

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – NOVEMBER 7, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 7, 2018. Mr. Lewis called the meeting to order and called the Roll.

Those present:

Board of Supervisors:        John B. Lewis, Chairman  
   Frederic K. Weiss, Vice Chairman  
   Kristin Tyler, Secretary  
   Dan Grenier, Treasurer  
   Suzanne S. Blundi, Supervisor

Others:                             Kurt Ferguson, Township Manager  
   David Truelove, Township Solicitor  
   Andrew Pockl, Township Engineer  
   Captain Lewis, Police Department

PRESENTATION OF \$5,000 FROM BUCKS COUNTY BUSINESS CONNECTIONS TO LOWER MAKEFIELD TOWNSHIP COMMUNITY FOUNDATION FOR THE GARDEN OF REFLECTION MAINTENANCE – Bruce Clark, Joe Marrasso, Greg Kay, Shawn Swaim, and Peter Toft

Mr. Bruce Clark, President of Bucks County Business Connections, was present with other members of the group, which is a group of local business professionals who ran their Second Annual Spaghetti Dinner for the benefit of the Garden of Reflection. He stated they are present to present a check for \$5,000 to go toward the ongoing maintenance of the Garden of Reflection. The Board thanked the group for their donation.

PUBLIC COMMENT

Mr. Charles Berner, 556 Nottingham Drive, stated previously there was discussion about the Comcast pedestals. He read into the Record the letter he wrote to Mr. Lewis about his concerns with the Comcast pedestal installations. Mr. Berner stated Mr. Lewis sent him an e-mail with a copy to Mr. Ferguson and Mr. Truelove asking that a copy of the formal reply when completed be sent to Mr. Berner. Mr. Berner stated he has not received anything. Mr. Lewis stated Mr. Ferguson has been working on this issue with Mr. Truelove. Mr. Ferguson stated they have coordinated with Comcast and also met since the last meeting up to today with

staff and Mr. Truelove with regard to the Agreement of 2010, its enforcement, review, and implementation. Mr. Ferguson stated Comcast is going to be filling out an Application along with a mapping of where they intend to put the pedestals; and that is how this will be handled in the future when they do this. Mr. Ferguson stated part of the review included what was the purview of what the Township could review and enforce with the location of those pedestals, and what constituted safety concerns; and it was the conclusion that something that would impact mowing or having to trim around something would not constitute a safety concern. He stated the issues that would constitute a safety concern would be if it were near a fire hydrant or too close to a curb where it could be backed over by someone coming out of their driveway, and issues like that. He stated if it is something that looks “tacky or distasteful” or someone has to mow around, it would not constitute a safety concern and would be outside of the purview of the Agreement of 2010 for the Township to limit their ability to do that.

Mr. Berner stated he assumes that Comcast has not filed for Permits to install the pedestals that they are still doing. Mr. Ferguson stated they had not applied for Permits; and the current staff was not aware of the requirement until a resident came in regarding the 2010 Order. Mr. Berner stated the installations are still going on, and they are installing the pedestals, and Mr. Ferguson is saying that they are still without authorizations and Permits; and Mr. Ferguson agreed. He stated if Mr. Berner is aware of installations going on, he would like Mr. Berner to give him the specifics as Comcast was told to stop. He stated Comcast, like many utilities, is often guilty of saying they will do something; and their subs keep on going because that has not been communicated down. Mr. Ferguson stated he would be happy to notify the Comcast representative regarding the work continuing. Mr. Berner stated work is still proceeding all throughout Emerald Drive.

Mr. Berner stated with regard to safety, he has e-mailed a picture to Mr. Lewis showing that some of the pedestals are installed within 6” of the sidewalk itself. Mr. Ferguson stated what would help them move more expeditiously would be if Mr. Berner e-mailed pictures to himself or the Planning and Zoning Director, Jim Majewski. He stated the Supervisors have other jobs, and he asked that those e-mails be sent to him. He stated Mr. Kirk, the inspector, goes out to look into these issues for him. Mr. Ferguson stated he has seen the one that Mr. Berner is referring to; and in the Township’s opinion, they do not feel that would constitute a safety violation. He stated that is the opinion of the solicitor and the Planning and Zoning Director that is not a safety violation, although he is not saying it does not look “tacky.” Mr. Berner stated it is within 6” of the sidewalk, and Mr. Ferguson stated their interpretation is that is not a safety violation.

Mr. Zachary Rubin, 1661 Covington Road, stated what they are responding to are safety concerns which are in the Franchise Agreement Ordinance 357 206-6B4. He asked about Part A of 206-6 which says, "Equipment installed by the Grantee for use in the cable system shall be located so as to minimize the interference with the proper use of the public right-of-way and reasonable convenience of property owners who own property that adjoins any such public way." Mr. Rubin stated they have discussed mowing; and while that is not a safety issue, it is a convenience issue, and according to the Ordinance that should be enforced. Mr. Truelove stated the response would be what is "reasonable." Mr. Rubin stated he feels it is an inconvenience, and he is sure that Mr. Berner and other "reasonable" neighbors can also say that it is an inconvenience. Mr. Rubin asked why the convenience of the citizens does not count where they might break their lawnmowers or break the pedestals. Mr. Truelove stated it could be demonstrated that was a concern; however, based upon the photograph they were shown, it did not appear that particular pedestal would be any different than having them around some other apparatus that are frequently seen such as a standpipe, etc. that do appear from time to time in yards. Mr. Truelove stated every circumstance is different. Mr. Rubin stated he feels that this circumstance is specific because it is in the Ordinance. Mr. Truelove stated he is referring to the term "reasonable," and it may be that there is a circumstance where the location of the box may be unreasonable and inconvenient such that it should be relocated or removed. Mr. Rubin asked if Mr. Truelove is stating that a "Court of Equity" is the place to determine what is reasonable and not the Township of Lower Makefield. Mr. Truelove stated ultimately it could be. He stated Mr. Kirk is very able and knowledgeable about different locations, and he may be "as reasonable as anybody."

Mr. Ferguson stated notwithstanding the earlier comment that the installation is still going on which he is not disputing, one of the things that was discussed is that when the Township receives the map of where they propose to place these pedestals, if someone has a legitimate claim about its placement, Comcast has indicated they would do everything they can to work with the property owner to locate it in as convenient manner as possible. Mr. Ferguson stated the ability for the Township to veto it being in a location that Comcast deems necessary is outside the purview of what the Township can say no to.

Mr. Rubin stated the issue is not the location, and the issue is whether it is above grade or below grade.

Mr. David White, Gayle Drive, asked if they are anticipating any road closures at the Railroad crossings since CSX appears to be staging heavy equipment and pre-assembled track sections at the Stony Hill crossing. He stated he hopes they are going to replace those worn out crossings. Captain Lewis stated he did get

some information that they were working along the rails, but not necessarily at the crossings. He understands that they were stockpiling equipment, but he has not received any information about the crossings at this point. Mr. White stated if the road is going to be closed, he feels the Township should know ahead of time. Mr. Ferguson stated if they do get such notice, the Police would coordinate notification the way they usually do such as information on the Website and the TV channel; however, he has not received any such notice of that.

Mr. Matthew Bolger, 219 Taylorsville Road, asked if any Board members or representatives attended the event about the Airport's Environment Scoping last month. Dr. Weiss stated he will discuss that during his Supervisor Report. Mr. Bolger stated the window for public comment closes on November 15, and he asked if the Board or any of its representatives are going to enter anything into the Public Record. Mr. Bolger stated at the meeting the company doing the presentation stated they are required to answer any substantive comments that are submitted to them. Dr. Weiss stated the Committee has asked the Board to present questions to the Website, and we will do that at that time. Dr. Weiss asked if Mr. Bolger has any questions, and Mr. Bolger stated he would ask that if the Board does submit public comment that they make a point to include a request for a cumulative Environmental Impact Study. Mr. Bolger stated he attended the meeting and he and some of the other people there were trying to get the representatives there to speak about whether they were going to do any kind of environmental measurement, and what the point was at which they are measuring from. He stated he feels they should have a base line to know where they are measuring, and they were avoiding the question.

Mr. Lewis stated the Airport Review Committee met, and their Minutes indicated a series of questions that they wanted the Board to follow up on. He stated the EIS was one of them. Mr. Lewis stated they could send that to Mr. Bolger, and he feels if Mr. Bolger has additional ones that he wants the Board to include, that could be done. Mr. Bolger agreed to provide his e-mail address on the back of a written statement that Ms. Holly Bussey asked him to provide to the Board.

