

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – MARCH 20, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on March 20, 2019. Mr. Grenier called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

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

Others: Kurt Ferguson, Township Manager
David Truelove, Township Solicitor
Andrew Pockl, Township Engineer
Kenneth Coluzzi, Chief of Police

COMMUNITY ANNOUNCEMENTS

Mr. Grenier announced that the Spring 2019 eWaste Recycling Event will be held on May 4, 2019 at William Penn Middle School from 9 a.m. to 12 p.m.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B Wren Song Road, asked about the Heritage Tree Ordinance as he felt it was going to be on the Agenda this evening. Mr. Grenier stated they are still working on it, and it will be on an upcoming Agenda. Mr. Kupersmit provided information on his latest Court Case. He expressed concern with the Country, Steve Santarsiero, and global warming.

Mr. Sol Bress, 649 Teich Drive, asked for an update on the Act 101 Grant proposal. Mr. Ferguson stated the Board authorized him to apply for four new leaf trailers for the leaf program. He stated he met with DEP about this, and the Grant will be going in tomorrow. Mr. Ferguson stated DEP agreed to allow the Township to use the skid steer that was recently purchased as the Township match. He stated his hope is that we will have four new leaf trailers that are entirely covered by the Grant with no Township match needed.

Mr. Bress stated he understands that there is approximately \$650,000 collected from taxpayers for leaf collection, yet only \$350,000 is actually used; and the remaining \$300,000 goes back into the General Fund. He asked why some of that money could not be allocated to keeping the recycling yard open for longer periods of time during the year. Mr. Ferguson stated for 2020, he will be presenting the actual costs of the leaf program which are not currently factored in; so while the number Mr. Bress is discussing is not wrong the way it currently stands, that number will change. Mr. Ferguson stated as he has discussed at approximately six public meetings, the recycling yard has several different components to it that are not just based on a financial analysis. He stated they are opening the yard for the first pick upon April 13, and three people have been assigned to manage the yard that day. He stated moving forward, for any days that the yard is open, it will require that he designate a minimum of two of the twelve Public Works employees to the yard alone; and that is one of the challenges we have based on how they need to watch the yard, maintain the yard, and how they are going to prevent things from being dropped off that should not be dropped off at the yard.

Mr. Bress asked why they have to use Public Works employees, and he asked if they could not hire part-timers to monitor the yard. Mr. Ferguson stated that would violate the terms of the Labor Contract that we have with the Public Works Union. He stated that is bargained-for work that they have in their Agreement the same as they have work that is bargained for regarding salting and plowing, and everything that they do. Mr. Ferguson stated it is not just monitoring the yard. He stated on April 13, one of the workers will be running the front loader to move material out of the way, another worker will be checking the loads that are being dropped, and a third person will be taking IDs and making sure that those using the yard are Lower Makefield residents; and that is all bargained-for work. Mr. Ferguson stated the only non-bargaining employee that he will have as part of that process will be the Public Works Director who will be on site on those days.

Mr. Bress stated in previous years there were no “bargaining-unit employees” monitoring what was coming in or checking IDs. He asked if the Township was violating the Contract. Mr. Ferguson stated if that is what was happening, he feels they were violating the Contract. Mr. Ferguson stated it would have to have been full-time employees that they would have had assigned on Saturdays that would have been out there. Mr. Ferguson stated he understands people have been raising this as an issue; but if Mr. Bress is indicating that there were part-time people out there doing this work, we would have been in violation of the Contract. Mr. Bress stated there was nobody doing it, and there was no problem. Mr. Ferguson stated there was a problem. He stated we are cleaning out the recycle yard now, and there was metal and various things there that damaged the equipment we had in clearing it out. He stated this has to be monitored. He stated it is next to a wetland, and there are new MS4 requirements from DEP that will

require this to be regulated in a very specific way with the proper materials being dumped, with the Township moving the materials shortly after they are brought in, and making sure that tires, refrigerators, metal, and signs which have been dropped off in the past, no longer happens.

Mr. Bress stated what he has observed in past years was that all the metal, signs, and tires all seemed to have come from the Township Public Works Department. Mr. Ferguson stated some of that may have happened.

Mr. Grenier reminded Mr. Bress of the three-minute Public Comment time limit which he has exceeded, adding that they have had this discussion a number of times in the past. Mr. Bress stated he hopes that they will reconsider, and he hopes that they will try to have it open more during the course of the year.

