

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 21, 2018

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 21, 2018. Mr. Lewis called the meeting to order at 7:40 p.m. A moment of silence was observed in memory of Carolyn Fegley, wife of former Supervisor, Scott Fegley. Mr. Lewis called the Roll.

Those present:

Board of Supervisors:	John B. Lewis, Chairman Frederic K. Weiss, Vice Chairman Daniel Grenier, Treasurer Suzanne Blundi, Supervisor
Others:	Kurt Ferguson, Township Manager David Truelove, Township Solicitor Andrew Pockl, Township Engineer Kenneth Coluzzi, Chief of Police
Absent:	Kristin Tyler, Secretary, Board of Supervisors

PUBLIC COMMENT

Mr. Charles Berner, 556 Nottingham Drive, apologized to Mr. Ferguson for some heated e-mails that were exchanged. He stated Comcast has again begun their work, and he assumes all Permits were applied for and filed. Mr. Ferguson stated they were not, and he is aware that work has started again. Mr. Berner stated Comcast has had teams go out throughout Woodview and Emerald. Mr. Ferguson stated other residents have also called him and said the same thing. He stated the Public Works Director went out Friday after work looking at two or three locations that a woman who had called had referenced, and it was obvious that work had been done a few days prior. Mr. Ferguson stated the Township reached back out to Mr. Jetter, but they did not get a return phone call. Mr. Ferguson stated they then reached out to an individual below Mr. Jetter, who is a Field Supervisor, who expressed surprise that the Township had issued a Stop Work Order. Mr. Ferguson stated he then contacted the Township solicitor to ask what could be done at this point. He stated there is a letter that is going to go out to Comcast to memorialize that they have to stop work because the Township had indicated what Comcast needed to provide the Township in order to get a Permit. Mr. Ferguson stated that includes a map of where they are going to put the equipment, an outline of where they will be located, and the addresses of the properties that they will be in front of so that the Township

can go out and monitor the work as they proceed. Mr. Ferguson stated while Comcast has provided one or two of those things, they did not provide the property addresses where they intend to put them. Mr. Ferguson stated they have indicated to Comcast that they are not to start work until the Township has that information. He stated they then received the report that Comcast had started work again.

Mr. Ferguson stated the Field Supervisor they spoke to was apologetic. Mr. Ferguson stated they indicated to him that they intended to file the appropriate legal action against them if they continue to work when they assured the Township that they would stop work. Mr. Ferguson stated he has not had any more reports from the neighborhoods that had reported that work had continued, and he asked the woman who had called him to advise him if she sees work taking place after that day.

Mr. Berner stated as of yesterday he was in the neighborhood, and there were teams there excavating, dropping in the infrastructure, and installing the pedestals. He stated Comcast is in defiance of an Ordinance, and the Township has repeatedly tried to get their attention. Mr. Ferguson stated they gave them a verbal Cease and Desist and received their assurance that they would stop with the understanding that if they continued, they would get a formal Cease and Desist that would be served either by himself or the solicitor. Mr. Berner asked what happens now since they have still not responded and are continuing to work.

Mr. Truelove stated after consulting with Mr. Ferguson they would probably seek authorization from the Board of Supervisors to seek injunctive relief in Court to have them stop any work anywhere in compliance with the previous Consent Order, Agreement, and the Ordinance. He stated certain steps would need to be taken to get there. Mr. Berner asked if the work that has been done is done and cannot be undone. Mr. Truelove that would depend if the ones they have installed in violation of the notice would be in violation of any of the terms such as safety or some of the other terms, and they would investigate that.

Mr. Berner stated he has been in communication with a Comcast technician who indicated to him that certain neighborhoods are being done right after Thanksgiving, and these are brand new locations.

Mr. Lewis asked Mr. Truelove if the Board could provide pre-authorization of injunctive relief so that the Township Manager and the solicitor would have the Board's authority to go immediately. Mr. Truelove stated they could although he is not sure what the terms would be. He stated if it is the judgment of the Township Manager and the staff that the lack of compliance despite several requests and warnings have gone unheeded, and if this is the only remedy left, his office would be authorized to proceed in that way.

Mr. Grenier moved and Dr. Weiss seconded to authorize the Township solicitor to take all necessary and appropriate action to enforce Ordinance #357 and enforce those terms after consultation with the Township Manager and Township staff.

Mr. Grenier stated earlier this year when there were some issues related to Comcast, they were very quick to come to the Township meetings, send the Board letters, and express their opinions about certain things; and yet on this particular issue, they seem to be absent and unresponsive. Mr. Grenier asked if it makes sense to reach out to the individual who previously attended the Township meetings and make him aware of the issue. Mr. Lewis stated it was Mr. Smith who is a Lower Makefield Township resident, and he is sure that Mr. Smith is aware of this and would want to make sure that it is resolved such that Mr. Ferguson would not have to use the full authority the Board is proposing to give him.

Dr. Weiss stated he feels the Township has certain obligations to the residents, and it is our duty to see that Ordinances are enforced; and he has no problem authorizing the Township Manager to make sure that those Ordinances are enforced properly, and if injunctive relief is necessary, the Township solicitor will proceed with that.

Ms. Blundi stated they have been making efforts for weeks to try to come to some understanding; and at this point the person they have contacted most directly is not returning calls, and she does not feel we have any options.

Mr. Zachary Rubin, 1661 Covington Road, stated in the past when there was a problem with Permitting, Mr. Jetter was in charge of Lower Bucks County and he was quite “ineffective,” and Mr. Robert Smith intervened on behalf of the Township. Mr. Rubin stated Mr. Smith is an employee of Comcast, but does not work in that Department. Mr. Rubin stated Mr. Smith is more than willing, and Comcast had given him authority to deal with these matters. Mr. Rubin stated before the Township goes through the Courts, he would recommend that they contact Mr. Smith to see what he can mitigate; and then ultimately use the force of the Judicial system if necessary.

Mr. Ferguson stated unless instructed otherwise by the solicitor or the Board, the reading that the staff had in their discussion with the solicitor was that the primary source of the Township, even if they were Permitted properly, is that they would have to pose a direct safety threat in order for the Township to require that they be relocated. He stated he agrees that they are “tacky.” Mr. Ferguson stated he has had a number of people call the Township Office that they have the right to veto it from being on their property, and that the 2010 Agreement gives them the

authority; however, he does not read it that way. He stated if there is a different interpretation that the staff is not clear on, we should get clarification as to what the Township is empowered to enforce.

Mr. Truelove stated while safety is an important issue, he does not feel it is unfettered discretion by the homeowners to veto it; however, that is why they need the notice so people can look at it and let the Township know about it and go out and see it.

Mr. Berner stated he was under the assumption under the 2010 Agreement that Comcast had to formally notify the homeowner, and that the homeowner could file to potentially stop the installation of it. Mr. Truelove stated it is not that explicit. He stated as he understands it they have to provide a map of every development of where they are going to go, and the Township would presumably let the individual property owners know; and if the property owner has a problem, they would bring it to the attention of the Township. He stated if it is purely an aesthetic issue, he does not feel that they would be able to stop it; however, that is why they have the notice provision so that the property owners have the opportunity to at least weigh in. Mr. Truelove stated he is concerned that the Township staff will be overwhelmed by numerous requests giving all that they have to do, and it has to be done in an orderly way.

Mr. Ferguson stated he feels that Comcast is under the impression that if they put them all in and then file for the Permit after the fact, that they have fulfilled their obligation; and he stated the Township has made it clear that does not fulfill their obligation. Mr. Ferguson stated even if Comcast has a reasonable right to locate the equipment where they want, if the property owner had the opportunity to have input in where it would be located on their property he feels that is how this is supposed to happen.

Mr. Berner stated he did speak to a high-level Comcast technician and wanted to know why these could not be buried similar to the way the Verizon equipment is buried. Mr. Berner stated he indicated that there are waterproof enclosures; and while they are not that expensive, for Comcast it is “dollars and cents, and this is what they want to do, and what they can get away with.” Mr. Berner asked if Comcast has to file per pedestal each time for a Permit; and Mr. Truelove stated it is a development-by-development Permit but with a map or some kind of grid that demonstrates where the individual ones are. Mr. Ferguson stated the Permit cost would be per pedestal; however, after the 2010 Agreement, the Township did not institute a Fee for the pedestals. He stated what they have been applying is what they felt was the most relevant Fee they could pick out for this, and it is a nominal charge of \$20 to \$25 per pedestal. He added that the collection of the Fee is secondary versus getting the information they are requesting from Comcast.

Mr. Berner asked if the Township has ever collected Permit Fees from Comcast since the 2010 Agreement. Mr. Truelove stated he did not know. Mr. Ferguson stated while he is new at the Township, he does not know whether we have collected money for pedestals although he thinks we probably have not.

Motion carried unanimously.