Ms. Sue Herman, representing Residents For Regional Traffic Solutions, Inc. asked if the Board intends to submit their written comments by the advertised deadline of November 15; and Mr. Lewis stated they indicated that they were providing questions for that. Ms. Herman stated she would like any residents who are concerned about this to do the same. She asked that the Board of Supervisors request a cumulative Environmental Impact Statement to include surrounding areas in New Jersey and Pennsylvania. She stated the Environmental Impact Statement should measure the cumulative effects of the improvements that the Airport has done incrementally over the past twenty plus years plus the improvements in the current Master Plan. She stated the Board of Supervisors

should also include a reference to footnote #3 on Page 2 in the FONSI Decision of February 23, 2006 where the FAA clearly states “The analysis of Build Alternative 2 revealed that alternative would likely cause sufficient noise impact that would require the preparation of an Environmental Impact Statement.” Ms. Herman stated it is vital now that the Elections are over that the Board of Supervisors pressure Senators Bob Casey and Pat Toomey, Congressman Fitzpatrick, Governor Wolf, Senator McIlhinney, Representative Warren, and the Boards and Councils from other effected Pennsylvania areas to submit written comments by the November 15 deadline. Ms. Herman asked how she could get a copy of the written comments that the Board submits so it can be shared with her membership. Mr. Lewis stated their plan is just to accept the comments and consolidate them. He stated one of the comments was on the list of questions they received from the Review Committee and in the Minutes, and they plan to send those comments to Urban Engineers. Mr. Lewis stated they could send Ms. Herman a copy when that is done.

Ms. Herman asked that the discussion of what transpired at the Airport Review Panel take place now since it is a very significant issue, and the public would be interested in hearing about it early in the meeting and not as an “after thought” at the end of the meeting. Mr. Lewis stated they could talk about it as part of Other Business if Ms. Herman feels that would be appropriate. Ms. Herman stated she hopes that the Board thinks it is appropriate to do it early in the meeting. Mr. Lewis stated Dr. Weiss is the Supervisor representative to the Trenton Mercer Review Committee, and he did not see an issue with providing that information as part as his Supervisor Report at that time as it is on the Agenda.

Ms. Herman asked Mr. Truelove if he feels it is okay to move that matter forward at this time or is there is a legal issue that prevents them from having an “environmental issue that could devastate our Township” talked about early in the meeting as opposed to being “buried in the Advisory Committee report.” Mr. Truelove stated that is at the Board’s discretion, and there is no legal issue. Ms. Herman asked that the Board members weigh in on whether they would be okay with the discussion of what transpired. Mr. Lewis asked Ms. Herman if she would rather ask the Chair that question since the Chair sets the Agenda. Ms. Herman stated she would like to ask each Supervisor whether they would be okay with this important issue being discussed early in the meeting and not toward the end of the meeting. She stated she would not like it to be only the Chair that she asks.

Ms. Herman asked Ms. Tyler if she would be okay with it being discussed earlier in the meeting, and Ms. Tyler stated it is at the discretion of the Chair how he wants to run the meeting. Ms. Herman asked Dr. Weiss if “he could be flexible” and allow it to be discussed earlier in the meeting, and Dr. Weiss stated the Agenda is strictly the privilege of the Chair, and he would defer to him. Ms. Herman asked Ms. Blundi if

she feels they should move this forward in the Agenda and allow the public to hear about it earlier. Ms. Blundi stated she is confused when Ms. Herman stated the public will not hear about it since it is “in the regular way that we handle things.” Ms. Herman stated that could possibly be 11 o’clock at night that it is discussed. Ms. Blundi stated while that could be right, there are other people present who want to discuss things that are important to them to; and there is a reason we have an Agenda. Ms. Blundi stated if the Chair is of a mind to move it, she would “not fight him on it;” but she does feel it is inappropriate to say that other things are not important or that we are “burying it” the way Ms. Herman used that term. Ms. Herman stated she is asking “to know the Review Panel’s take” on what they are asking the Board to submit as written comments; and she feels that is extremely significant information for the citizens to learn about, and she hopes that the Board is amenable to sharing that other than in the Report at the end. Ms. Herman asked Mr. Grenier asked what was his feeling, and Mr. Grenier stated he is comfortable discussing this issue “whenever;” but as noted by the other Supervisors, the Agenda is at the discretion of the Chair, and if Mr. Lewis wants to wait till later he is fine with that, and he is also fine with discussing it at any other time. Ms. Herman asked Mr. Lewis his feeling, and Mr. Lewis stated while he feels Ms. Herman has exceeded the three-minute time period, between the Solicitor’s Report and the Zoning Hearing Board matters if it is agreeable to Dr. Weiss, they can discuss the details of the Trenton Mercer Task Force at that time.

Mr. Ken Seda, 912 Weber Drive, stated with regard to the ongoing PECO “challenge” we have in the Township, he knows that there have been some informal conversations with various members of the Board, and that Mr. Grenier had some information about possibly filing a PUC Complaint. Mr. Seda stated he has not done so, and his trepidation is that he is not sure what it will accomplish because his issue goes beyond just himself. Mr. Seda stated he does not know what we have in terms of recourse. He stated he has been told that PECO has a 15’ easement to get into your yard to do what they have to do. He stated he has lost power many times, and he appreciates PECO trying to address the issue; however, they tore up his lawn and his neighbor’s lawn significantly; and also cut a wire of his neighbor across the street which caused significant damage to his driveway. Mr. Seda stated they have just removed the speed bumps that were in the Township for seven months. Mr. Seda stated he has now discovered that they are installing pedestals in his yard to mount above-surface transformers, and he knows that Mr. Lewis had one installed on his property as well. Mr. Seda stated they are unsightly and he did not have a choice as to where it was positioned. He stated he wants the neighborhood to have the power that they should, but he would like to know if there is a way they can address it other than putting a pallet sized transformer between his yard and his neighbor’s yard. He stated you are not supposed to plant around them so that there

is access. Mr. Seda asked if there is a way that the Township could address this with PECO. Mr. Seda stated they are putting them every 200 yards in their neighborhood. He stated he hopes that there is some alternative to putting this “massive unsightly box” on their property lines. He stated he does not know what this will do to the property value of his home, and he would not have bought his home had this box been there.

Mr. Lewis stated they need to know how close you are able to have plantings, since he may be in violation of that. He stated he did purchase the house with the pedestal in place and the plantings were there already.

Mr. Seda stated they could not find his gas line for two weeks and they had to take a piece of equipment into his yard, dig up his yard, and they left it like that for over two weeks. He asked that PECO be contacted about what can be planted around the box.

Mr. Grenier stated if they have done damage to his yard which has not been corrected, they could look into that. Mr. Seda stated they planted grass, and it has started to grow back. Mr. Grenier stated PECO is required to restore it; and if they did a bad job or caused other damage, there is recourse. Mr. Grenier stated if it is a neighborhood issue, he feels the Township should get PECO to deal with it and they should reach out to them. He stated in terms of what they are allowed to do, every neighborhood is different in terms of the easements, and the newer neighborhoods generally have a 10’ setback from the curb. He stated in other areas when they go behind the yard, it is a different type of Easement. Mr. Grenier stated his own neighborhood is an older neighborhood, and they claim they have an easement over all sixty-nine acres of the entire neighborhood. Mr. Grenier stated it is acceptable to call PECO and ask what they are doing; and if they continue to do things that are dangerous, unacceptable, tearing up multiple yards, and people are upset and PECO is not responding, the PUC does have a process complaints.

Mr. Seda stated he would like to leverage with the Township to interact with individuals at a higher level. Mr. Seda stated he does not want to deprive his neighbors of any sort of improvement to the power grid. Mr. Grenier asked if PECO provided any notice to any of the property owners ahead of time that these were going on, and Mr. Seda stated they did not. He stated they just showed up and spray painted lines, and then people were working in his yard. Mr. Grenier stated he feels it is “surprising” that they did not provide notice to the landowners that they were going to be doing something this intrusive. Mr. Seda stated there was no notification either about what the result was going to be. Mr. Grenier advised Mr. Seda to contact PECO and see if they respond. Mr. Seda asked if there is something the Board can do or if Mr. Ferguson could contact PECO to see if there is some alternative to what they are doing.