Mr. Robert Abrams, 652 Teich Drive, stated he watched the last Board of Supervisors meeting which he feels was “disgraceful.” Mr. Abrams stated Mr. Lewis keeps trying to “ram Ordinances down the throats of the taxpayers.” Mr. Abrams stated the right way to do it is to approach the Board members, provide them information, and discuss it.

Mr. Abrams stated he did not see anybody attend the DEP Elcon meeting. Mr. Grenier stated there were EAC representatives in attendance. Mr. Abrams stated he made public comment at that meeting and asked the DEP if they are considering the preparedness of the surrounding communities to deal with a spill or disaster situation. He stated he advised them that he did feel that Lower Makefield was prepared for that. Mr. Abrams asked Chief Coluzzi if he feels that he has enough equipment, enough people, and enough background and training to clean up “6,000 gallons of hazardous liquids before it enters the waterways or groundwater.” Chief Coluzzi stated no one does anything alone in today’s environment, and you depend on a lot of other agencies to move in and assist you with these situations, including DEP and the County HAZMAT. He stated they would have a good handle on it, but he would absolutely not handle it himself. Mr. Abrams stated DEP’s answer what that they had their HAZMAT unit; however, Mr. Abrams questioned if they would be able to get to Lower Makefield from Norristown before a trailer on its side started to leak. Mr. Abrams stated it does not appear that Falls Township is going to do a lot to stop this project. Mr. Abrams stated he feels Lower Makefield should start to determine how we are going to prepare for this and the impact on our roads. Mr. Grenier stated that the Emergency Management group could look into making sure everyone is trained.

Ms. Tyler asked the EAC liaison to ask the EAC provide a report on this issue. Mr. Grenier stated they had asked the EAC to review Elcon's Application, and they have come up with some questions. Mr. Grenier stated he does not believe that Elcon has fully submitted all of the materials required.

Mr. Abrams stated he also asked DEP who will be paying for all the excessive expenses to the surrounding communities, but he received no response. Mr. Abrams stated the Township should consider who should pay for our preparedness since it should not be the Township. He stated the Fire Department and Police Department are going to need more equipment and manpower.

Mr. Josh Johnson, 532 Central Road, asked if there has been any movement on getting permission to replace the headstones that were ordered last year for the Slate Hill Cemetery. Mr. Truelove stated he just became aware of the Scout project for that; and the issue is they have to go to Court to file a Petition to make sure we have permission to do this. Mr. Johnson stated back in November paperwork was supposed to have been handled. Mr. Truelove stated his office was not directed to file anything as they were still waiting for more information. Mr. Truelove stated he recognizes that there is a timeframe for the Scout project, and he does not see a way for the process to be complete by Memorial Day weekend although it does not mean that the Scout cannot proceed with what he wants to do. Mr. Johnson stated he wants to place the headstones, and is being told that he cannot place the headstones. Mr. Truelove stated he would advise that he not do so without Court approval, and that is not going to "happen overnight."

Mr. Johnson stated he is a member of the local VFW and a member of the American Legion Post as well, and he talked to the Commander of the VFW Post about helping assist with some type of ceremony once this is approved. Mr. Truelove stated he was just given information about this today, and he needs more information, and will consult with the Board of Supervisors as well. Mr. Truelove stated he understands that Dr. Weiss has some information about this. Mr. Truelove stated he will wait for the Board's direction.

Mr. Johnson stated there is a timeline that the Scout has for certain things; and he is not sure when the Scout turns eighteen which is the cut off. Mr. Truelove asked that they provide the Township the timeline.

Ms. Tyler stated Mr. Jim Majewski from the Building and Zoning Department was tasked with looking into the process, and there also have to be Court filings. She stated they have been taking action. Ms. Tyler stated if this is a "dead end," the Eagle Scout candidate should contact Ms. Monica Tierney of the Park & Recreation Department as she has numerous projects that could be done and help him meet the timeline.

Ms. Heinz stated the Scout is fine with regard to turning eighteen, but the process is that they have to write up a project, present it to the Scout Troop, then present it to the District to get approval. Ms. Heinz stated if it was approved by the Township, she feels the project could be started by the end of April. Ms. Tyler stated they cannot give approval at this time. Ms. Heinz stated she disagrees because it is a public cemetery, and there is no ownership of property there. She stated these are Veterans graves, and it is under the Administration of the Federal Government; and she feels they should be able to replace them. Ms. Tyler stated Lower Makefield Township is the owner of the cemetery, and there is a process in place that they must follow. Ms. Tyler stated they need Court approval.