Mr. Rubin stated in the Franchise Agreement Ordinance #357 206-6A Permits and Obligations it says, "Equipment installed by Comcast for use in the cable system shall be located to minimize the interference with the proper use and the rights of reasonable convenience to the property owners who own property that adjoins any such public way." Mr. Rubin asked if they are not going to enforce a part of the Ordinance, why is it on the Township books. He asked why there are laws that the Township is not willing to enforce. Mr. Truelove stated if they went to Court, they would invoke that language, but they would then need information from individual property owners to show what their experiences were and some may be considered, "unreasonably inconvenient." He stated nobody knows exactly what that means, and the Township would have to be able to demonstrate that. He stated he is not suggesting that this be given up, and they would cite safety and other factors.

Mr. Harold Kupersmit, 612 B Wren Song Road, stated what they are facing with the pedestals is "corporate arrogance," and the corporations do what they want. He also expressed his concern with the state of the Country.

Mr. Fred Childs, 1345 Lexington Drive, thanked Mr. Ferguson and the Board for taking a critical look this year at the annual Budget and our financial status. He stated over the past several decades previous Supervisors were elected by promising not to raise taxes so now "those bills are coming due," and this Board has to make some difficult choices. Mr. Childs stated while the proposed sewer rate increase may not seem "like a big deal," it is one more incremental increase added to all the other fees and taxes we have to pay. Mr. Childs stated he recognizes that the Board has little ability to control the fees that are charged by the Sewer Authorities which are higher this year due to the rainfall. He stated those costs could decrease in future years if it is drier or if we reduce the inflow, but we will still keep paying that higher rate indefinitely. He stated increasing the sewer rate should not be the only way to make up the shortfall, and he asked if there are other potential revenues, Grant options, capital improvement funding sources, or short term to mitigate or manage the inflow. He also asked if Commercial properties could be charged more than Residential properties. He asked that before this rate increase is finalized, they also look at some other more discretionary and less crucial expenses that could be reduced or deferred until finances permit. He stated he feels that

there is efficiency in record storage benefits to the \$85,000 cost to scan every past Permit, but he asked if that cost could be spread over a longer period. Mr. Childs also asked why the new Community Center that just opened needs new doors for \$7,500 and a new sign for \$5,000. Mr. Childs also asked if they are mandated to buy a new \$12,500 solar speed sign next year. He also asked the cost for the fireworks. He stated it seems dogs are enjoying their new Park, but he asked if they are covering the costs. He stated he feels residents and taxpayers want to know that the Township and the Board have identified what could be deferred and what they can do without before simply adding more tax burden to our residents.

APPROVAL OF MINUTES

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of October 30, 2018 as written.

Dr. Weiss moved, Mr. Grenier seconded and it was unanimously carried to approve the Minutes of November 7, 2018 as corrected.

APPROVAL OF NOVEMBER, 2018 WARRANT LISTS

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the November, 2018 Warrant Lists as attached to the Minutes.

APPROVAL OF INTER FUND TRANSFERS INCLUDING PAYROLL

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the October, 2018 Inter Fund Transfers as attached to the Minutes.

ENGINEER'S REPORT

Mr. Pockl stated the 2018 Township Road Program is coming to completion, and the contractor has addressed all punch list items but two. He stated Oxford Valley Road roadway reflectors are scheduled to be installed next Tuesday, and remediation of the Makefield Road crosswalk is scheduled to be in next Thursday.

Mr. Pockl stated they need Board approval to process a Contract time extension for both Contracts. He stated the first Contract was the Oxford Valley Road reconstruction and the other Contract was the mill and overlay of the remainder of

the Township roads. He stated they are recommending extending the Contract time limit by thirty-two days. He stated it was initially forty-five days, and the contractor took until October 25 to complete. He stated they did not pull off the job, but they ran into some issues with one of their suppliers who had a fire at their warehouse, and for the Oxford Valley Road project, it was a very specific type of work, and there are only a few sub contractors in the area that could complete that work, and they were “at the mercy” of the sub contractor. Mr. Pockl stated October 25 is when the contractor substantially completed the work.

Mr. Grenier stated they are not incurring any additional costs by extending the Contract, and Mr. Pockl agreed.

Mr. Grenier moved, Ms. Blundi seconded and it was unanimously carried to approve the zero cost change order for the Contract time extension for the 2018 Road Program.

Mr. Pockl stated with regard to the Woodside Road bike path, they intend to submit a revised layout showing the bike path on the north side along with the Grant Application to DVRPC by the deadline of December 14. He stated as was discussed at the last meeting, the Township match is 20% and that can include any costs that have already been incurred back to October, 2017 so the Township’s portion of that match could include work that has already been completed thus far.

Mr. Pockl stated with regard to the Dog Park, they are waiting for final documentation from the contractor to close that project out. He stated once they receive that, they can recommend a final payment.

Mr. Pockl stated the Marble Court basin outfall structure was delivered to the Township on November 7. He stated with regard to the Township Railroad property, they are drafting a Conservation Easement Plan and Deed Description based on the Township’s review on November 7, and they anticipate having this ready for the next Board meeting.

Mr. Pockl stated with regard to the MS4 Report, they issued the annual report to DEP in September. He stated they indicated to DEP at that time that we were delayed in providing the mapping of the Township-wide storm sewer system, and they submitted that to DEP today. Mr. Pockl stated once DEP approves that, they can move on to addressing their comments on the Pollution Reduction Plan Township wide.

Mr. Pockl stated with regard to the Pool complex repairs, they submitted their final report to the Township on November 14, and they are awaiting authorization to proceed with full design.

Mr. Pockl stated with regard to Planning Projects, for Caddis Healthcare at 1667 Dobry Road he has completed the escrow requirements letter for on-site improvements and issued the letter on November 1. He stated there is still some outstanding information they are waiting for from the design engineer to complete the Plans for the full reconstruction of Dobry Road, and he anticipates receiving that shortly. He stated he reviewed the Revised Preliminary Plan for the Octagon Center, and the review letter was issued on November 13.

Mr. Pockl stated with regard to Regency at Yardley, there were on-going punch list items for Phases 1 and 3; and they met with the developer on site on November 13. He stated the developer had addressed approximately 75% of the punch list items at that point. Mr. Pockl stated he has also scheduled a meeting with the HOA for next week to review their comments.

Mr. Pockl stated with regard to Brookshire Estates, they had a meeting with the HOA and the developer on November 16 to determine a final resolution for landscaping that was dead or not completed as part of the Final Development. He stated he received a letter from the developer on November 21 indicating that they are willing to provide \$80,000 to the HOA for landscaping contingent upon Dedication by the end of the year. Mr. Pockl stated the HOA has since submitted to his office a Revised Landscape Plan for review to make sure that the species and the location of the trees was acceptable. He stated his office is reviewing that, and they anticipate having that review completed by next week.

Mr. Pockl stated with regard to Oakmont/Moon Nurseries, they received videotape of the storm sewers, and they are currently reviewing them; and they anticipate having that completed by the end of the month.

Mr. Pockl stated with regard to Scammel's Corner, work has begun on converting all the stormwater management basins and rain gardens to a permanent system; and they anticipate the work being completed the first week of December.

Mr. Pockl stated with regard to Boxwood Farms, his office had issued the punch list to the developer on September 12. He stated they proceeded to complete some items; however, the "big ticket" item which is completing the roadway, has not been completed yet.

Mr. Pockl stated they reviewed Building Permits at 667 Nancy Road, 1258 Makefield Road, and 1112 Surrey Lane.

Mr. Grenier stated a number of people have contacted him about the Makefield Road crosswalk, and he asked for a description of what that will look like. Chief Coluzzi stated they reviewed an adjusted plan for the crosswalk, and he wants Mr. Pockl to

make sure when it is constructed that there is a minimum of one half inch rise on the crosswalk from the existing pavement. Mr. Pockl stated the contractor installed the crosswalk incorrectly, and there were drainage issues and the color of the crosswalk was the wrong; and those items could not be discovered until after it had been installed. Mr. Pockl stated they met with the contractor, the sub contractor who did the line striping, and the sub contractor who did the concrete ramps on either end as there were issues with the concrete ramp as well, and they will work to address that. Mr. Pockl stated the final crosswalk will be approximately a half an inch above the adjacent roadway paving, and it will taper down at the ends outside of the travel lanes as it approaches the concrete ramps. He stated it will not be raised outside of the travel lane as it approaches the concrete ramps. He stated it will be ADA compliant by having a level area and a ramp up. Mr. Grenier stated he feels the travel lane takes up most of that section. Mr. Pockl stated part of this project was to reduce the width of the travel lanes in either direction as they were 12', and they reduced them to 10'. He stated it is a rectangle 20' long by 8' wide that would be a half inch above the remaining paving, and then it will taper down.

Mr. Grenier asked about the material that will be raised one half inch. Mr. Pockl stated it will look like brick, and there is a herringbone pattern on it. The color is called "brick red." He stated currently there are three shades of red there, and the color it will be is the brightest shade that is there now. Mr. Pockl stated there will be a 6" wide white stripe at either edge of the crosswalk. He stated in that 6" is where it will "feather" up to a half inch. He stated it will be more visible, and they are adding another 4" wide stripe on top of the 6" wide stripe. Mr. Grenier asked if they are reflective, and Mr. Pockl stated they are somewhat. He stated it is angled slightly, and that will provide additional visibility as well. Mr. Grenier asked about approach signage, and Mr. Pockl stated there will be advance signage. He stated there will be yield markers which are triangles within the travel lane.