Mr. Lewis stated the PUC has an on-line form that would allow Mr. Seda to make a complaint. He stated he is not sure if there is something specific related to easements and pedestal issues. Mr. Lewis stated he feels the PUC would put reasonable pressure on PECO to be responsive. Mr. Seda stated he is happy to do that but would ask that he do it in tandem with the Township as well. Mr. Lewis asked Mr. Seda to provide the Township with a copy of what he sends the PUC. Mr. Grenier asked that they be provided with photos as well.

Mr. Bill Gerhauser, 915 Olsen, stated he was the individual who lost power as noted by Mr. Seda; and he did contact the PUC. He stated when you call the PUC, PECO calls you frequently; and he was told two weeks ago after he filed the complaint that all the work was going to be done including having the new three foot by three foot box by November 5. He reviewed what has been done, but noted the transformers are not in. Mr. Gerhauser stated it is worthwhile to contact the PUC, and he feels having the Township's leverage may help get things done quicker.

#### APPROVAL OF MINUTES OF OCTOBER 17, 2018

Ms. Tyler moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of October 17, 2018 as written.

#### ENGINEER'S REPORT

Mr. Pockl stated all roads have been paved, and the contractor is completing the crosswalk at Schuyler Drive and Quincy Road. He stated the contractor is working on addressing punch list items including damage to certain private properties, paving deficiencies on Oxford Valley Road, and Hunt Drive. He stated they failed to install the raised reflectors on Oxford Valley Road, and they need to complete that. He stated they have some additional incomplete work on Makefield Road.

Mr. Pockl stated with regard to the Woodside Road bike path, they have completed the revised lay out of the bike path; and they are planning on incorporating that Exhibit in with a Grant Application to the DVRPC which is due by December 14.

Mr. Pockl stated with regard to the Dog Park, they have issued a draft letter of the Contract close out requirements to the Township Conflict solicitor on October 26. He stated they are reviewing the revised landscape plan for the planting of trees within the Dog Park, and they had sent their comments to Ms. Tierney at Park & Rec on Friday of last week.

Mr. Pockl stated with regard to the Satterthwaite House, they hosted the open house with several remediation contractors on November 1. He stated they expect estimates to be submitted early next week; however he feels it is important to note that of the three contractors who actually walked through the Satterthwaite House, none of them indicated any significant work would be needed to stabilize the house while they were completing their remediation work. Mr. Pockl stated he feels that the estimate that he had provided recently would stand.

Mr. Pockl stated with regard to the Township storm sewer system, they have developed the mapping; and they are working to add the most recent developments that have occurred within the Township, and they are adding the inlets, the basins, and the outfalls to that map. He stated they anticipate submitting to DEP before the next Board of Supervisors meeting.

Mr. Pockl stated with regard to Planning Projects, they have completed their escrow requirement letter for on-site improvements with regard to the Caddis Healthcare project; and they issued this to the Township along with the estimate for the off-site improvements for the reconstruction of Dobry Road. Mr. Pockl stated they are currently reviewing a Preliminary Plan for the Octagon Center which is on the Agenda for the Planning Commission for Monday night. He stated this is in lieu of the Dunkin' Donuts and is being replaced with an office building.

Mr. Pockl stated with regard to Construction Projects, they were initially ready to move on Dedication of Brookshire Estates, Phase III, the Troilo Tract; however, the Homeowners Association has expressed additional concerns so they are meeting with the Homeowners Association tomorrow to discuss those concerns. Mr. Pockl stated with regard to the Oakmont Development, they are waiting for As-Built information for the drainage swales that are located between the sidewalk and the roadway. He stated they understand that the developer has been surveying those and will be submitting the As-Built information and the grades to his office for review. Mr. Pockl stated with regard to Scammell's Corner, work has begun on converting all the stormwater management basins and rain gardens to a permanent system. He stated they met with the property owners of Lot #1 to address some concerns with regard to work being done on the property for a rain garden. Mr. Pockl stated with regard to Freeman's Farm, they received notification that Toll Bros. has completed their on-Lot improvements in accordance with the punch list that he had issued. He stated he completed an inspection on November 2, and they are waiting on several tree installations which Toll Bros. indicated would take place this week; and once they have completed the installation of the trees, Toll Bros. will send his office a photograph and he can then issue a letter stating that Toll Bros. was released from any further obligation. He stated the developer, Erin Development, is also planting some trees, and that would provide close out for that development.

Mr. Ferguson asked if the DVRPC Grant requires a Township Resolution for submission, and Mr. Pockl stated he believes that they need a Resolution that they are prepared to commit certain amounts of funding. Mr. Ferguson stated that would then have to appear in the 2019 Budget, and Mr. Pockl agreed. Mr. Ferguson asked what the Township's match would be, and Mr. Pockl stated he believes that it is 30%. He stated if their estimate was \$600,000, that would be a \$180,000 match. Mr. Ferguson stated if we pass that Resolution prior to passing the Preliminary Budget, they would have to change the 2019 Budget to include a \$180,000 match for the bike path.

Mr. Grenier asked if the repaving work that PA American Water and PennDOT was doing on Taylorsville has been completed. Mr. Ferguson stated he does not have an update on that. Mr. Grenier stated during that process as well as the bridge work they were using the Maplevale neighborhood for staging, and the northern section has been "completely chewed up." He asked if there has been any discussion with those groups to see if they would take responsibility and fix that section. Mr. Ferguson agreed to reach out to them.

## 2019 BUDGET DISCUSSION

Mr. Ferguson stated if the Board intends to add the \$180,000 match, they need to do it by the Preliminary Budget; and they would not have the ability to change that between the Preliminary and Final Budget without re-advertising the entire Budget. Mr. Lewis asked when they would know whether or not we were receiving the Grant. Mr. Ferguson stated it has nothing to do with receiving the Grant, rather in order to apply, you have to show that you have budgeted for the match in order for it to be received; and Mr. Pockl agreed. Mr. Lewis asked if the award of the Grant would be in 2019, and Mr. Pockl stated it would be spring, 2019. Mr. Ferguson stated regardless of the when the funding is received, you must show that you have budgeted for it. Mr. Lewis stated if it were later in 2019, they would not necessarily budget the whole amount; however, Mr. Ferguson stated from a proper accounting standpoint, you would need to budget the entire amount, and you cannot split it.

Mr. Grenier asked Mr. Ferguson where they could find this money, and Mr. Ferguson stated it would be from wherever the Boards wants to cut or they could take it from the General Fund.

#### MORRISVILLE MUNICIPAL AUTHORITY DISCUSSION

Mr. Ferguson stated the 2016 reconciliation was completed, and we provided our analysis which Morrisville did not disagree with so 2016 is resolved.. He stated the 2017 reconciliation has not occurred. He stated we have received no update on any Capital items for 2019. Mr. Grenier stated Morrisville is supposed to provide that by November 1.

Mr. Lewis moved and Mr. Grenier seconded that the Solicitor write the Executive Director of the Morrisville Municipal Authority informing them that they are out of compliance with the Contract.

Ms. Tyler stated she feels that the Township Manager is competent to do this. She asked Mr. Ferguson if he feels it is necessary to have the Solicitor write this. Mr. Ferguson stated Morrisville does not respond much to the Public Works Director, the Sewer engineer, or himself. Ms. Tyler stated she would therefore be in favor of the Motion.

Motion carried unanimously.

#### MANAGER'S DISCUSSION OF THE WARRANT LIST, PAYROLL, AND INTERFUND TRANSFERS

Mr. Ferguson stated at the next meeting the Board will be seeing the Warrant List differently along with Payroll and Inter-Fund transfers that take place periodically some Budgeted for and some unanticipated. He provided the Board the framework for that this evening. Mr. Ferguson stated it is an expanded version of the bills list that will show not only an aggregate but also how it is divided out, and it will also show the transfers. Mr. Ferguson recommended that they enter this into the Record and make a Motion to transfer the Inter-Fund transfers as outlined with the total being read. He stated on a normal basis there will probably only be three or four of these presented a month as the Inter-Fund transfers tend to be related to Payroll, Pension, and 401A contributions, that they would list as Budgeted items; and if there were items that fell outside of the Budget because something unanticipated happened, you would see it there and have the ability to ask what it was and the nature of the transfer. He stated the Board would approve this, and it would be presented to the Auditors along with Budgeted transfers.

Mr. Ferguson also provided one copy of the Revenue side. He stated also starting the second meeting in November there will be a Treasurer's Report which would be effective as of the 30<sup>th</sup> of the previous month; and they will see the year-to-date on Revenues and Expenditures. He stated he will also be providing an attachment to

this probably at the same meeting that will show the major Revenues on a year-to-date basis with the previous years' year-to-date as a point of comparison so the Board can judge Transfer Taxes, collections, etc.

