it was best to talk about it in a public session.

Mr. Menard stated in the presentation of the Capital Reserve Funds, they go from almost a \$2 million deficit last year; and they are still showing a \$120,000 deficit. He stated there is a \$1.3 million General Fund surplus, and there is a \$600,000 deficit in the Sewer Fund, and another \$120,000 deficit in the Capital Reserve. He stated when you take the \$1.3 million and subtract out the \$700,000, you are down to \$600,000 in Net Reserves which is less than the industry-accepted standard of 6% to 8% of the Operating Budget.

Mr. Benedetto stated this is the residents' meeting, and it is not the Supervisors' meeting; and he appreciates that Mr. Menard is up here and not being re-directed to talk privately with the Township Manager or any Supervisor. Ms. Tyler stated she and Mr. Menard have a long history together, and she always appreciates his feedback; however, when he is speaking on points of the Budget, she feels this is a discussion he should have with Mr. Fedorchak or the Supervisors, and they have

advised Mr. Menard many times that there are many different ways to put together a Budget with different perspectives as to how to put it together, and Mr. Menard does not necessarily agree with Mr. Fedorchak budgets. Mr. Menard stated some things are more correct than others, and now they are at a point where there are more serious concerns which have not been addressed. He stated the Board of Supervisors have not taken a position on some of the items which is why he feels it requires a public airing of the differences to see what should be done in the future. He stated decisions need to be made; and while it is late for this year, starting in January they should come up with policies and procedures. He stated the Budget was not put on the Website until two days before the Public Hearing, and no one could go through 565 pages plus Golf and Sewer and adequately analyze and discuss anything in that short period of time.

Mr. Zachary Rubin, 1661 Covington Road, stated he is the Chair of the Electronic Media Advisory Council, and they have recommended that the Township hire a Communications Director. He stated they are going to ask that this be an Agenda item in 2018.

#### APPROVAL OF MINUTES

Mr. Lewis moved, Ms. Reis seconded and it was unanimously carried to approve the Minutes of November 15, 2017 as written.

#### TABLING CONSIDERATION OF ORDINANCE NO. 407 BOND PARAMETERS ORDINANCE

Mr. Henry VanBlunk, attorney, and Mr. Jamie Schlesinger were present. Mr. Schlesinger stated this is with regard to the re-financing of some existing debt of the Township, and it is not incurring any new debt for any new projects, rather it is to lock in interest rates associated with three different variable rate transactions. He stated when he was previously before the Board, the goal was to sell bonds some time this month; however, since that time there are potential tax reforms which has changed the bond market in general over the last few weeks. He stated previously they planned to recommend doing a Parameters Ordinance; however, now the recommendation is to not price bonds this month, but to wait until next year.

Mr. Schlesinger stated the discussions involving tax reform do not generally deal with the bond market; however, potentially as part of the House and Senate reform packages, it could remove the ability to have an advance refunding. He stated previously the Township had the ability to refinance debt prior to the call date which gives flexibility to refinance more than ninety days from whenever your call

date is; and that flexibility is going to go away. He stated by doing that, it has actually increased the supply in the market right now; and there are a number of issuers in Pennsylvania who have come to market in the last few weeks which has increased the supply to record highs, and this has driven interest to go up from a spread side. He stated this is a good move because the concern is that if you lose the ability to do an advance refunding, you cannot do it next year so all the issuers who were waiting have now gotten into the market. Mr. Schlesinger another thing that may occur would be to have private activity bonds removed from the ability to use tax refinancing, and that would include hospitals, colleges, and other not-for-profits. He stated there are a number of issuers that could be issuing tax free that will not be able to do that in the future, and those particular issues are also now jumping into the market. Mr. Schlesinger stated finally there is the potential loss of the corporate tax rate going from 35% to the 20% range which will impact the value of tax free bonds for institutional buyers, and that reduction could change the demand side which is making things uncertain in the bond market.

Mr. Schlesinger stated spreads have widened which is why they are talking this evening about not selling bonds right now as some of the issuers like the Township who are rated very highly could be pricing at 20 over the current market, and it may be 40 or 50 over with this market so his viewpoint is to move forward and have an approval on a Parameter side and continue to proceed looking to sell in January. He stated one of the reasons for this is if they remove some of these abilities for people to issue through private activity bonds and no advance refunding, there is a good chance that there will be much lower supply in 2018 which they hope will increase demand for Municipals which may keep rates low enough despite the fact that the corporate tax rate may change.

Mr. Schlesinger stated the Parameters Ordinance has been advertised, and that will establish some maximums; and there will be a maximum principal amount of \$12.5 million, a maximum interest rate of 5.5%, and a minimum purchase price as well. He stated he does not expect to go to market at a 5.5% interest rate, and they hope to be in the 2% range; however, they have to use these higher numbers to allow flexibility to adjust the principal amortization as well as some of the couponing.

Mr. Fritchey stated he feels what he is really suggesting is to wait until there is some clarity as to what kind of Tax Bill is ultimately going to be enacted, and Mr. Schlesinger agreed. Mr. Fritchey stated Mr. Schlesinger is hoping that will be clear by mid-January, but it may be longer than that before there is clarity; and in that case, they would want to wait until there is clarity, and Mr. Schlesinger agreed. Mr. Schlesinger stated part of this is waiting for clarity of the Tax Bill, and the second part is the supply. Mr. Fritchey stated he assumes other Municipalities who were looking to do what Lower Makefield was looking to do are probably going

through the same analysis, and Mr. Schlesinger agreed. Mr. Schlesinger stated for Lower Makefield this is not an advance refunding; and given the needs and the spreads, he feels for this transaction they should wait for a month or so and come back to the market in a positive manner.

Mr. Benedetto asked if the parameters are not met do they have to re-advertise; and Mr. Schlesinger stated they do not as it goes on forever. He stated there is a timeline related to the rating, and they do not want to have the credit rating outstanding for too long; however, they have not finalized the rating yet, so there should be additional time. Mr. Fedorchak stated they may want to hold off on that for as long as possible.

Mr. Lewis stated what has been presented is just a draft, and Mr. VanBlunk stated they did advertise the full Ordinance; and he stated it was at the Township for review, and it was reviewed by Mr. Truelove's office. Mr. Lewis stated it did not make it to the Board. Mr. Fedorchak stated whatever he had originally he sent to the Board. Mr. Lewis stated he would like to review it in more detail since he has not had an opportunity to review it.

Ms. Tyler asked if it would make a difference as far as advertising if they put this off until the next meeting on December 20, and Mr. VanBlunk stated they would have to re-advertise it. There was a discussion on the change that was made from the initial draft; and Mr. VanBlunk stated there was a question as to what the 2004 issue was for and they had just put in Capital Improvements and the learned it was for Open Space. Mr. Truelove stated it was not a major change and was more for informational purposes. Mr. Fritchey stated if they are not sure what they are voting on, they should not vote on it this evening. Mr. Benedetto asked the cost of advertising, and Mr. VanBlunk stated it would be approximately \$1,000. Mr. VanBlunk stated this past year they worked with a Municipality that passed a Parameters Ordinance, but they did not price until six months later.

Mr. Lewis stated he would make a Motion to re-advertise. He stated while he wants to support this, he wants to go through it and have some detail.

Mr. Fritchey seconded the Motion.