MANAGER'S REPORT

Mr. Ferguson stated on Friday he received word that the Township was approved for the remaining RACP money which is in the amount of \$911,000, and that is in the 2019 Budget as a reimbursement.

Mr. Ferguson stated he is on the Verizon Executive Committee with a number of other Managers from Bucks County regarding the renewal of the Verizon Franchise Agreement. He stated they will get to a point where there is a negotiated Agreement between all of the communities that will then go back to the individual communities to look at and see if they are satisfied or if they want to bargain for something in addition to what is in the Agreement. He stated typically nine out of ten communities accept the Agreement as is. Mr. Ferguson stated there are some points

of contention that are holding up the process including the fact that Verizon does not want to do a ten-year Agreement which is standard. He stated when they did the original Agreement ten years ago, Verizon was considering the idea of a fifteen-year Agreement that the consortium had pushed back against because they felt that was too long between Agreements.

Mr. Ferguson stated Cohen and Associates negotiates these Agreements across a number of States and is having a follow-up meeting with their negotiators because Verizon only wants to do a five-year Agreement. He stated that the reason Verizon wants to do this is because they are planning to make a push to the FCC that they are not a utility or a cable provider but an IT platform that should make them exempt from having to negotiate these Agreements and pay Franchise Fees to the Townships. He stated the Franchise Fee that the Township collects from Verizon and Comcast totals approximately \$800,000 a year. Mr. Ferguson stated in another Agreement that Cohen is pursuing in New York, Verizon has indicated that they do not want to do more than five years; and that is what they are pursuing everywhere which is a point of contention.

Mr. Ferguson stated they also just received a notice from Mr. Cohen that Verizon has scheduled a Hearing for the first quarter of 2019 with the FCC. He stated Verizon wants to make the argument that communities with a Government Channel should be deemed having a market value assigned to them; and if the FCC would rule that it does have a market value, their then follow-up point would be that whatever that market value assigned is that should be deducted off of the Franchise Fee that Verizon pays to Townships. Mr. Ferguson stated if that would happen the Townships would have two choices – one being a massive reduction in the amount of revenue they receive from the Franchise Fee from Verizon and the other would be doing away with their Government Channel so they could continue to collect the revenues that they have currently been receiving. Mr. Ferguson stated he will continue to provide updates on this situation.

Mr. Lewis asked if he feels Verizon is likely to hold out until the first quarter for a ruling by the FCC. Mr. Ferguson stated while that might not be the case, in their Agreement that they have proposed to the Consortium of approximately fifty communities, is “ridiculous language” that says Verizon reserves the right to cancel the Franchise Agreement at any time with sixty days notice. He stated they want the opportunity to cancel these Agreement should the ruling come down that they are not a cable or utility provider. He stated if they would include that language, it would not matter how long the Agreement is. Mr. Ferguson stated he does not believe the Consortium or the individual communities in the Consortium would agree to that language.

Mr. Zachary Rubin stated he is the Chair of the Electronic Media Advisory Council, and this is in their purview. He stated that a few weeks ago, Mr. Lewis e-mailed him about the attempts of Verizon to show a monetary value of the Government Access Channels, and that is on the Council's Agenda for next Thursday. He stated they have discussed with Verizon previously what happens if the Franchise Agreement expires, which it has, and we are at an impasse. He had asked if the customers would lose service, and Verizon assured them that the Franchise Agreement is extended until there is no longer an impasse. Mr. Lewis stated he feels it is to the Township's advantage that if Verizon wants to make these drastic changes to the Franchise Agreement, the Township should be in no hurry to sign a new Agreement. He stated he is glad that the Consortium is trying to hold them to some kind of equitable Agreement.

Mr. Rubin stated the reason we had a ten-year Agreement originally was because that was the first time they came in, and the Township gave them ten years to build out the system.

DISCUSSION AND APPROVAL OF AUTHORIZATION TO ADVERTISE THE ADOPTION OF THE PRELIMINARY 2019 BUDGET AS AMENDED

Mr. Ferguson stated the Preliminary Budget has been updated from the original presentation that was made on October 30. He stated he noted in his most recent memo, which has also been posted on-line, that continuing forward based upon the further changes that were made there are things that have been removed. He stated one of the items that has been removed was the idea that we would take Public Works labor that was in the Liquid Fuels Fund which is State money and rotate that out to the General Fund with the idea that we could pave an additional \$150,000 in roads for next year or approximately one half mile of paving. He stated that item has been reversed and placed back into the Liquid Fuels fund in the interest of shoring up the General Fund to where it is now of \$1,268,034.

Mr. Ferguson stated the other items have been carefully thought out. He stated with regard to a statement made earlier as to whether we absolutely have to have another speed sign, we do not; however, he has been present at several meetings including as recently as two days ago where people were asking to have the speed sign placed in their neighborhoods. He stated there are already two signs in operation. He stated he feels this is a request that was well thought out. He stated other items have been cut out since originally when he and Chief Coluzzi met they were going to request three Police cars, which is typical, and they have gone to two. He stated they have requested certain items for the Community Center. He stated new doors are needed as the wood doors that are currently there have had

problems, and the idea is they would fix that. He stated they also feel it is reasonable to have a sign at the Community Center coming from the Park & Rec Fund. He stated other items that continue to remain in the Budget are what they discussed at the presentation on October 30 which include items for the Police Department, and Special Projects many of which are funded by Grants that have been discussed including an ARLE Grant for road improvements that we are getting support with. He stated they also have to have the Police records management system.

Mr. Ferguson stated they also have left in the scanning project. He noted there were residents who came to the Township asking for information about their property, and they had to look through eighteen boxes while the residents waited for an hour and a half for the Township staff to find that information for them. He stated he feels it is a basic obligation to preserve information about Township properties and Permits in a reasonable way to protect them and provide access to them. He stated this is something that Mr. Majewski has talked about since he started here, and he hopes they will be able to transition to a more modern storage system to protect what we have.

Mr. Ferguson stated in the Budget is the recommendation he made for a 1 mill increase in taxes which would be spread around various items, and that includes the Debt Service increase of .44 mills. He stated there is a Road Machinery millage that was established last year, and we are purchasing two pieces of equipment out of that fund which will replace equipment that is twenty-five to thirty years old and failing. He stated he proposes to increase that millage by another .15 mills so that they have the ability to continue buying pieces of Public Works equipment. He stated the two pieces of equipment they are buying this year will take up all of that millage for the next five years to be able to finance them. Mr. Ferguson stated they are also transitioning Ambulance Revenues that they give from the General Fund to the Ambulance millage of .13 mills which will give the Ambulance Service about another \$75,000 a year. Mr. Ferguson stated the difference to get to the 1 mill is the .28 mills to the General Fund which would generate approximately \$140,000 a year, and that increase would allow the General Fund Balance to approach approximately 10% for 2019; and while that is lower than he would ideally like to have, it is a level that he feels that we need to keep to maintain our Bond Rating. He stated there would be a plan to minimize expenses to the General Fund, maintain the balance where we are, and having straightened out the negative balances which were discussed at the previous meeting.

Dr. Weiss moved and Mr. Grenier seconded to Authorize to Advertise the Adoption of the Preliminary 2019 Budget.

Mr. Tom Will, 389 Trend Road, stated historically we have not delivered on our Budgets, as they have had over runs in places, under runs in places, and “juggled monies around to make us pass the Audits.” Mr. Will asked how we are going to manage the Budget so that we have the right items that come in at the right cost, and have the right scope associated with them. He stated he does not want to continue to get into the “crisis that we seem to be having.” He stated he feels there should be a three-year plan and a five-year capital plan, and we need to audit and manage our Budgets on a continuing basis.

Mr. Ferguson stated what he has prepared is an eighty-page Budget and not a seven hundred-page Budget which he feels is simpler to look at and be able to ask questions about. He stated they have added additional line items in the Budget to spell out specifically what they are doing and the cost for doing it. He stated in Park & Rec, the Pool, and Public Works they now have separate items for overtime and base wages that Department Heads will be accountable for. Mr. Ferguson stated he will be presenting monthly Treasurer’s Reports to the Board of Supervisors, and the first one is out tonight; and it will be posted on the Website. Mr. Ferguson stated they will be doing a bills list that will specify what they are paying from where and Inter Fund transfers showing when they move money where it is going and to allow the public and the elected officials to ask questions as to why money is being moved and for what purpose. Mr. Ferguson stated they are establishing internal protocols for cash management and who does what regarding finances. He stated there will be attention paid to money by Department Heads, by his finance staff, and by himself that will be the central focus of everything done.