Mr. Lewis asked from a disclosure perspective, should that be part of the Minutes as an attachment. Mr. Ferguson stated he feels the intent will be to put the monthly Treasurer's Report on line and have it available publicly. He stated the Warrant list would be the same way along with the Transfers, and he feels the format should be either a direct entry into the Minutes as a matter of Record or another means by which the public could see it on a month to month basis.

#### QUESTIONS FOR THE MANAGER

Mr. Grenier asked Mr. Ferguson to provide an update on the Comprehensive Master Plan. Mr. Ferguson stated most of the maps are updated, and discussions have taken place with Mr. Stone about those updates. Mr. Ferguson stated he anticipates the final full submission will take place by Friday, and Mr. Stone is aware of that. Mr. Grenier asked where that puts the Board in terms of considering it. Mr. Ferguson stated he believes it will still have to go to the Bucks County Planning Commission once Mr. Stone has it. Mr. Ferguson stated it will then come back to the Board although he does not have the deadlines and dates at this time. Mr. Ferguson stated they will get recommendations and/or an endorsement back from the Bucks County Planning Commission that would be part of the Record. He stated there would then be Public Hearings, and they would need to advertise the schedule. Mr. Grenier asked since it is such a large document, would the Board be getting anything at this time so that they can start studying it; and Mr. Ferguson stated he could do that.

Mr. Grenier stated he knows that Mr. Ferguson has been considering personnel policy updates which the Township did not previously have, and he asked about a schedule as to when the Board would start to see some of these policies. Mr. Ferguson stated while he does not have a schedule at this point, they have a preliminary sexual harassment policy that was drafted by an attorney from Hill Wallack. He stated he plans to have this be an administratively inclusive policy, and he will not just have Department Heads involved; and he wants to have mid-level staff people reviewing it as well and give them a chance to have input. Mr. Ferguson stated he will then bring it to the Board for discussion, edits, etc. He stated at the start of the year they will also consider a disciplinary policy, drug and alcohol policy, and a variety of things that would constitute a personnel policies and procedures manual. He stated one of the initiatives for 2019 is to have that completed. He stated as they do each of the individual policies, he

will present them to the Board. Mr. Ferguson stated the first one is the sexual harassment policy and he has already arranged for a trainer to come in so that the staff not only acknowledges receipt of the policy but also has the training necessary to understand the implications.

Ms. Tyler asked that Mr. Ferguson provide the Board updated numbers for the Transfer Tax before they consider the final Preliminary Budget. Mr. Ferguson stated leading into the Preliminary Budget which will presumably be the next meeting, his plan is to update as much as he can the year-to-date numbers and how they may effect year end totals. He stated one of those items is the Transfer Tax, and there is an individual from the County that sends him a preliminary report before the official quarterly report is issued. He stated in the Budget that was previously presented, he had a year end projection of \$1,469,000. He stated with the Transfer Tax that he received notice of today, the year to date now is approximately \$1,496,000 so that is already about \$27,000 ahead of the year end projection. He stated his plan is to look at the last couple of years and average that out. He stated typically October, November, and December tend to be at 90% of the collection that you see during the busier months. He stated the plan is to blend those for two years and get 90% of the average and add that to the year end number.

Ms. Tyler stated they had asked the Township solicitor to send a letter to MMA about being out of compliance. Ms. Tyler asked Mr. Truelove what recourse we have since MMA is out of compliance. Mr. Truelove stated he will have to see what the terms are for that, adding there is probably some provision that says a breach of one is not a breach of the whole, but he will look into that.

Mr. Grenier stated they also have an Agreement with Yardley Borough about when they are to give Lower Makefield information about their process, and he believes they are supposed to provide that by August 1, and he does not believe we have seen anything from them yet; and Mr. Ferguson agreed. Mr. Grenier stated we know that there are projects coming up, specifically a large project that is in the Bond Fund. Mr. Ferguson stated an overview did come from Gilmore that has targets as far as work being done; however, over the years the scope has changed.

Mr. Ferguson stated he feels there should be a Plan with a design later this year that would go out for Bid although he does not know if that is reasonable at this point. He stated Lower Makefield is accounting for it in the 2019 Budget in the amount of \$3.4 million in the Bond Fund. Mr. Ferguson stated the last time that project was priced out about two years ago our portion would have been \$2.9 million, and he feels it is reasonable to suggest that we have \$3.4 million to \$3.5 million in the Budget. He stated if it would be more than that, going into late 2019 or 2020, there is a certain amount of additional revenue we have from Sewer Revenues although using that may preclude another Capital project from going forward.

Mr. Grenier stated related to that, every couple of weeks he has to sign checks for \$10,000 to \$12,000 to Gilmore; and they do not really have a scope to judge it against. Mr. Ferguson stated they did send him the Agreement that was done several years ago committing the Township to the amount, and there are some amounts in there. Mr. Ferguson stated he does not have a “seat at the table;” adding that he has never had the situation where there is not a Township representative sitting at the table where we are responsible for so much of the bill. Mr. Grenier stated they have not provided the Township the information by August 1. Mr. Grenier asked that the Township solicitor look into getting a “seat at the table,” and Mr. Truelove stated he will look at the Agreement to explore options.

Ms. Tyler asked if Mr. Ferguson could not just ask Yardley Borough to advise him when they are having their meeting, and they could then have someone from the Township attend so that we can get a better pulse as to what is going on. Mr. Truelove stated the meetings are open to the public so they could not exclude anyone. Mr. Grenier stated he would be happy to join Mr. Ferguson at those meetings.

Mr. Pockl stated with regard to the trail and the DVRPC Grant, the Township’s requirement is actually a 20% match and not 30%; and while notification of the funding being encumbered is not a requirement, it would help our chances in obtaining the Grant.

Mr. Lewis advised that the Township received notification from DEP that our 537 Plan Update has been issued and approved.

A gentleman from the audience asked if there is a time when the Budget is going to be reviewed with the residents of the area. Mr. Lewis advised that there was a Budget meeting on October 30 that was open to the public and was also televised. Ms. Tyler asked that the gentleman identify himself, and he identified himself as Mr. Tom Will, 389 Trend Road. Mr. Will stated he has a lot of questions, and he felt there was going to be a presentation of the Budget which would probably answer 95% of his questions. Mr. Ferguson stated he spoke for two and a half hours on October 30. Mr. Will stated he did not know there was a meeting then, but he saw that “Budget Discussion” was on this evening’s Agenda. Mr. Ferguson stated the process was different this year, and he did it so that there would be more public participation. He stated he presented a Manager’s Recommended Budget, and he wanted the Board to have as much time to contemplate it before they were voting on the Preliminary Budget. He stated once the Board votes on a Preliminary Budget it sets the limits on the level of changes that they can make. Mr. Ferguson stated he asked Mr. Lewis to place on this evening’s Agenda discussion of any Budget items the Board or others would like to have, but it was not to re-present the Budget in its entirety; but to follow up on the presentation that was made on October 30.

Mr. Ferguson stated at the next meeting which will be November 21, they will have before the Board the presentation to pass a Preliminary Budget; and they can go over things again. He stated the Final Budget is tentatively set to be approved as the Final Budget at the second meeting in December.

Mr. Will asked if the public was present at the meeting on October 30, and it was noted that there were members of the public present. Ms. Blundi stated it is also on line. Mr. Ferguson stated the Budget is on line as well as some updates that he has done since the meeting on October 30. He also noted that the meeting of October 30 was televised and is available on the Website as well. Mr. Ferguson stated if the Chairman feels Mr. Will should be given the time to ask questions this evening, Mr. Ferguson stated he is happy to answer whatever he can. Mr. Will stated he does not want to take all that time at this meeting for that, but he was under the impression that there would be a presentation this evening and questions would come out of that. He stated he feels “starting from zero, there would be way too many questions to address in this public forum.”

Mr. Zachary Rubin, 1661 Covington Road, stated with regard to the Budget he saw in the Special Projects Fund a transfer from the Regency Bridge Fund of \$190,000. Mr. Ferguson stated that is incorrect. He stated that was listed in the 2018 Budget, but he did not authorize that transfer to take place. Mr. Rubin stated it is not taking place, and Mr. Rubin agreed. Mr. Ferguson stated since there are three new Board members, for their information, he has added for the first time the Regency Fund that will show how much money is in that Fund and also a description of the parameters that the Board may use that money for. He stated that is a new Fund listed. Mr. Rubin stated he appreciates that since in 2018 it was budgeted zero.