Ms. Tyler stated she feels that all they need to do is Table this until December 20. Ms. Tyler asked Mr. Fedorchak to make sure that copies were circulated to all Board members.

No vote was taken on the Motion, and the matter was Tabled.

Mr. Joe Menard asked if there is a range yet on the interest rates, and Mr. Schlesinger stated they are hoping it will be between 2% and 2.5%.

## DISCUSSION OF EDGEWOOD/SANDY RUN ROADS

Ms. Tyler thanked Mr. Phil Wursta for attending with such short notice, and she asked for an update on the Edgewood Road situation. Mr. Wursta stated the chicane is up and operational, and currently the chicane is doing what they intended it to do and has reduced the speeds from 36 miles per hour to about 30 miles per hour. He stated his office has been collecting data regularly since when it was installed in October, and the Police Department has been collecting data as well; and they have been coming up with the same numbers. Mr. Wursta stated their recommendation is to continue this until the end of January to make sure people have adjusted to this and will continue to drive at that speed.

Mr. Wursta stated Sandy Run Road would have to move 100' if they could get the speed down to 31 miles per hour; and if it was 33 miles per hour, they would have to move it 114' further away from where it is now. He stated he knows that there was initial consternation when the chicane was initially installed, but he feels it has shown that it does work and provides a speed reduction. He stated there is not a way on a road like Edgewood Road to make much more significant reduction without a more significant chicane or some other type of traffic calming. He stated they have a 25 miles per hour speed limit, and they are at 30 miles as you go through the chicane and over the crest of the Rail crossing. He stated the other side of Edgewood is much higher with regard to the speeds, so the long-term goal is to make Edgewood similar to what they have in front of the Township Building and reduce the speeds along the whole stretch of road possibly by a Grant which the Township has been successful at recently to perhaps do some traffic calming on the road on the west side of the tracks so that drivers get used to a slower speed along that stretch of road.

Mr. Fritchey asked if there is a formula by which they decide how far they have to move Sandy Run Road, and Mr. Wursta stated it is a sight distance formula. He stated the sight distance is based on speed the traffic is going. He stated if someone is traveling at 30 miles per hour they need less sight distance than they do for someone traveling at 36 miles per hour. He stated when the speed was down to 31 miles per hour, they determined that to get the appropriate sight distance, they would need to move the road 100' away. Mr. Fritchey asked if they were able to get the speed down to 20 miles per hour would they need to move the road at all; and Mr. Wursta stated when they did the study in the spring, there was a number where they would not have to move Sandy Run at all, and he believes it was 17 to 23 miles per hour which he feels is an unreasonable number. Mr. Fritchey stated he does not feel 20 miles an hour seems to be unreasonable if it is for a short space;

and Mr. Wursta stated he feels it would be unattainable since the Road is built now for a higher speed so people are naturally going to go faster along the road unless they artificially reduce it by putting in a number of traffic calming devices. Mr. Fritchey asked about a speed table; and Mr. Wursta stated they did look into installing speed tables which would reduce speeds in certain areas, but they are finding that drivers go slow but then go fast. He stated they could not put speed tables within the vertical curve of the hill which is where people accelerate. He also stated speed tables impact emergency travel to a degree. He stated when they put in the chicane they had the Police and Public Works cars drive it as well as ambulances, and they were able to have no reduction in their need to get out and through the area. He stated he feels 20 miles per hour is an unreasonable speed limit with regard to a public road other than within a School Zone.

Ms. Reiss stated on Edgewood Road there is a School Zone, and then the Pool and the ball fields; and she asked if it would be unreasonable to have a speed table/crosswalk to slow the traffic from the traffic light at Oxford Valley through the area where there is a lot of pedestrian traffic especially in the summer and spring. Mr. Wursta stated they want to have drivers as they enter from Yardley and come through on Edgewood recognize that they are entering a different environment, and it is an issue of driver education. Mr. Wursta stated coming into the area they could have a painted crosswalk or a stamped concrete crosswalk raised slightly along with medians with flowers, etc. He stated while 25 miles an hour is reasonable, it would be difficult to have that speed on a road like it is now. Ms. Reiss stated she feels the changes need to be made from where DeLorenzos will be all the way down. She stated she feels they should design all of Edgewood Road so that it looks like a community road rather than a highway.

Mr. Benedetto stated he asked Mr. Wursta to be here by e-mail, but it was not on the Agenda. He stated they are asking Mr. Wursta questions about what is going on with Sandy Run and the chicanes when if it had been on the Agenda, residents would have shown up and asked questions that the Supervisors had not thought of. Mr. Benedetto stated he had asked that this be put on the Agenda because residents had concerns, and there is misinformation about what is going on with the specifics of the chicanes. Ms. Tyler stated they did not know if Mr. Wursta would be available, and they had already informed the public that they were doing a speed study. She stated the chicanes are up, and they discussed what they need to get the speed down to. She stated the speed study has not been completed. She stated anyone can come in and ask a question during Public Comment. She stated they will continue to update the residents on Sandy Run Road as they get more information from the professionals. Mr. Benedetto asked why he was never informed as there was no response to his message about putting it on the Agenda. He stated the only person who responded was Ms. Reiss who indicated she agreed that it should be put on the Agenda. He stated this is not the Supervisors meeting it is the residents meeting,

and they are here to ask questions of Mr. Wursta who will not be present when they have the next Public Comment. Ms. Tyler stated Mr. Wursta has not said anything more than what we had already known. Mr. Benedetto stated people will not be able to ask him specific questions unless Mr. Wursta comes to every Supervisors meeting.

Mr. Benedetto stated he is thrilled that the chicanes are working, but he feels they are “ugly.” Ms. Reiss stated they are not permanent; however, Mr. Benedetto stated they are going to be permanent if the miles per hour stay where they are. Ms. Reiss stated people do not understand that what is up now is temporary, and what will be put up will look nice with plantings. Ms. Tyler asked the length of time for the rental, and Mr. Wursta stated it is up to two years. Mr. Wursta stated they were to be temporary because if it did not work, they did not want to spend money to put \in the permanent ones. Mr. Benedetto stated he is not blaming Mr. Wursta but there is misunderstanding because people do not have the time to show up to every meeting; and when they see what was implemented they question how long it will be in place and what the permanent ones will look like. He stated he feels there is a better way to do this, and as a resident he does not want it to look like that permanently if it will look “even 5% like that.” He stated he agrees there is a driver education aspect and they are entering a different environment; but the environment they are entering is “hideous.” He stated people who have never paid attention to anything in the Township have come up to him saying this is an “abomination.” He stated he then has to explain it which is why it should have been on the Agenda. Ms. Tyler stated this has been discussed at prior meetings when it was Agendized. Mr. Benedetto stated he does not feel the residents are going to allow this to stand which is all that matter; and if they look at it and say they do not want this in the Township, they should figure out a better way to do it such as better traffic enforcement, a speed hump, etc. He stated while he knows this is working, it is not working for a lot of the residents. Ms. Reiss stated it will not look like it looks now when it is done.

Mr. Wursta stated there will be a beautification effort with regard to Edgewood Road. He stated the closest one that was discussed previously that they could go see what it would look like is the on Newtown-Richboro Road in Northampton near their ball fields. He stated it will be a low profile, raised curb, planted medians; and it will be beautiful and more than a sea of asphalt going down Edgewood Road. He stated that is still a chicane. He stated these are just temporary, and it will be better than it was before they put anything on the road. Ms. Reiss stated she has been telling people to go to 332 to see what they did in Northampton by the ball fields. She stated the problem is people think this is the final product, and it is not.