Mr. Ferguson stated they have established land use meetings both with developers when they have projects with our consultants and for Township projects. He stated it will not just be himself and the engineer attending, and it will be all relevant parties including the Police Chief, the Director of Planning and Zoning, and the Public Works Director so that when projects are done they can recognize problems in those projects, if there are any, before we are half way through the project. He stated every phase of projects will now be overseen by staff to try to avoid some of the problems we have had. Mr. Will asked if the results of that will be seen by the residents. Mr. Ferguson stated he is hoping that they will see more positive outcomes because they are vetting them internally before they go out for projects. He noted they are re-doing the Sandy Run project, and part of that process will be that he, the Police Chief, the individual that deals with traffic safety, and our internal engineers will be going out to the site to see where they are mapping out the road, they will walk it themselves, and it will be a hands-on approach on everything that is done. He stated he and his Departments Heads will be held accountable.

Mr. Ferguson stated they have looked for savings in this Budget in every reasonable way including not replacing the Finance Director. He added he was the Finance Director at Newtown for the last six years, and he will have strict oversight of this Budget, and he will not be paid any additional money for that. He stated that will save the Township approximately \$150,000. He stated the recommendation was also made in this Budget that the drop-off site for recycling be eliminated. He stated that was all overtime for staff, and there are Permitting and regulatory costs. He stated that is another \$40,000 that will be saved. Mr. Ferguson stated while it is not his job to set his own pay, he has put a zero percent raise for himself for 2019. He stated the goal is to function in a way that we manage our expenses, work to come under Budget, work to re-establish our Fund balances, and manage projects efficiently and effectively.

Mr. Will stated everything that Mr. Ferguson has stated is positive and that has been lacking for quite a while; but he would also request that it be visible in terms of not just where the money goes but the scope of what is in the Budget. He stated there are items in the Budget that are different than they were a year ago. He stated before those are decided to go ahead there needs to be a proper airing with the Board of Supervisors. Mr. Will stated he feels they need more of an on-going plan which may be a three-year Budget. Mr. Ferguson stated part of the 2020 Budget, which will begin in January, will include a five-year Capital Plan and they will be trending probably on a three-year basis the revenue streams and expenses so that the Board of Supervisors can have a better sense of where we will be and what will be the challenges. He stated he has been vocal about his concerns that we are driven on a Real Estate property tax system with assessments on a year-to-year basis that are essentially flat.

Mr. Ferguson stated one of the things he has included in the Budget are a series of schedules. He noted Schedule C which has Capital Expenditures which outlines every Capital expenditure, where it is tagged in the Budget so it can be referenced, every Contracted Service, our Workers' Comp rates, and all our property and liability bills. He stated in 2020 they will be adding additional items that will be Schedules for all professional services as well as the assistance the Township gives to its other funds such as Golf or other areas so that it is visible regarding what the impact on the General Fund is and what items it needs to support in the rest of the Budget so that the Board has the information to make decisions as to how they will address those issues.

Mr. Will stated it seems that our Budgets and what is spent on professional services are diametrically opposite each other. He stated they have not been able to control them whatsoever. Mr. Will stated Mr. Ferguson has shown some significant reductions in some of those professional services; and while he is in favor of that in terms of the effort, he questions if they will be able to control it.

Mr. Lewis stated if you look at the invoices from the prior Township engineer for 2017 and compare them to how much was spent on the Township engineer for this year, it was over \$1 million in 2017 with one particular engineering firm in 2017. Mr. Ferguson stated at this point this year they are at less than \$250,000.

Mr. Will stated when there are “spends that are happening on an on-going basis, those are the ones that need to be trigger points.” Mr. Will stated there is a Park & Recreation Budget of approximately \$1.8 million, and he does not know how that compares to other area Townships. He stated there are approximately 30,000 residents in the Township, and he would like to know how we benchmark some of this data. He stated Mr. Ferguson worked for a number of other Townships, and he asked how Lower Makefield benchmarks in terms of how we spend our money versus how others do. He stated Mr. Ferguson has “fresh eyes,” and he probably sees things that can help us in a positive manner. Mr. Ferguson stated the key would be who we are benchmarking against, and there are towns we would not necessarily compare ourselves to. He stated recreation is a little more challenging since you could benchmark yourself against a town that has very few parks and very little recreation activity. He stated if you look at Lower Makefield against towns that we could compare ourselves to in size such as Northampton, Middletown, and Doylestown, he feels our millage is comparable. He stated he also feels we now have a Park & Rec Director who is doing more to bring in revenue on programs starting next year than we have seen in the past, and he hopes that those increased revenues for programs will help offset costs that will allow the Township to not have to contemplate additional millage or cuts.

Mr. Ferguson stated with regard to managing those costs, they have done the same thing in the Pool and with Park & Rec generally as well as the other Departments. Mr. Ferguson stated they are re-training staff, and he particularly noted the Pool where they are training staff as far as how staff is scheduled and when overtime is authorized, and they are doing the same thing in the Park & Rec Department. Mr. Ferguson stated the Board and the public will be able to see on a month-to-month basis how much overtime was spent. He stated there will be some times when there is overtime that cannot be controlled such as snow events. Mr. Ferguson stated they priced out the cost of every storm, and the cost for every storm in terms of overtime paid by the Township is \$14,800. Mr. Ferguson stated there will be monthly Treasurer Reports that will go on line which will give insight as to how we are doing and identify problems throughout the year that may need to be corrected.

Mr. Will stated he feels Mr. Ferguson is saying a lot of the right things, which he would like to see.

Mr. Grenier stated at the last meeting the Board approved RFPing our professional services so that we could address the issue Mr. Will has raised. Mr. Grenier stated he feels many of our current professional service providers are doing an excellent job in keeping costs low, but others are not, so they wanted to review that. Mr. Grenier stated as the current Treasurer of the Board he reviews the invoices with the Township Manager. He stated he is the Liaison to the EAC and the Planning Commission, and he is adamant about process and procedures to make sure projects are done correctly. He stated he does not feel the Dog Park went as it should have, and while it was approved for \$211,000; it went well above that Budget without Board approval before the current Board took office. He stated he does not believe that will ever happen again with the current Board. He stated they now have a Township Manager that has a philosophy similar to the Board's philosophy.

Mr. Harold Kupersmit stated this is his ninth year coming to the Board meetings; and while the current Board is "all new," he has not deducted a "drop off in the quality of the Board." He stated he does not feel anyone can say that the Township wastes money, is not efficient, or does not look after the taxpayers' money. Mr. Kupersmit stated the problem is not with the Township, rather it is with the Congress and the Pennsylvania Legislature. Mr. Kupersmit stated he understands that the Township gets sewer from Morrisville and Bucks County Water & Sewer Authority. He stated he saw in the Budget that the transmission fees went from \$4 million to \$4.6 million. He stated he is concerned about the "superbugs" living in the sewer facilities, but no one wants to face it. He asked if it would make sense for the Township to get rid of Morrisville and Bucks County and handle the sewer itself in an effort to save money since rates have tripled.

Mr. Grenier stated they have formed a Sewer Sub Committee to review the options including going to other Sewer providers that may have better plans and possibly starting our own. He stated that process will take several months so that they can provide a recommendation to the Board of Supervisors.

Mr. Zachary Rubin stated they are proposing to increase the millage by 1 mill for next year. He asked the total millage for our Real Estate for next year. Mr. Ferguson stated the current mills are 19.01. Mr. Rubin stated if they increase it 1 mill it will be 20.01. Mr. Rubin asked the State ceiling on Real Estate millage. Mr. Ferguson stated it varies. He stated the Second Class Township Code outlines various thresholds for millage because you can assess millage for a variety of things including Park & Rec, fire hydrants, ambulance, etc. He stated the millage most Townships focus on where there is a hard ceiling is the General Fund with a ceiling of 14 mills. He stated the current millage in the General Fund is 12.4 mills, and it is proposed to go to 12.88. He stated a Township can go above 14 mills but there are additional processes you have to go through and you have to Petition the Commonwealth to go above 14 mills.

Mr. Lewis stated with regard to the Woodside bike path, if we were to get the DVRPC Grant, we would have to do that project in 2020. Mr. Ferguson stated they would need to put it in the Budget for 2019. Mr. Lewis stated we do not know if we are going to receive the Grant; however, Mr. Ferguson stated we would need to show the DVRPC that we have budgeted for it or the DVRPC will tell the Township no. Mr. Pockl stated it makes the Application stronger to have the funds in the 2019 Budget.

Mr. Lewis stated the other item of concern was the overall unrestricted General Fund Balance at the end of 2019 which is now at 9.75% and that is after the \$150,000 that was removed from Liquid Fuels was put back into the General Fund. Mr. Lewis stated the challenge is that if we were interested in restoring those items, we would have to raise the millage somewhere. Mr. Ferguson agreed and stated the Ambulance millage consideration is an indirect way of doing that by taking that expense out of the General Fund. Mr. Lewis stated they have gone through the process of cutting what they can, and he feels they are at a point where they need to consider if they want to add additional funds for roads. He stated he has been a strong advocate for increasing our Roads Budget to repair the roads. He stated he is not in favor of the \$150,000 transfer out to reduce the Road Budget. He stated he is also concerned about the Woodside bike path as well as keeping some degree of funding available for the Snipes Tract to see if we could secure Federal or State Grants as we have been fortunate in the past in terms of getting funding for the Heacock pump replacement and Oxford Valley Road; and he would like to see if for 2019 we could keep that available to work on to see if we can get money for Snipes to build that in the future.