Mr. Rubin stated at Regency every time a Certificate of Occupancy is issued, the Township gets close to \$1,700; and that was not included in the 2018 Budget, although he noted it is included in the 2019 Budget which he appreciates. Mr. Ferguson stated the 2019 Budget only shows the Revenue with no contemplation of spending anything because in the end there are specific things that they can spend money on at the Board’s discretion as long as it is within the confines of the legal descriptions. Mr. Ferguson stated Page 49 of the Budget gives what that description is so it is public. Mr. Rubin stated he understands that recently there have been some discussions with the Township and the Residents Against Matrix about the future expenditures; and Mr. Ferguson stated there were meetings about other items associated with that development where in passing that money was discussed, but there was nothing discussed specifically about the use of the money. Mr. Rubin stated there will be ongoing discussions about the five acres of open space, etc. which are related to the fund.

Mr. Ferguson read from the Agreement as follows: “As part of the Matrix Settlement Agreement all funds in this Account must be utilized for open space and/or infrastructure improvements in the area bounded by the south side of the Railroad and west of Stony Hill Road.”

Mr. Rubin stated in the Budget it states that the leaf assessment Revenues will be \$648,250; but under Expenditures it states that the total leaf collection is \$402,088. He asked what the discrepancy of the \$246,000 is. Mr. Ferguson stated that discrepancy has been ongoing for quite some time so they priced that program on what they believe it would cost for full capacity. He stated if he were asked where the difference would go, he stated at least for now in the framework he has, that difference would be in contemplation of the future need of Capital Improvements associated with that program as we go forward. Mr. Rubin stated he assumes that would be a grinder, etc.; and Mr. Ferguson agreed.

#### SOLICITOR’S REPORT

Mr. Truelove stated that the Board met in Executive Session beginning at 6:30 p.m. and items of litigation, Real Estate, personnel, and informational items were discussed.

Mr. Truelove stated his office and attorneys worked on drafting Ordinances and Resolutions, attended meetings of the Planning Commission and Sewer Authority and the Board of Supervisors. He stated they also dealt with litigation issues, attended staff meetings regarding personnel, Sandy Run and other matters. He stated they also reviewed Applications for Land Development as well as Zoning Appeals and other matters related to same. He stated they sent out the appropriate and necessary correspondence, reviewed and advised on Zoning Hearing Board Appeals, and communicated with administration and the Board of Supervisors.

#### DISCUSSION OF RESOLUTION NO. 2378 AUTHORIZING SOLICITOR TO TAKE ALL NECESSARY AND APPROPRIATE ACTION ON BOXWOOD FARMS’ PERFORMANCE BOND

Mr. Truelove stated they were prepared, as was the staff, to recommend to the Board of Supervisors tonight to proceed and take all necessary and appropriate action on the Boxwood Farms Performance Bond. Mr. Truelove stated Boxwood Farms is a development that has been around for ten to fifteen years located off of Oxford Valley Road not too far from where Heacock meets it. He stated for several years, there were promises made by the developer to finish paving, projects, and other things to bring it into compliance with the Township standards. Mr. Truelove

stated Mr. Majewski has been very diligent in contacting the developer who made numerous promises that he would get things done; however, he did not. Mr. Truelove stated this Resolution was prepared, and the developer was advised; however, the developer then indicated that he had contacted a paving company to pave the road in the next two weeks. Mr. Truelove stated the staff confirmed with the paving company that they are scheduled to pave the primary street in a few weeks and will complete some other jobs over the next one and a half weeks.

Mr. Truelove stated therefore the recommendation tonight is to defer this to the next meeting so that they can provide verification on that information and follow up; and if it has not been done at that time, they would then recommend following through with the Resolution at that time.

Mr. Lewis stated the Board feels comfortable deferring.

#### ADOPTION OF ORDINANCE NO. 415 INTERNATIONAL PROPERTY MAINTENANCE CODE

Mr. Truelove stated this matter has been before the Board several times. He stated this was initiated primarily by Mr. Majewski and his office and others who were working on this. He stated this update was necessary for the staff to have the ability to go forward and enforce property maintenance issues in a way that meets the standards of the time. Mr. Truelove stated there was previously a question as to whether or not issues with regard to the Grease Trap Section should be removed, and he feels whatever is in there could be coordinated with any proposed Grease Trap Ordinance which he understands is still being deferred because of other issues. Mr. Truelove stated his recommendation would be to adopt the International Property Maintenance Code tonight under the recommendation of the staff.

Dr. Weiss moved and Mr. Lewis seconded to approve Ordinance No. 415 adopting the International Property Maintenance Code.

Mr. Grenier stated with regard to the Grease Trap Ordinance, he would like to make this as clean as possible. He stated he is in favor of the Ordinance “in all its parts.” He stated with regard to the Grease Trap Ordinance, he is the Sewer Authority Liaison, and they were initially told that they would be getting a draft of the Grease Trap Ordinance in July but were not told until October 22 that it was “ready to go.” He stated just this week they finally have something to look at so there is a draft, and he would prefer to hold off another meeting so that it can be inserted. Mr. Grenier stated he is disappointed about the fact that it has taken this long.

Mr. Ferguson stated if that is the desire of the Board in re-tabling it and adding something new, they would have to re-advertise with that being included since that has not been a matter of public advertisement. Mr. Grenier stated that is the reason he voted not to advertise at the last meeting. Mr. Ferguson stated “in the end it is a wash,” because if they do the Grease Trap Ordinance separately, you still have to advertise it whether you do it alone or in an expanded Property Maintenance Ordinance.

Mr. Truelove stated the Motion would then be a Motion to Table if that is the pleasure of the Board.

Mr. Ferguson stated with respect to Mr. Grenier’s comments, he does not disagree that the Grease Trap Ordinance is something they want to do; however, if they pass this Ordinance tonight, it allows the staff to begin property maintenance issues now if there are issues out there. He stated he understands that it is the desire of the staff to proceed since there were things they wanted to pursue but did not have the tools to do it, and that they would like to be able to move sooner with the Property Maintenance Code rather than later. Mr. Grenier stated he would like to be able to do that, but he is disappointed in the fact that they do not have the Grease Trap Ordinance included today after approximately six months. Mr. Ferguson stated he does not disagree with that.

Mr. Grenier moved and Ms. Blundi seconded to Table. Motion did not carry as Ms. Blundi and Mr. Grenier were in favor of the Motion to Table, and Mr. Lewis, Ms. Tyler, and Dr. Weiss were opposed.

Mr. Truelove stated since the Motion to Table failed, they are back to the original Motion which is to Adopt the International Property Maintenance Code as advertised.

Dr. Weiss asked Mr. Grenier if he had indicated that the Board would have the Grease Trap Ordinance at their next meeting. Mr. Grenier stated he was provided a draft earlier in the week, and there is a meeting between the solicitor and staff either the end of this week or the beginning of next week where they are supposed to work out any details. Dr. Weiss asked if the Board will have something to look at before their next meeting. Mr. Ferguson stated the goal would be to have something to the Board as a draft that they could discuss. Mr. Grenier stated he did not want to have had to push this off this long.

Dr. Weiss moved to postpone.

Mr. Truelove stated as a matter of Ordinance drafting, he understands Ms. Kirk is working on the Ordinance now that it has been received although he has not seen it himself. Mr. Truelove stated any Ordinance would have a severability clause in it.

Dr. Weiss asked if they would be at risk of passing this Ordinance and then having another Ordinance. Mr. Ferguson stated with any Ordinance that is passed, there is a provision regarding another Ordinance superseding it legally. Dr. Weiss asked if there is anything on the books today that would no longer be valid if we pass this Ordinance regarding the grease traps, and Mr. Ferguson stated he does not believe so. Mr. Ferguson stated they would not be taking any requirements they have and getting rid of them by passing this Property Maintenance Ordinance.

Ms. Tyler stated she does not see any harm in moving the Property Maintenance Ordinance forward; but she does see harm in not moving it forward as they would be losing their advertising costs. She stated the grease trap portion could fit in later. Ms. Tyler stated in this way the Township staff can start moving forward on these standards. She stated they can then move forward separately on the grease traps. She stated she agrees with Mr. Grenier that it would have been better to have them “married;” but in order to proceed the way Mr. Grenier wants to proceed, there are going to be additional costs for the Township and for the solicitor. She stated in discussions with the Zoning Director, he feels that this is the right thing to do to get moving on this.