Mr. Benedetto stated coming from Yardley Hunt it feels overwhelming and “ridiculous” that Edgewood Road will become this “morass of traffic-calming and weaving through different things” when the whole reason behind it is because Sandy Run cannot be reopened based on error on the part of SEPTA. He stated it will be a “monument for ineptness.” He stated they need to open up Sandy Run, and he is not advocating that road should become a cul-de-sac. Ms. Reiss stated in other areas of the Country when they have a road like Edgewood Road with that width, they have a center median; and most of them have lower trees or something in the center and are extremely attractive and makes it look like it is part of a neighborhood community rather than a highway which is what it looks like now. She stated anything they can do to make it more attractive will slow people down naturally.

Ms. Tyler stated they will continue the speed study, and they will then revisit the options they have to reopen Sandy Run Road.

Mr. Benedetto stated initially the speed study was to be six months, and he asked why they are able to shorten that to three to four months. Mr. Wursta stated they do not want to be premature and they want to make sure that they have enough data on how people are driving on that road, and they initially felt six months would provide that data. He stated if they are hitting 30 miles per hour through their speed reports and the Police Department’s speed reports, there would not be a reason to wait six months. Mr. Benedetto stated this is just for the Township to feel comfortable with reopening the road and not PennDOT or anyone else; and Mr. Wursta agreed. Mr. Wursta stated that the temporary chicane will remain in place until they decide to open Sandy Run Road, and they will have to concurrently build the permanent chicane so they will be living with the existing situation until they do something with Sandy Run that is permanent; and it would be done together. He stated while they could keep Sandy Run Road closed and take the temporary chicane out, they would then be sending a message to the drivers that they can speed back up again. He stated they are suggesting keeping the temporary chicane in which is why they have a two-year rental which they could extend indefinitely at a very reasonable rate so that the Township can determine exactly what they want to do.

Mr. Fritchey stated they also want to keep the chicane in since as people become more accustomed to it, the speeds may go up; and they want to make sure that does not happen. Mr. Wursta agreed adding if they see an upward trend in the speeds, they would come back to the Township. Ms. Tyler stated they also have to get through the winter season to see how it impacts snow plows, etc.

#### APPROVAL OF COMMUNITY CENTER FEES AND PROGRAMMING/USAGE

Ms. Monica Tierney was present with a slide show on the fees and how the Community Center will work. She stated the Park & Rec Board is proposing the fees being presented. She stated the Community Center will have two classrooms, a great room, meeting space, a kitchen, and eventually a bocce court which is proposed for Fiscal Year 2018. She stated there will also be outside seating; and while the space is available, the actual seating is not there yet, and they will be working on this in 2018 as well.

Ms. Tierney showed pictures of the inside of the facility with a small entry area with two couches, and this space can be used when the facility has activities taking place to rest in between the programming. She stated they will have literature there about what it going on in the Township, opportunities throughout the State for Parks & Recreation, and free Wi-Fi throughout the facility.

Ms. Tierney stated the Park & Rec offices are moving to the Community Center. She stated with the move, they will have an Intern and hopefully be hiring an Administrative Assistant; and this will allow them to sell more tickets, and they will have more regular hours to sell tickets and take reservations. She stated reservations will also be available on-line to the public.

Ms. Tierney stated she has added space on the Township Website to provide for feedback on the Township Parks and Recreation.

Ms. Tierney showed a room of 566 square feet to be used for Senior programming. She stated if they are seated at tables, it can accommodate twenty-three people and they will use this room for most of their programming since most of their programs are for under twenty-three people if seated at tables or more if they are either standing or seated in chairs. Ms. Tierney stated they will also be able to store all their belongings in this room. She stated they will also do some outside programming in conjunction with the Seniors in this room.

Ms. Tierney stated there is a kitchen of 305 square feet which will be regulated by the Bucks County Board of Health. She stated it has a freezer, refrigerator, dishwasher, cooking range, and oven. She stated they still need basic supplies needed to run a kitchen such as cutlery, coffee maker, etc. Ms. Tierney stated the rental fee for the kitchen will be \$35 an hour and \$15 for each additional hour. She stated for use of the kitchen you must have someone there who is Safe Serve Certified, and our staff will be Safe Serve Certified or you can have a caterer come, but they have to have special Licenses to be able to operate.

Ms. Reiss stated if someone wanted to just bring in refreshments such as cookies and would not need the kitchen but would just need to set up, what would be required. Ms. Tierney stated if it is a closed group not open to the public in any way, you may serve food to your closed group such as platters; however, you would have to sign a Waiver saying they were taking over responsibility for the food and the Township would not be liable. She stated if you are having an event with food or even an open meeting and there is food, there does have to be someone there that is Safe Serve Certified.

Ms. Tierney discussed some potential uses and added that the Seniors will have some Certified individuals. She stated there could be some public uses which would utilize the kitchen.

Ms. Tierney showed a picture of the great room as it looks currently including some 60" round tables. She stated the room is 2,157 square feet and capacity at assembly is 234, and seated is 149. She stated this room has the ability to be divided in half and there could be two separate spaces, and you should not be able to hear the sound from room to room. She stated for that half room assembly would be 117 and seated at tables would be 75. Ms. Tierney stated currently they have very light, stackable chairs that are padded per the request of the Seniors; and they have 8' buffet tables. She stated in the next year they will need more tables and chairs to accommodate the full capacity of the room since currently they have enough to accommodate the Senior user group. Ms. Tierney stated they will need a speaker system and TVs in this space as well. Ms. Tierney stated the fees for this room are \$100 for the full room or \$250 for a four-hour block. She stated half the room would be \$75 for an hour and \$150 for a four-hour block. She stated potential could be for private parties, a fundraiser, shows, plays, seminars, events run by the Township, and the Seniors will also use this room on Wednesdays for their larger functions and one Tuesday per month. She stated they should only need half the room unless they expand. She stated there could be a Farm Market as well, and there is a lot of potential for this space.

Ms. Tierney showed the meeting room which will be offered for free for Township user groups such as the sports leagues, Seniors, and the Youth Committee. She stated for other uses it will be \$25 an hour, and potential uses are tutoring, lessons, and classes. She stated there is a table on wheels which can be divided so it has the potential to be used for multiple uses and can be set up in many different configurations. She stated they also have six additional meeting chairs, a dry-erase board; and to be added are a projector, conference phone, screen if needed, and a TV. She stated the capacity for this space is 21.

Ms. Tierney showed a picture of a classroom which is 785 square feet and able to accommodate 31 seated people. She stated additional equipment will be needed for this room including TVs, speakers, tables and chairs. She stated they plan to have some aerobics classes run by the Park & Rec Department; and it could also be used for art classes, performances, and computer programming. She asked that if anyone is interested in something in particular they want to see in the Community Center, they can contact her or if they would like to teach a class. Ms. Tierney stated rental for this room when available will be \$25 per hour or \$50 for a four-hour block.

Ms. Reiss asked what this room could accommodate if it were set up auditorium style; and Ms. Tierney stated she feels they could accommodate 40 to 45 without the tables, but she would have to check into this.