Mr. Grenier asked if anyone has identified any Grants for Snipes specifically. Mr. Pockl stated they have not at this time; although there are rolling Grants throughout the year, and his office will continue to monitor this. Mr. Grenier stated he understands that most of the Grants have a match and might have a similar requirement for showing some sort of budgeting for the project in 2019. Mr. Ferguson stated it would depend on the timing. He stated there are some Grants that might have a 2020 timeframe, and you would need to make a commitment at the time of Application that you intend to have that match in the Budget for 2020; and the Township would have to find a way to do that. Mr. Lewis stated the Caiola field was built with a RACP Grant, and that took a while to get and a long time to execute; and if they were to get a similar Grant in 2019, they would still potentially have a couple of years to use it and build the project out and budget accordingly.

Mr. Lewis moved, and Dr. Weiss seconded to Amend the Preliminary Budget with the following changes: Increase the Park & Recreation millage by .728 mills which would help support Fund #15 – Golf Course Fund. Add \$150,000 transfer from the General Fund, Fund #1, back to the Liquid Fuels Fund, Fund #35 to provide an additional half a mile of additional paving. Add \$5,000 transfer from the General Fund, Fund #1, to the Special Projects Fund, Fund #19, under the Account – Snipes Tract Development – to support Federal and State Grant Applications. Add \$120,000 transfer from the General Fund, Fund #1, to the Special Projects Fund, Fund #19, under Account 748, Woodside bike path, contingent on receiving the Grant from the Delaware River Regional Planning Commission. This tax increase is authorized under Section 32 of 5A6 of the Second Class Township Code and would generate approximately \$380,000. If enacted it would improve our unreserved General Fund Balance from 9.75% of general annual expenses to 11.5 if we do not receive the DVRPC Grant. In supporting the Golf Course with this millage it recognizes that the current Golf Course income is unable to support the increase in Golf Course debt incurred from the 2013 Dalgewicz Settlement. He stated it roughly represents about \$32.76 per Real Estate taxpayer.

Mr. Truelove stated the only net increase from the Motion would be the .728 millage increase in the one Park & Rec Fund, and the others are proposed transfers. Mr. Lewis stated it adds back the transfer of \$150,000 to Liquid Fuels. Mr. Ferguson stated that diminishes the General Fund balance by that \$150,000, and Mr. Lewis agreed. Mr. Lewis stated that is offset by the \$380,000. Mr. Ferguson asked where the \$380,000 is coming from. Mr. Lewis stated \$380,000 is .728 mills increase. Mr. Ferguson stated that would be to the General Fund; however, Mr. Lewis stated it would be to Parks & Rec, and that money could go the Golf Course. Mr. Ferguson asked how that impacts the General Fund. Mr. Lewis stated the first thing it would do is increase the .728 of the Parks & Rec Fund which generates \$380,000. He stated they no longer have to move \$380,000 to the Golf Course Fund from the General Fund. Mr. Ferguson stated the 2019 amount to move to Golf is \$165,000 as shown on Page #14 of the Budget under Transfers 492. Mr. Lewis stated if they take \$380,000 minus \$165,000 that yields \$215,000. Mr. Ferguson asked where the \$215,000 would be moved to.

Mr. Lewis stated they are adding back the \$150,000 that was taken out of Liquid Fuels, adding the \$5,000 for Federal and State Grant Applications, and \$120,000 for Woodside bike path so that is \$275,000. Mr. Ferguson stated the \$150,000 has been moved back from Liquid Fuels back to the General Fund which is why there is a reduction in paving. He stated they have \$150,000 in expenses for staff doing roadwork that was assigned to the Liquid Fuels Fund. He stated the original Budget the Board had seen took that money back to the General Fund so those expenses of the workers' time would be paid from the General Fund, and they would pave more in Liquid Fuels. He stated to get us back to \$1.2 million, he took the \$150,000 and

reversed it back and the labor expenses back to the Liquid Fuels Fund. He stated in the end, if they add money to go back to Liquid Fuels, they are reversing \$150,000 charges of the workers' time back to the General Fund which would then lower the General Fund Budget from \$1,270,000 to \$1,120,000; and when you make up the \$150,000, you are just grossing it back it up to the \$1,270,000.

Mr. Ferguson stated in the original Budget that was presented to the Board, all of the paving came from the Liquid Fuels Fund; and it is State money. He stated in that State money, we had assigned over the years \$150,000 in expenses from staff time when they worked on roads from the Liquid Fuels fund so it limited how much we could pave by \$150,000. He stated he reversed those expenses out of the Liquid Fuels fund back to the General Fund. He stated the General Fund expenses were grossed up by \$150,000. He stated that was the original Budget. He stated as "things got tighter," they moved those expenses out of the General Fund back to the Liquid Fuels so they are back where they started. He stated if we decide we want to add \$150,000 in paving back, they will be adding \$150,000 from Liquid Fuels back to the General Fund. He stated it is not all net. He stated by paving an extra half mile of road, the General Fund will have \$150,000 more in expenses to make that happen. He stated Public Works time that is currently in Liquid Fuels will now go back to the General Fund in the amount of \$150,000. He stated you start with a General Fund Budget which is \$1,270,000; and when you do this it becomes \$1,120,000 in the General Fund balance before any of those other discussions start. He stated if he would have left it the way it is, the Fund Balance right now would be \$1,120,000 because we still have the extra money to pave, and those expenses would be in the General Fund. He stated that is the one step he sees missing, and they would have to deduct \$150,000 off the General Fund, and then you pick up with the numbers after that.

Mr. Lewis stated if they raise \$380,000 on the Park & Rec Fee, and put that money to the Golf Course, it means that we have saved \$165,000. Mr. Ferguson stated where they would end up is that they would pave an extra half mile of roads, and the General Fund Budget is diminished by \$150,000. They would do the millage that Mr. Lewis talked about and offset the \$165,000. The General Fund Budget then ends up \$15,000 better off than it is right now - \$150,000 that is being added, and \$165,000 that is being taken away. He stated that would take the Fund Balance Budget to \$1,283,000, but they would get the extra half mile of paving.

Mr. Lewis stated of the \$380,000, they have used \$165,000 of it by no longer subsidizing the Golf Course from the General Fund, and that would leave \$215,000 in the Parks & Rec Fund; and Mr. Ferguson agreed. Mr. Lewis stated they could then reduce the millage and come up with \$125,000 from Parks & Rec to the Special Projects Fund. Mr. Ferguson asked if he is saying use the Park & Rec money

to transfer that to Special Projects; and Mr. Lewis agreed. Mr. Ferguson stated the Board would have discretion as to what they intend to do with the \$215,000. Mr. Lewis stated that would leave \$90,000 excess in the Parks & Rec Fund. Mr. Ferguson asked if he means \$90,000 left from the \$215,000, and Mr. Lewis agreed. Mr. Ferguson stated he presumes it would be for the bike path, and Mr. Lewis agreed adding it would also be for Snipes. Mr. Ferguson stated he would have to look in this, but he feels Mr. Lewis' numbers are reasonable.

Mr. Grenier asked if the \$120,000 for the bike path is our match, and Mr. Ferguson stated it is for the Grant that Mr. Pockl has been discussing. Mr. Ferguson stated the attractive part of that Grant, is the match tends to be far lower than what is more typical for a Grant which can tend to be closer to 50/50. He stated that Grant is a far more desirable match than we would normally see. Mr. Grenier stated the \$120,000 would cover actual construction costs, and Mr. Ferguson stated the pricing Mr. Pockl has shown is construction, design, and inspection. Mr. Grenier asked if the \$120,000 covers all of that, and Mr. Ferguson stated the total project cost that Mr. Pockl has outlined is \$600,000 which would include construction as well as design and inspection. Mr. Ferguson stated if we can say conceptually that we have spent some money in the past on this, he feels it would diminish the \$120,000 to possibly \$112,000 to \$115,000 of things we could document that the Township has spent money on previously.

Mr. Ferguson stated he has indicated that he would soon be implementing a true Capital Reserve Account that would be set aside and earmarked whether it is for Snipes, a bike path, or anything else; and they would start to account for that separately so that it can be seen, and it would take an action of the Board to transfer that money to use it for other things and not "happen accidentally."