Mr. Grenier asked Mr. Ferguson if people should be meeting on this with him or someone else separately. Mr. Johnson stated he assisted Dr. Heinz filling out the paperwork since he is still serving in the Military and is familiar with dealing with the VA. Mr. Grenier stated they have the VA involved and Lower Makefield that is involved. He asked about the stones, and Mr. Johnson stated the stones are in the possession of the Township. Ms. Heinz stated the stones have been sitting in the “warehouse.” Ms. Tyler stated they need the sign off of the Court to authorize this project. She stated she does not feel anyone is opposing it, but they have to go through the process. Ms. Tyler stated they could authorize Mr. Truelove’s office to proceed. Mr. Truelove stated they could do that, and he would then advise the Board on the process and the anticipated timeframe.

Ms. Helen Heinz, 1355 Edgewood Road, stated she was upset about this at the last Township meeting with the Historic Commission when she was informed that she should make a list of all the relatives that she contacted to ask their permission to put the stones in. Ms. Heinz stated these are people who died 150 years ago, and she asked if any of the Board members would know if they had a relative buried at Slate Hill Cemetery and would “accept the bill.” Ms. Tyler stated she feels the process they need to file should be respected.

Mr. Truelove stated if the Board authorizes him to proceed tonight, he could provide his contact information to Mr. Johnson.

Ms. Tyler moved, and Ms. Blundi seconded to engage Counsel to move forward with the Court Application process for the replacement of the stones in the Slate Hill Cemetery.

Dr. Weiss stated this issue was brought up at the last Historic Commission meeting, and he understands it has been a long-standing issue for the Commission. He stated if they need a formal process, he has no objection to that.

Motion carried unanimously.

APPROVAL OF MINUTES OF MARCH 6, 2019

Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to approve the Minutes of the March 6, 2019 meeting as written.

APPROVAL OF WARRANT LISTS FROM MARCH 4 AND MARCH 18, 2019

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the Warrant Lists from March 4 and March 18, 2019 as attached to the Minutes.

APPROVAL OF FEBRUARY, 2019 INTERFUND TRANSFERS

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the February, 2019 Interfund Transfers as attached to the Minutes.

Mr. Robert Abrams asked if there should not be discussion about the downgrade on the Bond rating during the Treasurer's Report. Mr. Grenier stated they did put out a public statement on that on the Website. Mr. Ferguson stated he could discuss this during the Manager's Report.

ENGINEER'S REPORT

Mr. Pockl stated he had provided the Board in their packet a copy of his March, 2019 report. He stated the contractor for the 2018 Township Road Program has advised that they intend to begin the remediation work starting with the handicap ramp at Schuyler Drive next week. Mr. Pockl stated he approved Lot #5 Permit Plan for the Estates at Sandy Run. Mr. Pockl stated in the Scammel's Corner development, he reached out to the developer; and they will be meeting with them next week to outline the scope and schedule for the remaining work required before they can go to Dedication.

Approval of Escrow Release #1 for Big Oak Partners, L.P. (Matrix Residential Development)

Mr. Pockl stated the requested Escrow Release includes clearing of the site and installation of erosion and sediment controls, and that work was completed; and therefore they are requesting an Escrow Release in the amount of \$41,922 to the developer. After this Release, there will be \$1.8 million left.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Escrow Release #1 as described by the Township engineer.

Approval of Escrow Release #5 for Regency Phase 1, Escrow Release #5 for Regency Phase 3, Escrow Release #4 for Regency Phase 4, Escrow Release #3 for Regency Phases 6 and 7

Mr. Pockl stated these four Escrow Releases are for the Regency north side development. Mr. Pockl stated Phase 1 is in the amount of \$5,600, Phase 3 in the amount of \$43,979, Phase 4 in the amount of \$7,739, and Phases 6 and 7 in the amount of \$23,211.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Escrow Releases with regard to Regency Phases 1, 3, 4, 6, and 7 as outlined by the Township engineer.