Ms. Blundi stated she does not feel that there will be additional costs since either way they have to publish the Grease Trap Ordinance. She stated she feels if they are going to address something, and they know that a piece is missing, they should be consistent with the process where they do it all at once. She stated they could start now, and then amend it in three or four weeks. She stated she does not understand why they cannot do things in an organized fashion.

Mr. Truelove stated if they do decide to defer it and re-advertise it, they should have it deferred to a specific date and that would require anyone drafting the Ordinance to make sure they have something ready to be considered by the Board whatever that date is. Dr. Grenier stated he feels that is the main reason which is to force them to do what they stated they were going to back in July. Mr. Lewis asked who is “they” are, and Mr. Grenier stated it is the Sewer engineer and the solicitor who is reviewing it and commenting on it. Mr. Grenier stated he wants to make sure that they deliver what they expressly said in the Sewer Authority Minutes that was as early as July 23 and that was not delivered. Mr. Lewis stated that should not impede what the staff has done with the solicitor. He added that while these are related policy items, he does not feel that they should “bottle up one” and incur additional costs for publishing. Mr. Grenier stated they would not incur additional costs since they could publish at the same time. Mr. Lewis stated if the Sewer engineer has

been late with this for some time, that is a separate issue and it is one that should be brought up with the Sewer engineer as opposed to putting our staff at a disadvantage as it relates to enforcing property maintenance issues in the Township. Mr. Lewis stated he does not necessarily see, nor has the staff seen, a need for these issues to be “married or sequenced” as Mr. Grenier has suggested.

Motion to approve Ordinance No. 415 carried with Mr. Lewis, Ms. Tyler, and Dr. Weiss in favor, Mr. Grenier opposed and Ms. Blundi abstaining.

#### AUTHORIZE ADVERTISING ORDINANCE ADDRESSING VACANT PROPERTIES

Mr. Truelove stated they have discussed the Vacant Properties Ordinance also known as the Blight Ordinance, and it is now ready to be considered for advertising. He stated there were some questions about the coordination between the Historic District provisions and the proposed Blight Ordinance; and their research would indicate that they can co-exist, and while there may some times when there is potential conflict, it would normally be resolved in the investigation application process. He stated what may be blight in a non-historic building may not be blight in a historic building under certain circumstance; and the staff and HARB or any other group that would have oversight could coordinate.

Mr. Truelove stated the origin of the Blight Ordinance came from State Law, and there is authorization for it at the local level. He stated the Township has come to this point since over the years from time to time we have had primarily residences that have either become vacant through some unfortunate financial circumstance or some other reason or sometimes they are just not being maintained properly; and there are limited weapons at the Township’s disposal to try to get the properties in a proper condition so that they do not cause any type of issues for the neighbors in terms of safety, vermin, or just general disrepair that could effect the character and quality of the neighborhood. He stated a Blight Ordinance which is authorized by State Law does allow the Township to have more “teeth” in doing this, and there are provisions included which give the property owners the right to take various steps to mitigate the issue and take measures that can assist in keeping the Township from having to go to the most ultimate step.

Mr. Truelove stated the Board has discussed it, and the public has had the opportunity to review it; and the recommendation is to advertise it.

Mr. Grenier moved and Mr. Lewis seconded to advertise the Ordinance addressing vacant properties.

Mr. Grenier asked about removing the Section which has a “get out of jail card,” if they put the property up for sale. He would like that removed so that it puts pressure on the property owners. Mr. Truelove stated this was previously discussed; and if it is a “sham sell” the staff would be empowered to check the listing, etc. He stated he feels there are ways they can work on this, and the Board could remove that Section if they desire. Mr. Truelove stated while it is authorized under State Law, it does not mean that it has to be in there.

Mr. Grenier stated he would like to Amend his Motion to remove that Section, and Mr. Truelove stated he needs to find that Section.

Ms. Tyler stated they should have a clean copy of the Ordinance before they Move to advertise, and Mr. Lewis agreed.

Mr. Lewis stated the staff does not have this tool now, and this is a tool that would enable them to use State Law to force people to address vacant and blighted properties. Mr. Grenier stated he feels it is a great tool which he is glad they are discussing; however, he feels a “savvy landowner” could very easily circumvent a lot of this by placing the property up for sale. He added that if we take that ability away, it forces them to deal with the issues. He stated that is the only issue he has with the Ordinance. Mr. Lewis stated he feels from a policy perspective, Mr. Grenier has brought up a reasonable concern; however the challenge is that there are property owner rights, and there are situations where the property owner can legitimately put something up for sale, and may have a buyer, and should not necessarily be subject to penalty. Mr. Grenier stated if they fall under this program and a lien is put on the property, if it is sold as part of the Agreement of Sale, they would have to address the lien. He stated he does not feel that would take away anyone’s property rights.

Ms. Tyler asked Mr. Truelove about the sale issue, and Mr. Truelove stated it would defer any kind of action by the Township from taking further remediation steps if the owner is actually trying to sell the property and it is a bona fide attempt to sell the property. He stated he believes that Mr. Grenier’s concern is that some people in order to defer any action, would put a For Sale sign up and use that as a weapon to delay any further action by the Township. Ms. Tyler asked if our staff does not have discretion as to the issuance of fines, and it could be handled in-house. She stated while she recognizes Mr. Grenier’s concern, whether they are fined or not would be up to the staff. She stated perhaps they could change the language to something that would indicate that there is a signed Contract of sale or something

that shows an affirmative step forward. Mr. Lewis stated there is included a definition of what “put up for sale” is. Mr. Truelove stated Ms. Blundi has indicated that it is under Section 152-11 and he read the section into the Record. He stated there are different milestones, and if one of them is met, it would constitute an objective measure that they are actually marketing the property.

Ms. Tyler asked if they should remove it all together if the staff has discretion, and she asked why we would offer an “out.” Mr. Grenier stated that is what he was indicating. Mr. Truelove stated they could authorize advertisement with that Section removed.

Mr. Jim Majewski stated under Section 152-12 there is a sentence regarding the “owner not actively marketing” which should also be removed.

Mr. Grenier asked Mr. Majewski his feelings about removing the items they are discussing, and Mr. Majewski stated the staff does have discretion; and if someone is working with them and progressing toward making their property compliant, they can give them some leeway. He stated while it would be nice to have the extra pressure included, it is not critical. Dr. Weiss stated he feels that if they remove the clause and let the staff have discretion that would be his goal.

Mr. Truelove stated he understands that the Motion would be to authorize advertisement of the proposed Ordinance with the exception of removing under Section 152-11 the definition for “actively marketing” and references to “actively marketing” under Section 152-12 Sub-Section A.

Mr. Grenier withdrew his Motion.

Mr. Grenier moved and Ms. Blundi seconded to Amend the Ordinance as provided under Section 152-11 to remove the definition of “actively marketing” and remove the language in Section 152-12 A and B that is reflecting “actively marketing” for advertising purposes.

Mr. Lewis asked assuming the Amendment passes, are there are other Amendments planned; and there were none noted by the other Supervisors.

Mr. Lewis stated this seems like a relatively narrow Amendment; and if it is passed tonight they could publish and will have given people enough notice to talk about it. He stated he feels that if they feel there may be additional Amendments, it might be better for the public that the Board accept all the Motions and not immediately publish and then have another discussion.

Mr. Truelove stated they also need to authorize to advertise for a date specific.

Motion to approve the Amendment carried unanimously.

Dr. Weiss moved Mr. Grenier seconded and it was unanimously carried to advertise the Ordinance addressing vacant properties as Amended for the first December meeting.

#### TRENTON MERCER REVIEW PANEL REPORT

Mr. Lewis stated as requested by a member of the public, he offered the opportunity to move up Dr. Weiss' Trenton Mercer Review Panel Report as a separate Agenda item prior to Agenda item X.

Dr. Weiss stated the Airport Review Panel met on October 25 and requested that the Board present to Urban Engineers by letter and electronic means through their Website for comments a series of questions which he would Move, with the consensus of the Board, that our appropriate Township personnel write it up and make the necessary documents available to Urban Engineers on their Website. Dr. Weiss stated the Board should have a copy of Panel's meeting Minutes from October 25 which includes the series of questions. He stated the series of questions includes statements by BRRAM and RRTS. He stated unless there is an objection, he would direct the appropriate Township personnel "to make that happen."

Mr. Lewis stated he would second the Motion.