Ms. Tierney stated with regard to programming, Park & Rec may have a yoga instructor who is interested in teaching classes, and Park & Rec would take the registrations and 75% of the total usage fee would go to the contractor and 25% will come to Lower Makefield. She stated the contractor would set the rates based on the base line that they need to make. She stated she has been working on Contracts for that with Mr. Truelove's office. She stated a non-resident will always pay an additional \$15 Fee for every class. She stated a minimum class participation will be set to recoup the total rental fee for the Class. She stated there will be a proposal form for contractors proposing a class, fees will be set and agreed upon, and a Contract will be signed. She stated programming will be done quarterly. She stated they hope to start classes in March.

Ms. Tierney showed the full fee schedule. She stated a \$50 deposit is required for all events and programming which will be returned provided there are no problems.

Ms. Tyler stated all of this was vetted before the Park & Recreation Board and was approved with Mr. Malinowski opposed.

Ms. Reiss stated she has a group that is interested. She asked what would happen if someone wanted to rent a room one night a month for twelve months. Ms. Tierney stated she did meet with the quilters guild; and they discussed how they could make this work. She stated the hospitals are also interested including Capital Health, and she feels there would have to be an Annual Agreement. Ms. Reiss stated the quilters group would need an Annual Agreement so that they know where they would be meeting, and she feels any type of group that wants to run a monthly program would need this as well. Ms. Tierney stated she also discussed with the quilters group a partnership where they would have an opportunity to teach classes

at the Community Center. Ms. Tierney stated they are also talking to Capital Health and St. Mary's about some potential programming but they want to make sure that it does not seem like a hospital although they could have some health fairs. She stated St. Mary's did provide a list which she will discuss with the Park & Rec Board about things they can offer, and she is also meeting again with Capital Health next week.

Mr. Fritchey moved and Mr. Lewis seconded to approve the Community Center Fees as outlined by Ms. Tierney.

Ms. Reiss stated she wants the Community Center to be available for different non-profit groups which are an asset to the community.

Ms. Tyler stated with the opening of the Community Center it will free up space in the Township Municipal Building, and they need to consider if they want to apply the same Fee structure for this building.

Mr. Lewis stated this is a first test on the pricing. He stated Ms. Tierney has spoken to other Municipalities to get their Fee structure and this is in line, and Ms. Tierney agreed. Mr. Lewis asked if "Youth Committee" would include Boy Scouts, Girl Scouts, etc.; and Ms. Tierney stated they have not addressed special fees for non-profits at the Park & Rec Board. She stated it was mentioned there but was not voted upon. Ms. Tyler stated the Youth Committee is a sub-committee to the Park & Recreation Board so it is different from the Boy and Girl Scouts as the Youth Committee is a Township Committee.

Mr. Lewis stated he feels they should continue to look at the fees for non-profits. He stated this is just the beginning of this; and if there is excessive demand, they may have to increase the fees, and if the demand is light, they may re-price lower. Ms. Tyler stated she feels they should re-visit this once they see how they are doing. Mr. Fritchey stated once they get experience in this, they will get a better sense as to pricing.

Mr. Benedetto asked what the fees are based on, and he asked Ms. Tierney specifically what she looked at in other Townships, and what Townships she looked at. Ms. Tierney stated she brought with her print outs of other Townships' fee structures, and she also looked at Pennsbury as to how they do their reservations. She stated compared to the private sector what is proposed is very low. She stated she looked at Northampton Township, Doylestown, and Middletown; and she has that information with her this evening.

Mr. Benedetto stated he feels the fees are “outrageous,” and certainly not in favor of the fees as they are currently structured. He stated he will not be voting in favor of it. He stated he feels they need to figure out what they want from the Community Center. He stated he understands that it is not going to be open to the public, and there will not be an “open door policy.” Ms. Tierney stated when the Park & Rec staff is there, the door will be open just like the current Park & Rec Department is now. She stated people can come in and talk to the Park & Rec staff during business hours. Mr. Benedetto stated he feels they should have a Police Officer there as well.

Mr. Benedetto stated he feels the Township has fallen short and certain discussions were had about an interest in having a Mission Statement which was never done. He stated he credits Ms. Tierney with putting this together without being given as much direction as she deserved. He stated he has seen the fees from Northampton, and they are less than what is being proposed. Mr. Benedetto stated he feels the Community Center will become a private events facility other than the Seniors and some of the user groups. He stated the fees are out of line, and he particularly noted the \$25 per hour fee and the \$35 fee for the kitchen. He stated he does not understand the “piece around non-residents paying additional fees.”

Mr. Benedetto asked if there is a plan to open this up for a private event such as a wedding. Ms. Tierney stated there is no alcohol permitted in the facility so she feels more than likely that will vet itself out. She stated if there is availability and someone would like to do a private event, this would be permitted although it is not the primary intent for the facility. She stated this is just like they do for the pavilions, and they allow parties and events to take place at the pavilions too. Mr. Benedetto stated promises were specifically made to residents that they would not have large-scale events such as a wedding at the Community Center. Mr. Benedetto stated he feels there could be 100 cars parked in the parking lot and additional cars parked on the streets if they had a large event; and if there is music as well, the residents are going to have a problem with that as they can look to the meeting Minutes to show that they were told that there would not be these types of events. He stated this is why there is a problem with the lack of a Mission Statement. He stated there were residents in this area who were very much opposed to having this in their back yard; and when they hear what is being discussed about renting this facility out for different private events, he knows they will have a problem with it as he does. Mr. Benedetto stated he did not want the Community Center at this location, and he felt it would have been great at Veterans Square. Mr. Benedetto stated this is a “bait and switch,” which is not right; and the fees are not right and need to come down. He stated in three months to a year from now they will find that people are not using it. He stated the groups they want to use it such as the Boy Scouts and organizations are meeting in the Township meeting room now and are not paying a fee. He stated he is in favor of the programming.

Mr. Benedetto stated he is not in favor of the non-resident fee. He stated if there were to be a wedding with 100 people, he asked if they will ID people and say since they are not a resident, they will have to pay an extra \$15. Ms. Tierney stated the fee is not per person for a rental like that, and the additional non-resident fee would be for those signing up for a class. Mr. Benedetto stated he is not in favor of doing that. He stated they do not really know what they want to do with this Community Center, and the fees are wrong.

Ms. Tyler stated she disagrees with Mr. Benedetto, and she thanked Ms. Tierney for how she is going about this. Ms. Tyler stated they are testing it to see what is out there, and they know what the vision of the Community Center is which is to run as many community events as they can; and it is not to be a catering facility. She stated it is also the primary home for the Seniors, and to undermine the process and be negative on this is serving no purpose.

Mr. Lewis stated this is a new facility, and there are a number of different user groups; and they have to make trade offs and allocate resources. He stated he feels they should give Ms. Tierney permission to negotiate reduced rates for community organizations which pre book a significant number of events. He stated a group such as the Lions Club may want to use the room twelve times a year always on a specific day of each month at a certain time, and they may be able to get a discount if they were to pre book. He stated providing Ms. Tierney with this discretion may address some of the concerns of Mr. Benedetto. Mr. Lewis stated he does feel they need to put an initial price list together, and he is comfortable with what has been proposed along with giving Ms. Tierney the authority to negotiate reductions for multiple usage.

Mr. Lewis stated he would ask that they amend the Motion to provide discretion to the Park & Recreation Director to negotiate reductions in fees for users who plan to have multiple events at the Community Center. Ms. Reiss stated she would be in favor of this for non-profit groups like the Lions Clubs and other service organizations that will book for an entire year.