Mr. Grenier asked if there is a cap on Park & Rec millage, and Mr. Truelove stated under the Second Class Township Code, there is not a specific cap on that particular category. Mr. Grenier stated if they did all of this, they would be looking at a total millage increase of 1.728. Mr. Ferguson stated the Board would have to decide how they want to direct the .728 beyond 2019 whether it is Snipes or something else, and to start to build reserves if they chose to earmark that in a particular way. Mr. Grenier stated this would be a Park & Rec millage increase, and he asked if they could only use those particular funds in the future for Park & Rec; and Mr. Ferguson agreed. Mr. Ferguson stated the caveat that Mr. Lewis noted is that if they were going to transfer that millage out to a Special Project with the intent of a Park & Rec use, that would be permissible. He stated the Special Project Fund does not have a funding source except money you transfer to it whether it is Park & Rec or a Bond, etc. Mr. Grenier asked if the end result would be 20.738 total, and Mr. Ferguson stated it would be 20.01 plus whatever the number is that Mr. Lewis just discussed. Mr. Truelove stated it would be 20.738.

Mr. Lewis stated there are only nine Municipalities in Bucks County that do not have an Earned Income Tax; and of those nine, Lower Makefield, even after this millage increase, is below Bristol, Morrisville, Penndel, and Yardley Borough. He stated that of the four that have lower property taxes than Lower Makefield, two of those are benefitting from trash disposal facilities which changes the economics of their Municipality. Mr. Lewis stated even after this increase, Lower Makefield is still one of the lowest in total tax millage in Bucks County.

Mr. Grenier stated earlier Mr. Childs had indicated that they should be looking at ways to reduce taxes, and this would be increasing it. He stated he does like the idea of putting money aside so that they can look for Grants for Snipes, but he is having difficulty with the other items.

Mr. Lewis stated he is strongly in support of increasing the amount of roadway that is paved each year since it is important to continue to do that. He stated there are other techniques that the Township Manager has discussed with the Board members individually that he has suggested that they could consider in the future as well to increase that; however, he would at least want to restore that amount for paving.

Mr. Grenier asked what the current proposed Budget versus what Mr. Lewis is recommending will get in terms of paving. Mr. Ferguson stated in the Liquid Fuels Fund right now, recognizing that money was taken out, it would be \$735,000 out of Liquid Fuels. He stated he has approximately \$40,000 in the General Fund which is a good idea to have because you could run into items when you are doing paving that are not Liquid Fuels eligible that you want to have money budgeted for so there is \$775,000 total between Liquid Fuels and the General Fund. Mr. Grenier stated he recalls that there was a report or discussion that we should be averaging \$850,000 a year. Mr. Ferguson stated he feels they should be averaging generally five miles of road a year. Mr. Grenier asked what the current Budget would get, and Mr. Ferguson stated it would get about half of that. Mr. Ferguson stated generally there are certain roads that do not need to be paved as often as others such as cul-de-sacs and dead-end roads, and you are going to have cut through roads that need to be paved to be more often. He stated if you blend that out, the generally accepted number that Townships focus on is that you like to have on average that you are paving a road every twenty years. He stated that would be approximately six miles a year to hit that number.

Mr. Grenier asked Mr. Ferguson if in preparation for the 2020 Budget, does he see them being able to potentially restore some money to increase the paving; and Mr. Ferguson stated he does not in terms of dramatically changing the number. He stated there are creative ways to increase your paving within the confines of Debt Service millage to pave every few years significantly higher amounts to get

more mileage over time. He stated apart from doing that, given our current framework, finances, and Budget, it would be extremely difficult on a year-to-year basis to do that. He stated they may have a year when they are able to get an additional \$ 250,000 or \$300,000 to pave; but on a year-to-year basis he feels it would probably be very problematic to continue that.

Mr. Fred Childs stated what the Township Manager had proposed was a 1 mill increase, and now Mr. Lewis is proposing increasing that. Mr. Lewis stated going from 19.01 mills to 20.01 mills is a 5.26% increase. He stated the CPI was 2.5% so what he is proposing is higher than the CPI. Mr. Childs stated it is unusual to see that the Township Manager has proposed 1 mill, but now they are suggesting it go from 1 mill to 1.73 mills which is a significant change. Mr. Lewis stated part of the situation is that between October 30 and today they found out that they had additional issues which related to the Golf Course; and that put the Township in a circumstance where they had to remove the \$150,000 that they originally had in for roads.

Mr. Childs stated he does not object to any of the suggested uses, but he does object to the fact that Park & Rec funding is also being used for the Golf Course which he feels is questionable because they are “dumping more money into a losing situation” that is costing the Township more each year especially when we need capital for improving the sewer system and other facilities. He stated this goes back to the sewer rate increase. Mr. Lewis stated Mr. Childs is right; however, the challenge is that if the Golf Course is not generating revenue, and in fact costs us money after the Debt Service which is the case, they have to recognize that. He stated that is partly from the Dalgewicz Settlement which increased the amount of Debt Service related to the Golf Course and the structure of the Debt on the Golf Course which has had an increase this year of over \$300,000. He stated you combine that with the weather, and there is a circumstance where they have to move money from the General Fund into the Golf Course. He stated by putting the money in the Park & Rec Fund and moving the funds to the Golf Course, they are recognizing the fact that there is an issue with the Golf Course and making that a discreet amount so people know what that is. Mr. Lewis stated many Board members are actively engaged in what our options are with respect to the Golf Course. Mr. Childs stated this will be a permanent increase in our taxes, and it is going into an “empty hole” financially as far as the Golf Course goes; and he feels that is what needs to be addressed.

Mr. Grenier stated rather than trying to “boost” the Golf Course through increasing taxes and shifting money from the General Fund, they could pressure those who manage the Golf Course to increase revenues outside of Golf although he is not sure how they could “entice” them to do that in this next year to cover the expenses. He stated they should at the same time do some kind of study to see what the

options are with the Golf Course, and that could include all kinds of options. He stated that could be another approach in the short term to avoid this particular increase particular to the Golf Course issue. Mr. Lewis stated the difficulty with the Golf Course is that we just completed a benchmarking study specific to the Golf Course, and as it relates to golf specifically, they do “extraordinarily well” in terms of rounds played and revenue per round compared to peer golf courses; however, we think we are under performing in the food and beverage area, which represents a little over 20% of the total revenue. He stated there is an opportunity there to improve the food and beverage revenue; and if the weather improves, they could have significant improvements. He added they do have to consider the long-term future.

Ms. Blundi stated she would like the Financial Advisory Committee to look at Golf and some other things in terms of long term cost analysis. She stated there are many challenges facing us in terms of where we are financially and the fact that it costs more to run to the Township than we collect in revenue.

Mr. Zachary Rubin stated he is in support of Mr. Lewis’ proposal to raise the millage 1.728. He stated his home is assessed slightly under the average home in the Township, and taking the numbers Mr. Lewis has proposed it would be an 8% increase which would mean he would have an increase of approximately \$58 a year to get all the services the Township provides. He stated since his home is slightly under the average he pays less than \$10,000 in Real Estate taxes, and with the new Tax Code for 2018, he can deduct all of his Real Estate taxes on his Federal Income tax if he itemizes. He stated no one is moving out of the Township because of this increase.

Mr. Grenier stated they are looking at a millage increase proposed by the Township Manager and the millage increase they are discussing for these worthy projects, and there is also the earlier recommended sewer increases. He stated with all these increases it will be more than the \$58 Mr. Rubin has discussed. He stated as they move forward there may also be additional increases, and we have an aging community many of whom may be on fixed incomes which they should be respectful of. He stated any increase could be difficult for some people, and he does not want to put anyone through that.

Mr. Lewis moved to withdraw the Motion and go back to the Budget as advertised. Dr. Weiss seconded.

Mr. Truelove stated there is no vote to be taken on withdrawing the Motion so they are back to the original Motion which was the Preliminary Budget as presented by Mr. Ferguson with the 1 mill increase.

Mr. Grenier stated he likes the idea of the \$5,000 to look for Grants for projects like Snipes, and he asked if there is discretionary money that could cover something like that or do they need to budget for it.

Mr. Ferguson stated in Park & Rec in the Preliminary Budget right now there is \$5,000 for the bike path as far as doing preliminary schematics. He stated as far as having money that they could utilize for other Grant pursuits, they may be able to get it out of the Budget without changing the number as he has a generic placeholder amount for engineering; and it will be his job to manage around that number within reason to keep that expense under control. Mr. Ferguson stated he would not necessarily put our engineer or any other staff member on an aggressive pursuit of Grants if there is not some match available of some sort to do it. He stated if Mr. Pockl would find a Grant that required a 50% match, if it were to be for Snipes that would be a significant amount of money. He stated in this Budget they have the Sandy Run project, and there is a legal action with the idea of recouping money for the first Sandy Run project that did not go well. He stated if the Township were to succeed with that action, it would provide the opportunity to make decision as to how they may wish to earmark that money such a bike path, Snipes, etc. He stated they cannot quantify that in this Budget because they do not have a decision on that.

Mr. Lewis stated part of what he was attempting to do in his Motion to Amend was to provide the wherewithal so that if the money came through from the Settlement in 2019 or early 2020, it would allow them to quickly move on the Snipes project. Mr. Lewis stated if they would apply for a Grant without having the match available, they may not be successful. Mr. Pockl stated in discussions he has had with the Grant coordinator at the DVRPC, they reiterated that while the money is not required, it does help your case. Mr. Pockl stated this is the seventh phase of this particular Grant, and they look at what they have given previously. He stated it generally comes out every one to two years, and they look at how much money is available. He stated there is no guarantee that there will be a Phase 8. Mr. Ferguson stated the DRVPC is not the only opportunity for Grants, and there are some others that come out every one or two years; and Mr. Pockl agreed.