Mr. Grenier stated this is based off the comments that came out of the Meeting Minutes from the Advisory Board. He stated his main question is the issue of segmentation versus cumulative impact, and he feels they should add a question or a comment about addressing historic segmentation issues. Dr. Weiss stated he felt that was in the Minutes; however, Mr. Grenier stated he does not believe that was listed specifically. He stated he wants to make sure that "segmentation is called out."

Dr. Weiss stated he does not feel there would be any disagreement with the Panel to add questions or to clarify any items. Mr. Grenier stated he want to make sure they format the letter and e-mail to make sure they get it into the system appropriately to force them to answer these questions and address the issues. He stated if any language needs to be "tweaked" from a professional perspective, they should make sure that is done. Dr. Weiss stated he feels they can have it ready Monday or Tuesday so that they can meet the deadline.

Ms. Blundi asked if Mr. Ferguson and his staff could address these or do they need to include Mr. Truelove. Ms. Tyler suggested that Mr. Grenier draft the question that he wants to add to the letter. Mr. Grenier stated he would agree to do that. Mr. Ferguson stated if there is anything that needs to be formatted, they can handle that. He stated he would then circulate it back to make sure it is reflective of the way the Board wants it presented. Mr. Grenier asked if there is a window of time to accept questions and comments. Dr. Weiss stated the list is comprehensive, and they have something from RRTS. Dr. Truelove stated when it is submitted, they can ask to incorporate the comments and questions submitted by all other parties. Mr. Grenier asked Mr. Truelove if there is specific language he would recommend, and Mr. Truelove agreed to help with that.

Mr. Lewis asked if the Motion should be Amended to say “any additional questions as provided by others.”

Dr. Weiss stated there is a hard deadline, and anyone that participated in the last Panel meeting had the opportunity to comment. He stated any suggestions or questions not listed in the Minutes, which they can put on the Website, could be added. Mr. Grenier stated everyone has the opportunity to comment themselves as well. Dr. Weiss stated he feels it would be good for the community that we act as a Board and ask these questions.

Mr. Grenier stated he is willing to draft the letter.

Ms. Sue Herman, Residents for Regional Traffic Solution, Inc., asked that the Board ask Mr. Truelove for guidance on how to make the letter as tight as possible. She stated previous Boards have had great difficulty getting responses from Mercer County and Urban Engineers.

Mr. Lewis read from the Trenton Mercer Airport Environmental Assessment comment sheet as follows: “Your input and participation in this process is very important. Please use the space below to provide comments on the aspect of the Airport Environment Assessment. When finished please place your sheet in the comment box below. If you need more time, you may write your comments at home and return them at the address below. All comments must be postmarked or e-mailed by November 15, 2018.” Mr. Lewis stated it goes to TTN Terminal EA c/o Urban Engineers at 530 Walnut Street, 7<sup>th</sup> Floor, Philadelphia, Pennsylvania 19106 Attention: Environmental Assessment or by e-mail. Mr. Lewis stated the intent of the Board is that they would provide both an e-mail and a letter. Ms. Tyler stated they should send it First Class Mail and Certified Mail/Return Receipt Requested.

Motion carried unanimously.

## ZONING HEARING BOARD MATTERS

With regard to the Jim Waitkus of Waitkus Design Variance request for David and Tara Friedman, owners of property at 2210 Yardley Morrisville road, in order to permit construction of a patio resulting in greater than the permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

## SUPERVISORS REPORTS

Mr. Lewis stated while he was unable to attend the Zoning Hearing Board meeting Monday, he is aware that they Continued one item involving a developer. He stated the Golf Committee has moved their meeting to November 14. He stated the Board has reviewed a recent benchmarking study of the Golf Course versus peers, and they were pleased with the Golf Course's performance in terms of rounds played and Revenue versus peers and continues to work through a renewal Agreement with Spirit.

Dr. Weiss stated Veterans Day is November 11, and the Parade will be on the 10<sup>th</sup> which Ms. Blundi will discuss. He stated on November 11 there will be a ceremony at the Yardley Veterans Memorial, and he invited residents and their friends to participate in that ceremony.

Mr. Grenier stated the Planning Commission meeting on Monday has been canceled. He stated at the last Planning Commission meeting, they recommended some changes to SALDO Ordinances; and they considered but did not make any recommendations on a Heritage Tree Ordinance. Mr. Grenier stated the 537 Plan was approved as noted by Mr. Lewis. He stated the Sewer Authority Sub Committee considered additional alternatives for the sewer plant, and they will further consider other items at their next meeting this month. Mr. Grenier stated they are looking at overall project planning for other sewer issues most of which were discussed at the Budget meeting. Mr. Grenier stated the EAC conducted some project reviews and looked at overall year-end goals.

Ms. Tyler stated the Electrical Reliability Committee was waiting for Election results, and they will next be meeting with Perry Warren to discuss some of the issues they are having and some of the things they would like to see from PECO to help us better address some of our infrastructure issues. Ms. Tyler stated anyone interested may attend their meetings, and she will advise of the date of the next meeting once it is scheduled. Ms. Tyler stated the Disability Advisory Board is down three members, and they need volunteers to dedicate their time to this Board. She asked anyone interested in being on that Board to contact the Township Manager. Ms. Tyler stated the Historic Commission is continuing with their inventory of Township

documents and other items and to provide an index of the items we are in possession of. Ms. Tyler stated the Historic Architectural Review Board has not met for a long time which means that there have been no Applications for any construction within the HARB District.

Ms. Blundi stated on November 10, they will have the Veterans' Day Parade; and those interested in marching in an organized fashion should reach out to Ms. Tierney. She stated the Parade begins at 1:00 p.m. at Edgewood and Long Acre.

#### OTHER BUSINESS

Mr. Grenier noted the Budget discussions they have had and some of the challenges we are facing as well as his personal frustrations with a few providers.

Mr. Grenier moved to direct staff to create RFPs for Professional Services to include Municipal engineer, Sewer engineer, Traffic engineer, Conflict Counsel, and the Solicitor as part of that.

Mr. Lewis stated there are also eight other ones. Mr. Grenier stated these are the ones he would like to start the process with, and there are others they could add in the not too distant future. Mr. Lewis stated he feels they all share a concern with one of the providers.

Ms. Tyler seconded the Motion.

Mr. Lewis asked Mr. Grenier to repeat his Motion, and Mr. Grenier moved to direct staff to create RFPs for Professional Services to include the Municipal engineer, Sewer engineer, Traffic engineer, Conflict Counsel and Solicitor. Ms. Tyler seconded.

Mr. Grenier stated he is willing to entertain Amendments to add or subtract.

Ms. Tyler stated she believes that Mr. Grenier is trying to address those professional services that pull a "huge chunk" out of our Budget. Mr. Lewis stated there are fourteen different Professional Services that are part of that, and he would prioritize based on level of concern. He stated we had a banking relationship that the Township Manager elected to re-negotiate as a managerial decision separate from the Board. Mr. Lewis stated there are concerns about the Auditor and the Auditor has not been listed here. Mr. Lewis stated he would want to prioritize based on which ones they have the most concern with and structure them on a reasonable basis. Mr. Lewis stated the Board did go through an RFP process approximately two and a half years ago when selecting the Sewer engineer, the Traffic engineer, and the Solicitor. He stated his concern is if they want to do that, he would focus on the ones

that have not had an RFP in two years; and that would put the Auditor at the top of the list. He stated with regard to the Conflict Counsel, that position did not have an RFP associated with it, so he would suggest that would be one they would want. Mr. Lewis stated he would remove Township engineer, Sewer engineer, Traffic engineer, and Solicitor and focus on Conflict Counsel and the Auditor.

Mr. Lewis noted with regard to insurance, Mr. Ferguson has gone through some work with the insurance provider recently; and he asked Mr. Ferguson if he feels that is one that should have an RFP as well. Mr. Ferguson stated that would be complicated. He stated there are Contractual obligations primarily to the Police Union regarding the level of coverage, and those details were in a tailored Plan provided by that broker. He stated while it would not be impossible, it would be subject to Union discussion if we would be transferring something, and it would have to be comparable coverage with comparable costs that we are currently obligated to.

Mr. Lewis stated he would do it on a prioritization basis particularly since we have just done the Fees for a number of the providers in the last two and a half years going through that whole process. Mr. Lewis stated he feels they should remove the RFPs for the Township engineer, the Solicitor, the Sewer engineer, and the Traffic engineer; and leave it for Conflict Counsel because we have not done an RFP for that, and to add the Auditor. He stated they should focus on those two first.