Ms. Tyler stated for Ms. Tierney to have that kind of authority, there has to be a standard protocol as to who and who would not get those reductions as they cannot “play favorites.” She stated they also need to consider whether they want to allow people to “lock down” this amount of time. She stated she does not feel they would allow someone to rent one of the pavilions every Saturday in the summer. She stated Ms. Tierney should have discretion, but they need to be careful about locking things down a year at a time. She stated they need to consider the procedures and protocol with the other Township assets. She stated there is a pavilion at the Pool, and she questioned if someone would be permitted to have it every Saturday from 10 to 2. Ms. Reiss stated certain organizations meet on a certain day each month for

their regular meetings. Ms. Tyler stated she feels they should give Ms. Tierney the authority subject to clearance by the Township Manager, and Mr. Lewis stated it would only be used for non-profits.

Mr. Fritchey moved and Ms. Reiss seconded to approve the Community Center Use Fees as outlined by Ms. Tierney and to provide the Parks & Rec Director with additional discretion with the approval of the Township Manager to lower certain recurrent user fees for not-for-profits.

Ms. Danielle Stinson, 667 Friar Drive, stated while they are talking about the rooms that are available to rent, she feels that realistically they are only talking about one room. Ms. Tyler stated there are a number of smaller rooms as well as the divisible main room. Ms. Stinson stated at the Park & Rec meeting there was discussion about one room that would not have a fee because it was a small room; however Ms. Tierney stated it does have a \$25 fee for non-Government user groups. Ms. Tyler stated some of the smaller Township Committees that currently meet at the Township Building may meet at the Community Center and would not pay a fee.

Ms. Stinson asked if they are adding employees to the Park & Rec Department would they not add those employees so that they have a split shift with someone having evening hours, and she suggested that the Intern work at night so that the Community Center could have an open-door policy at night if they have someone from Park & Rec working there at night. She stated she does not see the sense of having all of the Park & Rec staff there at the same time. Ms. Tyler stated they will have to see about this. Ms. Tierney stated the Agreement with Temple University for the Intern is that the Intern is to work in the Department under their guidance, and the Intern would not be able to work at the Community Center on her own. Ms. Tierney stated the person at the front desk would be answering phones during regular business hours, doing filing, etc. and provide her support. Ms. Stinson stated she feels that for a minimum hourly wage they should have someone there in the evening to make it more available to the community.

Ms. Tyler asked Ms. Stinson who she feels would want to come to the Community Center in the evening. Ms. Stinson stated unless there is a private function, the great room should be open; and the smaller groups such as the Lions would want to use a table there but not rent a room. Ms. Tyler stated they would need to rent a space. She stated no one can come into the Township Building now without a reservation. Ms. Stinson stated the Township Building is not a Community Center. Ms. Tyler stated she does not foresee people walking into the Community Center to “hang out” in the great room, and it will not be open in that respect. Ms. Stinson stated if the Community Center were open, and there is a great room that has not been rented, it should be open to the residents who “own” the Community Center or else it is a

private center or a Senior Center. She stated it is open to the Seniors and they have a dedicated room, and they can come and go twenty-four/seven; and it should be open like that for the rest of the residents. Ms. Reiss stated unless there is some kind of a meeting or function in the great room, she does not understand what anyone would be doing there. Ms. Stinson stated they could meet. She stated the Boy Scouts may want to “build a Lego” and would just need a round table with six chairs. Ms. Stinson stated “some Moms” may also want to meet and have coffee. Ms. Reiss stated due to insurance concerns, if Boy Scouts want to come and meet, they would need an adult. Ms. Stinson stated she was just using the Boy Scouts as an example, and Ms. Reiss was taking her “too literally.” Ms. Reiss stated they do not have a game room set up, etc. and Ms. Stinson stated this is because they did not have Mission Statement. Ms. Reiss stated they do not have basketball hoops or a pool table. Ms. Stinson stated they have a great room that she cannot imagine will be rented that much. Ms. Reiss asked what people would do in that room. Ms. Stinson asked what they would do in there differently than they would do in the rooms that they would rent. She stated there are a lot of times when people want to meet but do not need a private room, and she asked why they could not meet in the great room.

Ms. Tyler stated if Ms. Stinson has some suggested uses, she should discuss them with Ms. Tierney. Ms. Stinson stated she does not feel it has to have a suggested use. Ms. Tyler stated it does because it is not going to be wide open. Mr. Fritchey stated this is not a place where people can come and “hang out.” Ms. Stinson stated this is not just “hanging out,” and she stated someone could call Ms. Tierney and ask if there is a room available for a small group such as the Dog Park Committee who want to meet; and she feels they should be able to meet there. Ms. Tyler stated that is a Township Committee, and they are permitted to use it as scheduled by Ms. Tierney; and it would be up to Ms. Tierney to decide who goes in what room. She stated it is not an “open door, free-for-all;” and it needs to be scheduled. Ms. Stinson stated she feels “everyone is missing the point and has blinders on, and this is a private club.”

Mr. Fritchey stated Ms. Stinson made reference to the Seniors being able to come to the Community Center and “hang out twenty-four/seven;” however, that is incorrect, and there are specific time slots and hours for the Seniors, and they are not there twenty-four/seven. Ms. Stinson stated they have a dedicated room, and Ms. Tyler had indicated that this is “primarily a Senior Center.” Ms. Tyler stated it is not primarily a Senior Center, and she had said that is the home for the Seniors; and she has always been very clear that this is a Community Center. Mr. Fritchey stated this is not a facility that is open twenty-four/seven, and it has hours; and those hours as he understands can be extended provided there is an employee to represent the Township to maintain order, etc.

Ms. Stinson asked if someone could walk into the great room during the day and sit down. Ms. Tyler stated they could not. Ms. Tyler stated this building will be just like walking into the Park & Recreation office now. Ms. Stinson stated the Community Center will have “booked hours,” and it does not have “hours,” when people could come in and sit in the great room. Mr. Fritchey stated it has hours when it is staffed, and hours when people can reserve it for. Ms. Stinson stated it does not have hours for the community. Ms. Reiss stated someone could come in and sit in the entrance on the sofa and use the Wi-Fi. She stated if there were a group of people who wanted to do something on a specific afternoon, they could call Ms. Tierney and ask if they could come over and use the room. Ms. Stinson stated they would have to book it and pay for it. Ms. Tyler stated that would depend on the group. Ms. Stinson stated she would like the Supervisors to look at the great room and see how it could be better utilized by the community. She stated this was an expensive project to sit and not be used. She stated she feels it could be better used by the community.