Mr. Lewis stated the neighborhood effected by the DVRPC Grant is his neighborhood, and they were promised eighteen years ago that they would get the bike path. He stated when the Township negotiated with the Delaware Joint Toll Bridge Commission, we allocated money at that time in the amount of \$300,000. He stated that then “evaporated,” because the Township no longer had that \$300,000 sitting available. Mr. Grenier asked if that money went to the General Fund and was spent other places. Mr. Ferguson stated it was put in the Budget but eventually was used by the Special Projects Fund, and was no longer available.

Mr. Lewis stated they have still committed to the Delaware Joint Toll Bridge Commission that we will in fact build that bike path although we have not given them a specific timeline. He stated the acceptance letter with them includes that language.

Mr. Lewis stated his concern is that if we apply for another Grant with a higher match, we will be spending more taxpayer dollars. Mr. Lewis stated the bike path was a priority that was funded, the funds have gone away, and now they are seeking another approach to get a Grant from a Regional Planning Authority, and it would be significantly less in the match. Mr. Lewis stated his preference would be to find a way to include the \$120,000; and he is open to, instead of .728 whatever \$120,000 would be. Mr. Ferguson stated it would be approximately .23 mills although he would have to verify that. Mr. Lewis stated if they did .25 they would have enough in the remainder for Grant Applications for Snipes and not do the road work, and he asked if the Board would be in favor of that.

Ms. Blundi stated she was one of the original builders in the neighborhood, and she was told that money was being set aside for the bike path as part of the purchase agreement, and then that money was not there. She stated as noted by Mr. Lewis stated there was a “second round” and now that money is not there. She stated she feels “odd” talking about this particular project that would so directly impact herself.

Mr. Ferguson stated when he does a calculation as to what the collection would be his general placeholder is 98% to 98 ½% of that as a placeholder. He stated in the end the gross collection on .24 mills is \$127,911 which is the assumption of 100% collection; and if he applies the 98% of 98 ½% standard it comes to \$125,992 with a 98% collection on a millage increase of .24.

Mr. Lewis asked Ms. Blundi if she would consider abstaining since she feels directly impacted by that particular project, and Ms. Blundi agreed.

Mr. Lewis moved to increase the Park & Rec fee by .24 mills and add a transfer of \$120,000 from the Park & Rec fee to Account 748 – Woodside bike path contingent on receiving a Grant from the Delaware River Valley Regional Planning Commission adding that if we do not get that, the money does not go; and the remainder of \$5,000 would be used for Grant Applications for Snipes.

Mr. Truelove stated the .24 that Mr. Lewis is recommending is to be added to Park & Rec, and Mr. Lewis agreed.

Mr. Ferguson asked if Ms. Blundi were to abstain, would she then be abstaining from the full Budget vote; and Mr. Truelove stated she would be abstaining only from the Motion on the Amendment, and she could vote on the full Budget. Mr. Grenier stated the full Budget would include the Amendment, and Mr. Truelove stated she could still vote on the full Budget. Mr. Grenier asked about the legality of abstaining versus recusing, and Mr. Truelove stated there is no recusal process in this “arena.” He stated abstention is the public official equivalent of a recusal.

Mr. Ferguson stated that the bike path is 2019 and that millage is sitting there with other Park & Rec needs the Board could contemplate because it would go beyond 2019 whether that would be additional money as far as a strategy for funding Snipes or anything else. He stated while it would be earmarked as currently structured for the bike path, the funding for that goes beyond.

Dr. Weiss seconded.

Mr. Grenier stated they have 1.0 already and this would be an additional .24, and he asked Mr. Ferguson where they are at in total with other increases whether they be millages or fees for sewer. Mr. Ferguson stated another project they are talking about doing next year is repairing the Pool wall which would be funded from Pool revenues. He stated they have not had an increase in Pool Membership Fees in nine years, and it had been recommended that there be an 8% increase which would help pay for the Pool wall and additional measures they are taking in controls on staff, background checks, etc.

Mr. Ferguson stated with regard to sewer, there is an increase being suggested of 25%; and while he would like to state that would be going to specific capital projects, it is not, and it is essentially to manage the expenses that we are paying MMA and Bucks County Water and Sewer as well as our own maintenance costs with the requirements that we have under the 537 Plan moving forward. He stated they attended a meeting with MMA, and there is nothing in the Budget currently for an MMA capital cost which has been presented in the last several days; and going into the final Budget there is going to have to be a discussion regarding what, if anything, we might need to do with sewer rates to account for MMA’s capital costs that the Township will be seeing.

Mr. Ferguson stated the full scope of what he had presented was 1 mill divided as he had indicated, the increase that was just presented as an Amendment, the sewer increase, and the increase in Pool fees to handle those expenses. Mr. Grenier stated there is proposed a 25% sewer increase, and Mr. Ferguson agreed. Mr. Grenier asked if they need any additional sewer increases given the most recent meeting, and Mr. Ferguson stated he feels it will be another 10% to 11%.

Mr. Grenier stated that would there total a 35% to 36% sewer increase.

Mr. Ferguson stated some of those costs are outside of the Township's control to manage which is part of the struggle we have with sewers which is why the Sewer Sub Committee is addressing that going forward. Mr. Grenier stated they have seen some estimates regarding the sewers over the next few years, and they are significantly greater than what we are going to add this year and next year which gives him pause when talking about other increases to our Budget. Mr. Grenier stated he is concerned about the overall expenditures for individuals given the sewer increase percentages we are looking at, and that is the only reservation he has with regard to the Motion.

Mr. Lewis stated it would be approximately \$10 per taxpayer and a potential saving in the future if we had to go with a 50% match. Mr. Grenier stated they would be speculating either way and there could be one that could have 100% coverage. Mr. Grenier stated he would prefer to earmark any money we get from the Sandy Run Settlement to the Woodside bike path. Mr. Lewis stated it is a timing issue, and we do not know if we would get money in 2019. Ms. Blundi stated we do not know that we are going to get any money. Mr. Lewis stated we might not get the Grant from the Delaware Valley Regional Planning Commission. Ms. Blundi stated she was referring to the Sandy Run Settlement. She stated she feels it is odd to consider that a funding source. Mr. Grenier stated he felt the bike path would be nice to have; and if we had the money through a source such as Sandy Run Settlement, that is something they could put that money toward.

Mr. Lewis called for a Vote on the Amendment to the Motion with the vote as follows: Mr. Lewis and Dr. Weiss in favor, Mr. Grenier opposed, and Ms. Blundi abstained.

Mr. Lewis called for a Vote on the Motion to publish the Preliminary Budget as Amended.

It was noted that the Motion to Amend did not pass as in order for the Motion to pass, with four Board members present, it would have needed to have three Board members in favor.

Mr. Zachary Rubin stated there is a quorum currently of Supervisors, and when you take a vote it is a majority vote, and two to one passes. He stated an abstention does not carry one way or the other. He stated he feels it was a legal vote. Mr. Truelove stated in the Case Law he is familiar with, and he believes Mr. Ferguson agrees as well, you have to have a majority of the number present. Mr. Rubin stated he would therefore ask for a Motion to reconsider the recusal of Mr. Blundi on the grounds that she is not personally benefitting from this vote unless she was the exclusive bicyclist on that bicycle path, and he feels she should reconsider her vote and the

Motion should then be reconsidered. Mr. Rubin stated Ms. Blundi is not personally benefitting from this Budget, and all she is doing is helping the people of Lower Makefield as there are 33,000 people who could use that bike path if it was paved, and not just her and her family. Ms. Blundi stated she understands Mr. Rubin's request; however, her training as an attorney is to disclose and then act accordingly. She stated when the bike path was moved to the north side of Woodside Road, that is literally her back yard. She stated this pertains just to the bike path. Mr. Rubin stated they appreciate her full disclosure; however, he noted that Mr. Lewis lives in the same neighborhood, and he disclosed that it was in his neighborhood, but he felt that he was not personally benefitting, and Mr. Rubin stated he feels it is the same for Ms. Blundi. He stated the Chairman did not abstain, and he does not feel Ms. Blundi should.

Mr. Truelove stated unless there is a Motion to reconsider, they would be voting on the original Motion. Mr. Truelove stated they could go into Executive Session. He also stated they could take a recess and there could be a discussion by two of the Board members although not all four. Mr. Truelove stated a recess will be taken at this time for the purpose of discussing Budget items between two of the four Board members that are now present.

The meeting was reconvened at 10:15 p.m.

Mr. Lewis asked how to proceed to reconsider the last Motion, and Mr. Truelove stated someone who voted against it, which would be Mr. Grenier, would be the one to ask for a Motion to reconsider it.