Authorize Township Engineer to Issue a Notice of Intent to Award to the Apparent Lower Bidder of the 2019 Road Program

Mr. Pockl stated Bids were opened on March 15, and they received five Bids, with the low bidder being James Morrissey, which was the contractor for the 2019 Road Program. Mr. Pockl stated the low Bid for the Base Bid was \$709,702.55, and the highest Bid was \$1.1 million. Mr. Pockl stated there were three Alternate Bids. He stated one was for a section of Rose Hollow Drive, another for the remaining section of Rose Hollow Drive, and the third was for Black Rock Road. Mr. Pockl stated in looking at the Township Budget this year for the Road Program, they believe that the Base Bid and Alternate Bid #3 could be awarded and still be within the Budget. Mr. Pockl stated they are recommending a Notice of Intent to award in the amount of \$766,240.05 for the Base Bid and Alternate #3.

Ms. Tyler moved and Dr. Weiss seconded to authorize the Township Engineer to issue a Notice of Intent to Award to the apparent low bidder for the 2019 Road Program with Base Bid and Alternate Bid for a total amount of \$766,240.05.

Mr. Grenier asked Mr. Ferguson what the Budget number was. Mr. Ferguson stated \$765,000 was Budgeted out of the Liquid Fuels Fund, and the Bid as Mr. Pockl described came in at \$766,240.05 which was fantastic work and is the way he wants to manage the projects and our money. Ms. Tyler asked what was spent on roads last year; and Mr. Ferguson stated it was over \$1 million, with some of that money coming from the Bond. Ms. Blundi asked if any of the roads have the reflective signals, and Mr. Pockl stated Black Rock Road, Quarry Road, and Creamery

Road will have the reflective signals in the pavement. Ms. Blundi stated they do help. Mr. Pockl stated during the design process, he did drive the roads at night, and they do make a difference.

Mr. Grenier stated at Creamery Road not only are they repaving, they are also addressing the drainage issues as well. Mr. Pockl agreed adding there were line items for a roadside drainage swale and under drain to take some of the groundwater and drain that into the system before it gets into the road base or sub base. Mr. Grenier asked when they anticipate the work starting, and Mr. Pockl stated they first have the thirty-day Responsible Contractor Ordinance. He stated after the thirty-day period is up, he can issue an Award, and then draw up the Contracts which usually takes another two weeks. He stated it would then probably take another two weeks for the contractor to mobilize. He stated the contractor has to provide a design for full-depth reclamation which they are doing on Quarry Road which will take some time. Mr. Pockl stated realistically he feels the work will start the end of May.

Mr. Zachary Rubin, 1661 Covington Road, stated that despite the fact that the bike path along Covington Road was never completed with resurfacing to complete the circuit, last Monday the Township was on Covington Road hot patching potholes; and he commended the Director of Public Works and the Public Works Department for keeping up with the potholes to prevent them from getting worse.

Motion carried unanimously.

PROJECT UPDATES

Mr. Ferguson stated with regard to the Township Properties – Inventory and Status, he anticipates he will have a preliminary report outlining all the Township properties with a brief snapshot by next week. He stated he would like to get the staff started on a more detailed review as to costs, condition, etc., and he anticipates that will be in April.

Mr. Ferguson stated Pool renovations are underway. He stated they have removed water from the pool, and you can see where water is leaking in which is the point of the project. He stated he feels not only will it help preserve the pool, but it will also lower the water bill because they were constantly having to fill that pool. He stated they are still targeting having this completed in May with an opening day of May 25. Mr. Ferguson stated Ms. Tierney is on top of all of the details. Mr. Ferguson stated the Pool will be filled in one day by the Pennsylvania American Water Company, and typically that takes the Township five days to fill it so saving four days is very helpful.

Mr. Ferguson stated with regard to the Memorial Park Project, there was a presentation made by Ms. Tierney at the Park & Rec Board which he attended. He stated originally there were four tennis courts as part of the Grant Application, and the Park & Rec Board signed off on the idea that there will now be three tennis courts and two pickleball courts. Mr. Ferguson stated the Grant Agency indicated they would allow this since it was essentially the same footprint, same amount of material, and same cost.