Mr. Steve Gahr, 14 Colonial Ridge Drive, earlier this evening the Board heard about a Yardley Photo Club which is contributing to a calendar for Patterson Farm Preservation; and he is a member of that group. Ms. Tyler stated in that instance, they would go through Patterson Farm Preservation which is a user group. Mr. Gahr stated that is “weaseling.” Mr. Gahr stated they are Yardley Photo Club, and Ms. Tyler stated they would then contact Ms. Tierney and rent a room. Mr. Gahr stated that is not going to happen. He stated his problem is they are talking about a Community Center, and this is a community group which has to pay to use a room and have their monthly meeting. Ms. Tyler asked if they have monthly meetings now, and Mr. Gahr stated they meet at the Continental Tavern. Ms. Reiss stated at the Community Center, they have to cover the cost of electric, heat, air conditioning, and cleaning and this \$25 helps cover the cost. Mr. Gahr stated they are adults, and they could police themselves. Mr. Fritchey stated unlike the Continental Tavern, the Township would not be selling food and beverages to cover the overhead. Mr. Gahr stated this is a local group of enthusiasts who need a place to meet; and it would be nice if they could meet at the Community Center. but it does not sound like they can do that. Ms. Tyler asked how many there are in their group; and Mr. Gahr stated it varies from fifteen to twenty. Ms. Tyler stated at \$1 to \$2 a piece, they could have a room to themselves if they want to regularly schedule it; and she feels that would be less expensive than going to the Continental Tavern. Ms. Tyler asked that they reach out to Ms. Tierney to discuss days and times they might be interested in. Mr. Gahr stated he is afraid that the way things are, this could wind up being a “\$3 million dollar white elephant.”

Mr. Zachary Rubin, 1661 Covington Road, asked if Committees will have the choice of meeting in the Community Center or at the Township Municipal Building. Ms. Tyler stated for now, they will leave things status quo; and they will see what the use is at the Community Center; and if there are spaces available they will consider that further. She noted there was a presentation put on by the EAC, and the Community Center would have been a good place to hold that. Ms. Tyler stated they do still intend to use the meeting rooms in the Township Municipal Building. Mr. Rubin asked about political groups in the Township that meet in the Township Municipal Building meeting room on a regular basis, and he asked if this room would still be available or would they have to go to the Community Center and asked what would be their status as a user group even though it is not official. Ms. Tyler stated she feels that would remain status quo, and they would keep their time and meeting space at the Township Municipal Building. She stated she feels the meeting space at the Township Municipal Building will get looser as Township Committees may move over to the Community Center.

Mr. Benedetto stated this is a perfect example of why they are “going wrong here.” He stated they have built a Community Center, and the Republican Club and the Democratic Club may want to meet there; however, they would have to pay \$25 an hour, so they will decide to stay at the Township Municipal Building. Ms. Tyler stated that would be fine. Mr. Benedetto stated it is a Community Center, and it was built specifically for the purposes of groups like the Republican Club and Democratic Club, and the Township is saying that they cannot go there unless they pay a fee; and they are not going to pay a fee for it since they do not pay a fee for use of the Township Municipal Building. Mr. Benedetto stated the Community Center is going to be a “white elephant” and is never going to be used to the capacity it should.

Mr. Rubin asked the definition of a not-for-profit and asked if it would have to be a 501C3. He stated he is part of the Lower Makefield Non-Fiction Book Discussion, and they meet on a monthly basis at the Library. He asked if they would be considered a non-profit or does it have to have an IRS designation. Ms. Tyler stated she feels it would have to be a 501C3. She asked Mr. Rubin if the Library provides them with free space; and Mr. Rubin stated they tried not to but he pointed out that on the building it says “Free Library,” and they put them in a very small room rather than in the conference room. Mr. Rubin stated they meet the second Tuesday of the month from 2 p.m. to 4 p.m. and no one else was using that room. He stated this would be the same as the photography club which is not for profit but is not an IRS 501C3. Mr. Rubin stated they did spend \$3 million on the building, and it should have been a Community Center with pool tables, Ping-Pong tables, and places for people to have activities which they are not having which he feels was “near-sighted.”

Ms. Sue Herman, Boxwood Drive, noted the Corner Bakery Café in Newtown where they have a community room which is very nice. She asked if they could look into doing something like that where the public could go in and “hang together.”

Ms. Reiss asked Ms. Herman if there are people at the Corner Bakery Café who have not purchased something to eat, and Ms. Herman agreed they do buy things to eat.

Ms. Tyler stated these are all good ideas, and there will be an evolution that will happen in the Community Center. She stated the last thing she wants to see is negative connotation on what they are discussing. She stated the Community Center will not be a “white elephant,” and it will be an investment in the community, a place where the children, adults, and Seniors go, and a great meeting place. She stated they do not know where they will be in the future; but Ms. Tierney is going an excellent job of taking the temperature of the community and seeing what are the demands and needs, and they will move forward. She stated they have outdoor areas, and they should think of the Community Center in the same way they think of all the other Park & Recreation amenities. She stated Ms. Tierney has an open-door policy and will continue to do so. Ms. Tyler stated she feels they should have more discussion on the types of groups brought up by Mr. Gahr and Mr. Rubin. She stated this goes to Mr. Lewis’ discussion that they should grant Ms. Tierney the authority to offer lower fees for recurrent groups but also balancing not giving someone too much time in one place.

Ms. Herman stated the Community Center will be an evolution, and she feels lucky to have it.

Motion carried with Mr. Benedetto opposed.

#### APPROVAL OF RESOLUTION NO. 2349 AMENDING BUILDING, PLANNING, AND ZONING FEE SCHEDULE

Mr. Jim Majewski, Director of Zoning and Planning, was present and stated the Resolution before the Board is to amend the Building, Planning, and Zoning Fee Schedule which was last amended in 1992. Mr. Majewski stated they looked at Fee Schedules from the surrounding communities including Newtown Township, Northampton, Bensalem, Middletown, Falls, Upper Makefield, and some others. He stated they came up with numbers that they feel are appropriate. He stated some of the Fees will be reduced, some stayed the same, and a number were increased to be commensurate with the level of effort required to run the Department and to provide the inspections necessary for Building Permits.

Mr. Majewski stated as part of this they also amended some of the Subdivision and Land Developments Fees, and those were last amended six years ago in 2011. He stated those are some minor increases to keep up with inflation and keep up with the level of effort they have in reviewing those sorts of Applications.

Mr. Fritchey asked if these numbers are in line with other Townships in the area, and Mr. Majewski stated they are.

Mr. Majewski stated one of the most common Permits is to replace a roof. He stated currently they charge 1 ¼% times the value of the cost of the roof; and with a typical roof replacement cost is \$10,000, that fee would be \$125. He stated they are reducing that to be \$75 based on the fact that the level of effort required for the inspections and processing the Permits is less than what they currently charge. Mr. Fritchey asked if there is a difference based on the roofing materials used as a slate roof could cost significantly more, and Mr. Majewski stated it is proposed to be a flat fee as opposed to being a percentage of the cost.

Mr. Majewski stated with respect to new construction, currently the price of new construction for a home is \$40 plus \$.17 per square foot which is one quarter to one third of what all surrounding Municipalities charge for the numerous inspections required for a new home. He stated the proposal is to increase the fee so it is more in line with the actual cost to process this.

Mr. Majewski stated with regard to plumbing inspection fees, for the first seven fixtures we currently charge \$55 for Residential and \$80 for all other uses – Commercial and Institutional; and those fees will stay the same as it is in line with what other Municipalities are charging.

Mr. Majewski stated in general all of Lower Makefield's fees were low based on the fact that they were from 1992. He stated the only ones that have kept pace with inflation are the percentage of a cost of construction fees since the cost of construction has risen with inflation. He stated the ones that are based on square footage and number of items have not kept pace with inflation.

Mr. Fritchey stated the purpose of the fees is not revenue generation it is amelioration of costs to the Township to insure that things are done right, and Mr. Majewski agreed. Mr. Benedetto stated it does increase Revenue Budget wise.