Mr. Grenier stated he feels everyone is “incredibly frustrated” with the Auditor based on what we have heard as part of the Budget sessions. He stated he did ask for opinions on that from the staff, and they indicated they felt the timing on that particular one would be very difficult. Mr. Lewis stated the drafting of the RFP could begin now. He stated he feels they should prioritize the ones that they are most concerned with and write the RFPs for those. Ms. Tyler stated she feels that the ones that Mr. Grenier is most concerned with are the ones that are the most expensive. Mr. Grenier stated he is concerned about overall billings, and there are also some concerns with regard to performance on a few with the Auditor being one of them as well as one or two others.

Mr. Lewis asked Mr. Grenier if he had a concern with the Sewer engineer, and Mr. Grenier stated responsiveness is a concern and he noted the example discussed earlier this evening. Mr. Lewis stated he would suggest that they do the first batch, run the RFPs, and then do a second batch.

Ms. Tyler stated she is in favor of Mr. Grenier’s Motion as proposed.

Mr. Grenier stated he would be amenable to adding the Auditor to start the project although he does not want to cause “any headaches” for the Township Manager. Mr. Ferguson stated with regard to the Auditor, if they are going to run an RFP and advertise for an Audit, regardless of the concerns about the current Auditor, typically Auditing firms would have assigned the managers who are going to do the Audit a month ago. He stated they come in and do preliminary runs in November. He stated if they run an RFP in January, they are would be running it to do the Audit for 2019 and 2010; and probably the timing of that will be off, and they probably will not get responses because they are not going to give a price for fifteen months from now. He stated if the will of the Board is to have an RFP for an Auditor to do the 2018 Audit, the preliminary work by the Auditor would be starting in the next two weeks, and they would be facing deadlines in March and other deadlines for health care and Pensions. He stated the Board would have to select someone by the first meeting in December. Mr. Grenier asked if that would be possible, and Mr. Ferguson stated they would have to get an ad out with a reasonable expectation to draft an RFP for an Auditor which could be seven to ten pages. He stated Auditing firms want to come in before they provide a quote and look at the books, how many checks you write, and get a representative scope before they give a price.

Ms. Blundi stated what Mr. Ferguson is saying is that because of the cycle of the way auditing works, it makes more sense to do the RFP for that in June and July; and Mr. Ferguson agreed. He stated when you put out an RFP for an Auditor, they are going to want time to come into the Township to talk to the staff and look at the scope of what they would be asked to do so that they can price it accordingly. He stated they need to determine the number of auditors they will need and run tests on various things to get pricing. He stated his concern is if we rush to get it, and limit our ability to price it out, we will get high prices just so the auditing firm can cover itself.

Mr. Lewis stated he would be opposed to the Motion as he wants to focus on the issues that matter most for the Township. He stated since they recently had RFPs for the service providers listed in the Motion, he feels in each case we will potentially be spending a lot of staff time developing RFPs which would have to be administered. He stated the RFP cycle is a minimum of sixty to ninety days to give people adequate time to answer all of the questions and then make final decisions. Mr. Lewis stated he would be inclined to Table the Motion to give the Board time to work on this.

Ms. Tyler stated RFPs are a very good way to safeguard our taxpayers and a very good way to insure that we are providing the best, most cost effective services to the Township. She stated much like they were discussing the Golf Contract, it cannot hurt to do this. She stated she stated they do have draft RFPs for the scope of the work that these professionals provide to the Township. She stated the banking

could be a more complex process; however, Mr. Lewis noted that the banking resolved itself at the discretion of the Township Manager. Mr. Lewis added that the insurance is probably the largest expenditure of the Township; however, Ms. Tyler stated on that we are bound by contractual obligations so there is not much we can do about that. Mr. Lewis stated if they are looking at this in terms of how much we spend, we should look at that since insurance has not had an RFP in a long time. He stated this is why he is not 100% certain of the focus here. Mr. Lewis stated it seems that the one that they are most concerned about is the Auditor, and they received an answer about this from the Township Manager. Mr. Lewis asked why they would use staff time to RFP everything else or even only selective ones.

Dr. Weiss stated he supports the RFP process; however, he understands the timing issues involved. He asked if it would be appropriate to direct the Township Manager to determine when it would be wise to initiate a consultant schedule so they can do this in the most efficient way. Ms. Tyler stated the only one that has real timeliness is the Auditor. She stated all the others are “like an employee at will;” and they provide services for twelve months of the year, and they can stay or go at any point in time. Ms. Tyler stated therefore she does not see the harm, and she can only see the positive for our taxpayers.

Mr. Grenier stated another way to do this since there is a longer list of providers would be to “flip it,” and to RFP everything but Auditor, insurance, etc. and any others they feel should not be done. Ms. Tyler stated she feels Mr. Grenier’s Motion was clear, and it was engineering, Sewer engineers, Traffic engineer, Conflict Counsel, and solicitor. Ms. Tyler stated those are the ones that cost us the most money.

Ms. Blundi stated she feels Dr. Weiss made a good point that we should direct our Township Manager to help us put together a schedule as to how these should be let, and the Board can then talk about it again. Ms. Tyler stated that would happen through Mr. Grenier’s Motion since the Motion is to request RFPs, and Mr. Ferguson can advise when they could do it and how it should be done. Mr. Ferguson stated the Board can RFP in any means they want. He stated when he has done these in the past they have tended to be more mid-year and you would be interviewing and selecting who the consultants will be with an eye toward the Reorganization Meeting as that is a natural breaking point. He stated there is no rule that you have to do that, but it is a framework typically he has done them in the past, although this is at the pleasure of the Board.

Mr. Grenier stated he feels comfortable with the Motion with the understanding that Mr. Ferguson could advise them when he would be able to get them out. Mr. Ferguson stated depending on the number, it would involve drafting the RFP

and making sure it covers everything they need. Dr. Weiss stated the Township Manager may decide that the summer of 2019 is the best time to do this; and since most of the RFPs that are existing are going to be close to four years old by that time it would be an appropriate time to do the RFPs for our consultants.

Mr. Lewis stated the current Motion does not have the Auditor on it which is the one that everyone has the most concern about. Ms. Tyler suggested that Mr. Lewis make a separate Motion since that would not have to be included with Mr. Grenier's Motion. She stated the ones they are most concerned about are the most expensive ones; and as they are reviewing the Budget and looking at the items that are over Budget, that was the impetus for this. Ms. Blundi stated she would support the RFP for the Auditor, but she is guided by what Mr. Ferguson explained about the timing.

Mr. Zachary Rubin stated if they are looking for a new auditing firm, he does not know why they would need an RFP. He stated they could seek out a number of accountants who have a Municipality background, hand them the Budget, and ask how much they would charge to be the Auditor. He stated there are accepted accounting principles as to what has to be done in a Municipality, and the accounting firms know this so he does not feel they need to have an RFP. He stated the Township Manager or someone else could reach out to see who specializes in Municipalities, and have them come up with a number and get it done in a couple of weeks. Mr. Rubin asked what the Auditing Fee was last year, and Mr. Ferguson stated it was \$32,000. Mr. Rubin stated he feels they can get a new Auditor if that is what they are looking for, and he feels that is a separate issue from the RFPs for the larger Professional Services.

Mr. Ferguson stated his wife is an Auditor, and Public Sector Auditing is a very specialized field. He stated there are new requirements regarding retirement, health care, Pension reporting, and fixed assets. He stated he likes the RFP process because it should be competitive to get the best price, and it allows you to vet with the clients that they have, and have the chance to get background on what their experience has been. He stated the Board does not have to do an RFP, but his experience is that he feels they should RFP that out.

Mr. Lewis moved to Amend the Motion to add the following: the insurance provider, the Auditor, and the bank.

Mr. Lewis stated there are also a number of others, and he asked Mr. Ferguson what the others are. Mr. Ferguson stated there is the actuary and others but he would need to look at the list.

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Ms. Tyler stated she does not feel they should “muddy” the original Motion; and they should vote on the original Motion, and then Mr. Lewis can make a separate Motion.

Mr. Lewis moved to Amend the Motion to create RFPs for all Contracted Professional Services at a schedule as determined by the Township Manager.  
Ms. Tyler seconded the Motion, and the Motion as Amended carried unanimously.

#### APPOINTMENTS TO BOARDS AND COMMISSIONS

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to re-Appoint Richard Eisner to the Golf Committee.

There being no further business, Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting.

Respectfully Submitted,

Kristin Tyler, Secretary