Mr. Ferguson stated with regard to the Multi-Use Trail, they had the first meeting a few weeks ago with a representative from the Police Department, the traffic engineer, the Public Works Director, and the Zoning and Planning Director going over the Plan. Mr. Ferguson stated they are looking at making some additional safety changes to the Plan that was presented, and it will increase the cost somewhat. Mr. Ferguson stated they are looking to add a sensor-driven crosswalk on both Roelofs and at the Community Center. Mr. Ferguson stated a sensor-driven crosswalk as opposed to one that is pushed, will increase safety since sometimes young people are in a hurry; and if someone were to run into the crosswalk, a driver would be alerted because the lights would go off as soon as someone enters the crosswalk. Mr. Ferguson stated they will bring more detailed plans to the Board when they are available. He stated they will manage the costs and be able to budget for them appropriately.

Mr. Grenier asked if they have looked at a schedule yet for doing the stamp at Makefield Road. Mr. Ferguson stated they anticipated that would occur sometime in April or May. Mr. Pockl stated they need asphalt in order to replace what is there now, and he is not sure the asphalt plants are up and running yet. He stated it is not always best to have the asphalt that is at the beginning of the batch for a small project like this.

Mr. Grenier stated the Park & Rec Department is working on various Township facilities.

Mr. Harold Kupersmit asked with regard to the Township Properties – Inventory and Status if Mr. Ferguson or the Supervisors have any idea what properties are available in the Township that could be used for his “affordable housing initiative.” He also asked about the Zoning for this. Mr. Grenier stated what they are doing is putting together an inventory of what the Township owns, operates, and is responsible for.

MANAGER’S REPORT

Mr. Ferguson stated several times this year he will give more comprehensive updates on the year-to-date Budget and where we are financially. He stated he wants to manage overtime and focus on things that we want to accomplish.

Mr. Ferguson noted the overtime Budget and contracted services for salting and plowing; and keeping in mind that it could still snow in November and December of this year, the amount that had been Budgeted was \$329,000 and year-to-date on this is approximately \$77,000. Mr. Ferguson stated at this point he has engaged the Public Works Director to begin evaluating the roads looking at where they could do hot patching, crack sealing, and fixing areas in the Township and come up with a plan for the rest of the year to get roads done. Mr. Ferguson stated he has instructed him that it would not just be work that could only be looked at during regular business hours, and this is a targeted way he would like to use overtime including inlet repair. Mr. Ferguson stated that plan will be presented to the Board in April.

Mr. Ferguson stated going forward, they will begin to create for the Board's insight a three-year paving plan with the idea that for the 2020 roads they would look to pave, they will begin this summer and this fall doing inlet repairs on those roads. He stated the Bid that was just approved included inlet repairs, with a cost of \$1,500 per inlet when using a contractor. Mr. Ferguson stated the idea would be if the Township can work on the inlets this year for the roads they are considering for 2020, they could exclude that from the Bid next year and pave more roads.

Mr. Ferguson stated on Friday they opened the RFPs for the Pool Feasibility Study, and he will have Ms. Tierney's report and his own comments for the Board at the next meeting. Mr. Ferguson stated they received three proposals, one of which was within the range of the Budgeted amount that was put in which was approximately \$25,000 from the Pool Fund and not taxes.

Mr. Ferguson stated with regard to the Moody's evaluation, they did not just examine what the current snapshot is right now of our finances; and that was only one part of it. Mr. Ferguson stated during the Budget discussions he spoke about his concern that there were balances that had been carried forward that were negative and "were a drag on the General Fund;" and in his opinion that needed to be reconciled. Mr. Ferguson stated those numbers are listed in the Financial Report. Mr. Ferguson stated the Moody's meeting was "intense," and there were three to four separate discussions equaling about ten hours; and Moody's was aware of all of these things. He stated the first question Moody's asked him was whether he knew where the Township stood financially, and he told them he did. He stated they also wanted to know if he had told the Board that, and he told them he did advise the Board. Mr. Ferguson stated he also told Moody's how during the Budget we reconciled all of those accounts. Mr. Ferguson stated Moody's confirmed this information, and they were very complimentary of the Board taking aggressive action to do that. Mr. Ferguson stated the Moody's Report refers to the Enterprise Funds which includes the Golf Course and the Sewer system, and the debt that is "hanging on those." Mr. Ferguson stated Moody's was actually "quite pleased with our financial condition," and Moody's believes that we are positioned to rebuild our

fund balances to the extent that Moody's will be comfortable with. Mr. Ferguson stated what Moody's was mostly concerned about was the debt that we currently have with the Golf Course that dates back a long time, and begins to balloon in four to five years. They are also concerned about the Golf Course's ability to make those payments. Mr. Ferguson stated as he noted during the Budget discussion, there are not enough rounds of golf to make the Bond payments that will be due on the Golf Course. Mr. Ferguson stated to their credit, the Golf Committee and the Board of Supervisors have been looking at a variety of options to bring in more revenue including expanding the restaurant. Mr. Ferguson stated there is concern because absent the Golf Course being able to make the payment, it is the General Fund/tax dollars which will have to pay it.