Mr. Grenier moved, Dr. Weiss seconded and it was unanimously carried to reconsider the previous Motion.

Mr. Truelove stated the Motion to be brought back would be the Motion by Mr. Lewis and seconded by Dr. Weiss that in addition to the Preliminary Budget proposed by Mr. Ferguson to increase the Park & Recreation millage by 0.24. Mr. Lewis stated the proceeds of that were previously discussed in the original Motion.

Motion carried with Mr. Grenier, Mr. Lewis, and Dr. Weiss in favor and Ms. Blundi abstained.

Mr. Truelove stated they will now go back and vote on the Preliminary Budget as amended.

Dr. Weiss moved, Mr. Lewis seconded and it was unanimously carried to approve advertisement of the Adoption as Amended of the Preliminary 2019 Budget.

Mr. Ferguson stated there will be a Notice in the paper tomorrow indicating that the Preliminary Budget is available for review. He stated this needs to be displayed for a minimum of twenty days, and the date they are looking to pass the Final Budget as currently outlined would be December 19. He stated the plan would be to update the Preliminary Budget as it is currently presented on the Website with the change that was just provided. He stated they will do this on Monday, and there will be a copy available at the Township Building and the Community Center.

SOLICITOR'S REPORT

Mr. Truelove stated the Executive Session was held beginning at 7:10 p.m. and items related to litigation, Zoning Hearing Board matters, personnel, and informational items were discussed.

Mr. Truelove stated since the last meeting his office has prepared an Ordinance advertisement, reviewed Right-To-Know Requests and advised staff regarding responses, and prepared communications to Sewer Authorities regarding obligations and their applicable Agreements. He stated they worked on litigation matters, communicated with staff on various issues, conducted a meeting with regard to Land Development Dedication, and followed up on lien enforcement. Mr. Truelove stated if the Board would desire, they could make a presentation on the number of liens they have successfully obtained recovery from with help of the staff. Mr. Truelove stated they have also reviewed Zoning Hearing Board Appeals, had general meeting preparation, and prepared a Draft Grease Trap Ordinance which should be ready by the next meeting. Mr. Grenier stated he did see the Draft of that, and he assumes the Sewer Authority will review it at their meeting next week.

APPROVAL OF RESOLUTION NO. 2378 AUTHORIZING THE SOLICITOR TO TAKE ALL NECESSARY AND APPROPRIATE ACTION ON BOXWOOD FARMS' PERFORMANCE BOND

Mr. Truelove stated at the last meeting this Resolution was discussed and it was deferred with the hope that the developer would comply with certain paving obligations. Mr. Truelove stated he spoke to Mr. Majewski this morning and Mr. Majewski had indicated that if there was progress on this, he would let Mr. Truelove know; however since he did not hear from Mr. Majewski, it appears that they have not made progress and it would be appropriate to approve the Resolution No. 2378 authorizing his office to proceed as indicated.

Dr. Weiss moved to approve Resolution No. 2378 authorizing the Solicitor to take all necessary and appropriate action on Boxwood Farms' Performance Bond.

Mr. Truelove stated there had been communications directly with the paving company and there had been some scheduling; but according to what Mr. Majewski told him this morning, he was going to follow up with Mr. Truelove if he had satisfactory information later in the day, and Mr. Truelove stated he had not received any follow-up communication from him so he assumes that there are reasons why they have not proceeded. Mr. Truelove stated if work has taken place, they could always withdraw the request, and the Township would not lose anything by authorizing his office to proceed.

Ms. Blundi seconded.

Mr. Grenier stated Mr. Pockl referenced this in his Engineer's Report and indicated that they had gone through a number of punch list items, but not the paving. Mr. Pockl stated they did some top dressing and seed on certain areas that were eroded and needed to be addressed; however, the main thing is paving the road, and that has not been done. Mr. Pockl stated the last discussion he had with the developer was approximately two weeks ago, and they indicated the same thing Mr. Majewski had indicated.

Motion carried unanimously.

DISCUSSION AND MOTION REGARDING PROPOSED CHANGES TO THE TREE-RELATED SUBDIVISION AND LAND DEVELOPMENT (SALDO) AND ZONING ORDINANCES

Mr. Truelove stated they do not have for the Board tonight a specific Ordinance, but the EAC and the Planning Commission unanimously approved conceptually the proposed changes to the tree-related Subdivision and Land Development and Zoning Ordinances. Mr. Truelove stated there have been some issues over the last several years where there have been Waivers given from some of the Tree Replacement Ordinances for different developments for a variety of reasons including issues of tree counts, and whether any credit was to be given for buffer trees, street trees, and parking lot trees planted on site. Mr. Truelove stated the EAC discussed this at a number of meetings, and he feels this is a step in the right direction for many reasons.

Mr. Truelove stated there are two conceptual proposals and the first would revise a certain Section of the SALDO so that the buffer trees, street trees, and parking lot trees planted on site are also counted as replacement trees. He stated in a separate Sub Section in the same Section of SALDO, they would add a clause so that trees added off site would be given the same protection as the on-site trees when the tree protection areas extend onto a site being developed. He stated the intent would be to avoid a situation where a neighboring property's trees located near the perimeter would be damaged by the on-site construction activities. He stated this also anticipates using the drip line area of the tree on an adjoining neighbor's property. Mr. Truelove stated for the Zoning Ordinance it talks about replacement tree calculations and they have done a substantial amount to show how this compares to some of the Zoning Ordinances for woodlands protection in RRP, R1, and R2 with different percentages, and this would bring the Ordinance in line with some of the other Municipalities in the area in terms of preserving old growth woodlands.

Mr. Grenier stated they could make a Motion to direct the staff/Solicitor to develop a draft Ordinance that they would vote on at a later date, and Mr. Truelove agreed. Mr. Ferguson stated in advance of that meeting the Board would see the draft and then they could make a Motion to advertise.

Mr. Grenier moved and Ms. Blundi seconded to direct the Solicitor and staff to draft the Ordinance changes as outlined by the Solicitor this evening related to the Tree-Related Subdivision and Land Development and Zoning Ordinances.

Mr. Truelove stated Mr. Majewski provided him a very comprehensive memorandum outlining the changes and incorporating the information from the EAC, and he will use that as a template for the Ordinance. Mr. Grenier stated Mr. Dresser and the other members of the EAC played a big role in putting that memorandum together over the course of the last year.

Mr. Alan Dresser, 105 E. Ferry, asked that the Board read the memo that the EAC came up with which will explain exactly what they are doing, describes the changes, justifies the changes, and shows how these changes would have effected past developments so that they know what the impact would be on future developments. It was noted that the Board had received a copy of this memo.

Motion carried unanimously.

ZONING HEARING BOARD MATTERS

With regard to the Patrick Miller Variance request for the property located at 1274 Lexington Drive in order to permit construction of an addition resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

SUPERVISORS' REPORTS

Mr. Lewis stated last night the Zoning Hearing Board met to hear a case where a group of residents who had concerns with the Application were able to come up with a solution with the Applicant that improved the stormwater run off and made it possible for the Zoning Hearing Board to easily accept the Application. Mr. Lewis stated the Golf Committee met last week and reviewed golf pricing for 2019 among other issues.

Dr. Weiss stated there will be a public meeting regarding the Trenton Mercer expansion at the Trenton Country Club on Tuesday, November 27 from 6 p.m. to 9 p.m., and they will be discussing the Environmental Assessment for runway protection zone and obstruction mitigation project at the Airport. He stated this is not about the terminal. He stated they may be changing the traffic patterns, and people may want to attend that meeting and comment if necessary.

Mr. Grenier stated the Board did submit formal comments on the Environmental Assessment for the terminal. Mr. Ferguson stated they received confirmation that they received them. Mr. Grenier stated the EAC is currently reviewing the Elcon Application. He stated they are looking at specific topics where the EAC feels comfortable and has some expertise on to provide comment. Mr. Grenier stated Elcon had not submitted all of the information they were supposed to so that could hold it up a little. Mr. Grenier stated the Sewer Authority will meet the Thursday following Thanksgiving, and they will be discussing the new Grease Trap Ordinance. Mr. Grenier stated the Comprehensive Master Plan has been submitted to the Bucks County Planning Commission, and it is currently under review so the Board will be able to address it soon.

Ms. Blundi stated Farmland Preservation is in the process of evaluating whether or not there is a better way for them to be managing their investments, and they are reaching out to different investors. She stated they were able to get the Farmland Minutes uploaded to the Township Website. Ms. Blundi congratulated Ms. Tierney and her team on the Veterans Day Parade.

OTHER BUSINESS

Mr. Lewis moved, Ms. Blundi seconded and it was unanimously carried to authorize the Township Manager to retain the services of an auditing firm to perform the 2018 Financial Audit.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to re-appoint David Mann to the Disabled Persons Advisory Board.

There being no further business, Ms. Blundi moved, Mr. Grenier seconded and it was unanimously carried to adjourn the meeting at 10:45 p.m.

Respectfully Submitted,

John B. Lewis, Chairman