Mr. Majewski stated currently in the Township Office there is a lot of paper, and they are trying to be more electronic, and some of these costs will go toward defraying the cost to start to take care of that situation. He stated it will also help better serve the residents because when they want to retrieve information on their properties, it will be in a format that is easier to retrieve.

Mr. Benedetto stated feels Mr. Majewski has done a tremendous job on this, and he took it on early in his tenure; and he did a fine job.

Mr. Fritchey moved, Mr. Lewis seconded and it was unanimously carried to approve Resolution No. 2349 Amending Building, Planning, and Zoning Fee Schedule as outlined by Mr. Majewski.

#### UPDATE ON DOG PARK

Mr. Eisold stated the fence work is being completed and the parking lot is being finalized. He stated the opening will probably be sometime in the spring. He stated there will be some work with the gate system, and they have been working with Ms. Tierney to try to incorporate that with other facilities in the Township which will take some time.

#### UPDATE ON MEMORIAL PARK EAST EXPANSION

Mr. Eisold stated the Grant submitted for this project last year was approved yesterday in the amount which had been requested of \$250,000 which is a 50% match for a total project cost of \$500,000. He stated this work included the further development of the east side. He stated they had put some of the base infrastructure in place this year, and the additional items that had been included in the Grant were completion of pedestrian walkways/bike paths, tennis courts, bocce ball courts, horseshoe pits, gazebo/pavilion, fitness stations with equipment along the bike path, associated fencing, ADA access, and landscaping.

Ms. Tyler stated they do need to wait for the official notification from the State, and they will then see the timeframe they have and move forward on the priorities of that project with the new Board of Supervisors. Mr. Benedetto asked how much was Budgeted for this project in 2018, and Mr. Fedorchak stated they did not Budget anything. Ms. Tyler stated they just received notification of the Grant approval.

#### APPROVAL OF CERTIFICATE OF APPROPRIATENESS FOR YARDLEY BAGEL SIGN 670 STONY HILL ROAD

Mr. Fedorchak stated Yardley Bagel will be located on the Giant plaza side, and the owner is a resident of the Township and owns similar shops in Newtown. Mr. Fedorchak stated the sign has been vetted by HARB, and was unanimously approved.

Ms. Reiss moved, Mr. Fritchey seconded and it was unanimously carried to approve the Certificate of Appropriateness for Yardley Bagel as outlined by the Township Manager.

Mr. Truelove stated the Board met in Executive Session beginning at 7:00 p.m. and items of litigation, personnel, Real Estate, and informational items were discussed.

#### ZONING HEARING BOARD MATTERS

With regard to the Howard Brent Bateman Variance request for the property located at 1240 Colts Lane in order to permit construction of a fence within a drainage easement, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the William Harrison Appeal of the determination of the Zoning Officer dated August 28, 2017 for the property located at 1711 Makefield Road in order to permit rental of existing single-family dwelling to families, Mr. Lewis moved, and Ms. Reiss seconded to have the Solicitor participate in opposition.

Mr. Truelove stated from their research, this property may be an Airbnb or similar type approach, and the Township needs to address this. Mr. Truelove stated he did do some research on-line and saw that this property was advertised as an Airbnb property.

Mr. Benedetto stated he supports the opposition by the Township for this determination but his concern is that the property owner will come back and the Township will find itself in Court when they say they do not have an opportunity to use their property. He stated he agrees that there is a reason to oppose this as they have heard the property owner is not being a good neighbor, and they have heard numerous resident complaints about this specific property with regard to noise, and it is a quality of life issue; however a property owner wanting to rent their property out happens a lot in the Township, and there are a lot of properties that are rental properties. He stated he feels they will potentially be on “interesting legal footing,” and he urged caution.

Ms. Reiss stated they are not talking about someone renting their home for six months or a year; and this property is being rented out night-by-night. She stated it is not necessarily one family as it is a very large house. She stated she saw the advertisement indicating that it sleeps over fourteen people, and they do not have to be related. She stated it is like a “boarding house,” but they are not serving breakfast and dinner family-style. She stated it is not a normal rental that they see

in the Township where someone may rent a home for a month or longer while waiting to move into their home, etc. She stated it is a nightly rental, and it is a quality of life issue.

Ms. Stinson asked if Lower Makefield has an Ordinance on how many unrelated people can live in a building. Mr. Truelove stated this is one of the things they have to look at as this process goes forward. Ms. Tyler stated there is not much precedential Case Law yet on the Airbnbs as they are new; and while they are going to oppose this particular Application, they are also working on a new Ordinance to address this. Ms. Stinson stated she has had Townships “shut her down” having college students that were unrelated living in apartments. Mr. Lewis reviewed a number of Cases he is familiar with. He stated there is a long bit of latitude for Municipalities as it relates to public safety in this area. He stated he is not that concerned that they could not draft an Ordinance that would survive legal challenge.

Motion carried unanimously.

#### SUPERVISORS REPORTS

Mr. Benedetto stated the Electronic Media Advisory Board met last week, and they recommended that there be a Communications Director; and they will put a proposal together for 2018 for the new Board to consider.

#### APPROVE CONSULTANT AGREEMENT WITH TERRY FEDORCHAK

Ms. Tyler stated Mr. Fedorchak had announced his retirement which is coming to fruition, and his last day with Lower Makefield Township as an employee will be December 29, 2017. Ms. Tyler stated Mr. Truelove and Mr. Fedorchak have come to an agreement on a Consulting Agreement; and Mr. Fedorchak is going to stay on with Lower Makefield Township as a consultant until they have the new Township Manager hired and in place, and there may be some overlap if need be depending on who the candidate is. Ms. Tyler stated the Applications for the Township Manager job are due on January 10, and they will get into that process with the new Board of Supervisors and conduct interviews. Ms. Tyler thanked Mr. Fedorchak for being flexible in this arrangement as she feels it is very important that we have a smooth transition after Mr. Fedorchak’s twenty-five years of service to the Township.

Mr. Truelove stated this Agreement would be effective December 30, 2017, and the termination date would be December 31, 2018; however, that does not mean it will last the entire year. Mr. Truelove stated it would be terminable upon ten days' notice from either Party. Mr. Truelove stated the Contract will be with Mr. Fedorchak's newly-formed LLC, Makefield Professional Management, LLC, and Mr. Fedorchak has already obtained General Liability Insurance through his company which is one of the requirements of the Agreement. Mr. Truelove stated his company will be paid \$75 per hour up to forty hours but would not be limited to forty hours a week. He stated there would be a seamless transition, and you would not know the difference between Mr. Fedorchak being here as a Township Manager or being here as a consultant as of December 30 of this year. Mr. Truelove stated there is additional language that has been included which is standard for Agreements such as this.

Mr. Fritchey moved and Mr. Lewis seconded to approve the Agreement as outlined effective December 30, 2017.

Mr. Benedetto stated he is opposed to this because Mr. Fedorchak announced in February of 2016 that he was going to be leaving at the end of 2016. Mr. Benedetto stated he was the Chair at the time, and he takes responsibility for not getting that done. He stated he feels we need a "new voice" in the Township and a new Township Manager, and he wants to walk out the door with Mr. Fedorchak on December 20 at their last meeting together. Mr. Benedetto stated he feels there is a value in a new set of ideas and a new way of running things. He stated there will be a "whole new Board" coming in, and there will be three new Supervisors; and he "does not want Terry Fedorchak to be here one more day beyond December 29" because he has had twenty-five years of service and he announced he was going to leave in 2016. He stated the Board did not get that done. Ms. Tyler stated they did not want it done; however, Mr. Benedetto stated they did want it done.