Mr. Ferguson stated this is the same for the sewer system. He stated it is not just the current debt, but the massive liability that could be hanging over rate payers with the options we have to take our sewage to a different place or pay the amount that MMA has indicated it would cost to move their facility which could be \$80 million to \$150 million, and the Township would be responsible for 43.62% of those charges. Mr. Ferguson stated the Board of Supervisors has engaged the Sewer Authority and the Sewer Sub Committee to examine these details and come back with recommendations.

Mr. Ferguson stated Moody's was very well aware of all the details, and were in fact quite complimentary of all of these things taking place. He stated Moody's belief was that the Township understood where it stood on all of these matters with regard to its finances, its debt, and the potential pending debt; and they indicated that they were very pleased that the Board has taken the action that they had. He stated they also recognized that this "stress" on debt and on the General Fund that it took to reconcile, necessitated a downgrade. Mr. Ferguson stated they indicated that the downgrade was more so for what potentially the Township could be faced with than it was on the snapshot of the finances right now.

Mr. Ferguson stated we will probably be evaluated again in a year, and he fully expects that we will continue the stabilization.

Mr. Kupersmit asked if the debt on the Golf Course will balloon in four to five years, and Mr. Ferguson agreed. Mr. Ferguson stated the way the debt was structured by a previous Board a number of years ago when they took on the debt, there were very small payments initially; and in the last couple of years, they have grown to \$1 million a year and will go to approximately \$1.6 million to \$1.7 million in the coming years. Mr. Kupersmit asked if it could be refinanced today, and Mr. Ferguson stated the Finance Committee is currently engaged on that issue. He stated they are evaluating the debt some of which is callable, and some of which is not callable. Mr. Ferguson stated the Board may have to look at the possibility of refinancing that

even if it might be at a slightly higher rate to blend it out over a longer period of time in order to lower the payments, or any number of other options as to how to manage the debt going forward. Mr. Kupersmit stated the Federal Reserve announced today that there will be no more interest rate hikes in 2019. He stated he would recommend if it is possible that the Township refinance now.

Mr. Robert Abrams asked if the Moody's Report was posted on line; and Mr. Ferguson stated he put on line what he was required to post within thirty days on a specific Website although it is not on the Township. He stated he is not opposed to putting it on the Township Website. Mr. Abrams stated if people are informed, they can make more intelligent comments and suggestions. Mr. Grenier stated the letter was summarized on the Township's Website, and you can Google Lower Makefield and Moody's to find the full report.

SOLICITOR'S REPORT

Mr. Truelove stated the Board met in Executive Session beginning at 6:00 p.m. and items of litigation, informational items, and personnel were discussed.

APPROVE EXTENSIONS FOR DOGWOOD DRIVE, ERIN DEVELOPMENT, AND CAPSTONE TERRACE

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to accept the Extension request for Dogwood Drive to July 1, 2019.

Ms. Tyler moved and Ms. Blundi seconded to accept the Extension request for Erin Development to July 1, 2019.

Mr. Lewis asked if the developer has paid off all balances with the Township, and Mr. Ferguson stated they have.

Motion carried unanimously.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to accept the Extension request for Capstone Terrace to July 1, 2019.

APPROVE CERTIFICATE OF APPROPRIATENESS 1790 YARDLEY-LANGHORNE ROAD – BUILDING MOUNTED SIGN AND BARBER POLE

Ms. Tyler stated she is the Liaison to HARB, and this is a business that will be moving in on Yardley-Langhorne Road. She stated when you put up a sign or do anything in the Historic District, you need approval by HARB to make sure it is in conformity with our Codes. She stated the HARB unanimously approved this Certificate of Appropriateness.