Ms. Tyler asked who would run the Township beginning in January; and Mr. Benedetto stated Jim Majewski is "perfectly capable" to handle the responsibilities, and is more than capable. He stated he feels there is a value in having someone brand new walk into the building and have a fresh, new set of ideas and way of doing things. Mr. Benedetto stated they have a new Board coming in and they would have the same Township Manager. He stated they are only going to be collecting resumes as of January 10. He stated they could get a set of resumes that are "not any good," and Mr. Fedorchak will then be here years after his announcement of his retirement when he was supposed to leave since according to the Agreement he could be here until December 31, 2018. He stated he feels it an "embarrassment" for the current Board that they did not get this done adding he was the Chair and did not make it a priority to do it; however, they did not make it a priority to do it this year as well, and it is a "bad job" by the Board.

Ms. Tyler stated she disagrees completely with Mr. Benedetto, and she is grateful to Mr. Fedorchak that he is willing to stay on.

Mr. Lewis stated he has long been an advocate for beginning the search process; however, he does feel that there is a benefit to the community to have a smooth transition, and he is very comfortable with Mr. Fedorchak staying on during that transition. He stated January 10 is the date for the resume submission, and those interested should submit their resume to Jersey Professional Management.com. Mr. Lewis stated they selected them because they are specialists in non-partisan Municipal executive management, and they helped the Township find Chief Coluzzi. Mr. Lewis stated their goal would be to have the new Manager in place in the first quarter, and they do not intend this to be a year-long situation. He stated his preference was not that it got this far, but he feels that they are making a decision here that is in the best interest of the community long term. He stated the rate is extraordinarily reasonable, and it is less than they pay engineers and attorneys; and he feels it is a very good deal for a good transition, and he feels it reflects Mr. Fedorchak's concern for the community.

Mr. Fritchey stated he appreciates Mr. Fedorchak's service to the Township and his willingness to go forward in this transitional period. He stated it is obvious that an orderly transition is necessary to go from one Township group to the next, and he feels the plan that has been outlined is constructive and in everyone's best interest.

Ms. Reiss stated she also agrees; and she feels by having the former Parks & Rec Director stay on for a few months during the transition made the new Park & Rec Director's transition extremely easy not just for the position but for the user groups and everyone in the Township. She stated she feels this is the same thing. She stated she feels that it is important even to the residents to have some sense that there is continuity. She stated a new Township Manager will have new ideas, but she feels it is important to have a transition. Ms. Reiss stated when she was a new Supervisor it was very important to have a Manager she could ask questions of. She stated having new Supervisors and a new Township Manager without someone who "knows the players" and how everything is set up would be of concern. She stated she is very much in favor of what is proposed.

Ms. Danielle Stinson stated she definitely agrees with Mr. Benedetto, and she questions why it is taking so long to find a new Township Manager. She stated she feels that there should be an end date even if a new Township Manager is not hired, and they should then do what Mr. Benedetto stated and have an interim person step in. Ms. Tyler stated she feels Ms. Stinson and Mr. Benedetto are underestimating what the Township Manager does to expect someone to just step in. She stated Mr. Majewski already has a full-time job. Ms. Stinson stated they have had a year to

replace Mr. Fedorchak, and Ms. Tyler stated she is comfortable with what they have proposed. Ms. Stinson stated there should be an end date so there is a sense of urgency, and they are not sitting here again next year and still not have found someone. Ms. Tyler stated she feels they have provided the Township with the ultimate flexibility. She stated they have a seasoned, qualified Township Manager who knows this Township better than anyone else who is willing to do as much or as little as the Board deems appropriate. Ms. Stinson stated it is his new business so he would want this. Ms. Tyler stated he is making less money through this new business; however, Ms. Stinson stated it is still his business. Ms. Stinson stated the Township should have a sense of urgency to hire someone and not have to pay a consultant. Ms. Tyler stated with the exception of Mr. Benedetto the Board is very comfortable with where they are in the hiring process. Ms. Stinson stated they should have done it well over a year ago. Ms. Stinson stated we need change.

Mr. Lewis stated he believes he answered Ms. Stinson's question on Facebook when she asked about the process. He stated two years ago they had almost no middle management in the Township, and they had to make a number of hires. He stated he feels comfortable with many of those hires, and they did those in a way that they thought brought what they felt were the most qualified people to do the job. He stated he has been consistent with the fact that they should have prioritized the Township Manager position sooner; however, that is not where they are now. He stated Ms. Stinson had mentioned something that was not necessarily fair to the current Township Manager, but because it involves pending litigation he cannot talk about that other than to say that if he felt an immediate lack of confidence, he would not be supporting the Township Manager staying for this interim period. Mr. Lewis stated the current Agreement has a projected end date of December 31, 2018. Mr. Lewis stated he has been aggressive for two years on this issue, and he feels this is the best decision for the Township at this time given the circumstance they are at.

Ms. Stinson stated she feels that there should be an urgency that there be an end date; and someone should be hired, and if someone is not hired, someone should be put into an interim position so that sense of urgency is still there. She stated if not, the Township is going to get very comfortable with what the situation is.

Motion carried with Mr. Benedetto opposed.

#### UPDATE ON THE SNIPES LITIGATION

Mr. Truelove stated on Monday he and his colleague appeared before Judge Fritsch for clarification of the Remand Order that the Judge issued on November 1 about the course that the case would take once sent back to the Township. Mr. Truelove stated it was the Township's position that it should go back to the Board of Supervisors, but it was the Appellant's position that it should go back either to the Judge, a referee, or if it came back to the Township, to the Planning Commission to start that process. Mr. Truelove stated the Judge made it clear, and it is reflected on the Civil Court sheet, that the Township's position was the correct one. Mr. Truelove read from the Civil Court sheet that he obtained electronically yesterday as follows: "The Court directs that the Appellants be heard by the Township Board of Supervisors and that the Hearing be scheduled before the Board of Supervisors no sooner than ninety days from today, that date being December 4, which would be March 4. " Mr. Truelove stated they will not be conducting a Hearing on this before March 4, 2018; and they anticipate discussions with the Appellants whether they anticipate preparing and presenting expert witnesses, etc. Mr. Truelove stated there may be more than one Hearing depending on what is necessary commencing sometime on or after March 4, 2018. He stated it will be before the Board of Supervisors and not before any other Board or Commission of the Township.

Mr. Benedetto stated the current Board has to reject the outstanding Bids. He stated he knows that they are waiting for a ruling on this. He stated this is not going to be this Board's decision, and it is going to the new Board's decision. He stated they approved the Bids on May 30<sup>th</sup>, and they should absolutely be rejected and let the new Board take this on and determine what Snipes will be. He stated if they do not reject the Bids at this meeting, the current Board should reject them at the December 20 meeting.

Mr. Truelove stated he knows that Mr. Eisold was able to secure an extension through December 31, 2017; however, that was before the Township received the Decision so he feels they should have another discussion with the Awardee since the projected timeframe would probably be at minimum five months. He stated he feels they could have this discussion on December 20 and have the Board vote at that time.

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

Respectfully Submitted,

John B. Lewis, Secretary