Mr. Douglas Trombino, 1671 Bluebird Drive, was present; and stated he is opening a men's barber shop in the Flowers Field Complex. He stated it will be on the second floor of the historic carriage house. A picture was shown of the building and where the sign will be placed as well as the barber pole. A picture of the sign was shown as well. Ms. Tyler stated everything that is being put in the barber shop is American made. Ms. Tyler wished him success. She asked Mr. Trombino when he expects to open, and Mr. Trombino stated he estimates it will be in four weeks. Ms. Tyler asked that he come back and let them know when he is open for business.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Certificate of Appropriateness for 1790 Yardley-Langhorne Road for the mounted sign and barber pole.

ZONING HEARING BOARD

With regard to the Eric Renfors and George Schott TLY 670 LLC Special Exception request in order to permit a learning center within the C-1 Zoning District, Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried that the solicitor participate.

With regard to the Shady Brook Investors, LP Special Exception request in order to permit construction of a warehouse and Variance to permit disturbance of manmade steep slopes, Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried that the solicitor participate.

DISCUSSION ITEMS

Discussion and Approval of Equality and Nondiscrimination Resolution

Mr. Grenier read the following into the Record: "The news has been full of stories about hate-driven actions these last few years. Most recently, we heard about the shootings at the two mosques in New Zealand, the shootings at the Pulse nightclub

in Orlando, the shootings at the Sikh temple in Oak Creek, Wisconsin, and the shootings at the church in Charlestown to name just a few. In addition to all of these shootings, the #metoo movement has shined a light on gender inequality issues, and LGBTQ+ issues have been in the news with some regularity as well.

All of that being said, many of our residents have understandably reached out to the Board of Supervisors to take steps to publicly address these issues. This was especially clear to me this past weekend when I attended and spoke at the Zubaida Foundation interfaith vigil. For those of you not familiar, the Zubaida Foundation is the mosque just across the street from Boehm on Big Oak Road. It was a wonderful ceremony. Residents and visitors from all walks of life came together in what I considered to be a very moving show of support for our community members.

The Equality and Non-discrimination Resolution that we are considering this evening has come about after many months of discussions with residents, elected officials from nearby Municipalities, one of which we have here tonight, and at the State level I have had discussions with the State Human Rights Commission, discussions with the PA Youth Congress, our State Legislature, and many others.

This Resolution is a very strong and public statement that hate and bigotry have no home in Lower Makefield. As George Washington wrote about the US Government to the Hebrew Congregation of Newport, Rhode Island in 1790, I feel that these words also ring true in Lower Makefield today. What he said was:

‘For happily the Government..., which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens...’

Now, in researching equality and non-discrimination Resolutions, Laws, and policies, my first question, and I believe Supervisor Blundi had a question as well, to our Township staff was – What policies are currently in place for Lower Makefield Township related to equal employment, sexual harassment, and other personnel-like policies? The rather astounding response was that LMT doesn’t have any of these policies in place to date. That was shocking to me as I’ve never worked anywhere that doesn’t have very robust and clear policies and training programs in place.

So, in addition to our clear statement on how this Board and the residents of Lower Makefield feel about equality and non-discrimination, I feel that we also need to take clear steps to get our own house in order, which our Township Manager I know is currently doing.

Finally, we also need to promote these concepts at the State and Federal levels by sending a clear message to our State and Federal elected officials that this type of legislation should be passed at higher levels of Government as the current Federal and State Equal Employment Laws are very limited in the scope of the protected classes that are included. That being said, I will say that State Rep. Perry Warren has recently co-sponsored Legislation this year at the State House; and if I'm not mistaken, Rep. Brian Fitzpatrick has co-sponsored the Equality Act in the U. S. Congress."

Mr. Grenier read the draft Resolution as follows:

Whereas, the Board of Supervisors of the Township of Lower Makefield recognizes that the Township is home to an estimated 32,742 diverse residents and many more people that work in and visit the Township;

Whereas, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world;

Whereas, the United States of America was founded under the principle that all people are created equal and have the right to life, liberty, and the pursuit of happiness;

Whereas, the Constitution of the Commonwealth of Pennsylvania establishes that all people are born equally free and independent, and have certain inherent and inalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness;

Whereas, the freedom of any individual to live a life free of discrimination of any kind is fundamental to the full human experience;

Whereas, minorities, women, people with disabilities, members of the LGBTQ+ community and other groups have historically experienced both direct and indirect discrimination in their personal and professional lives, and

Whereas, the Board of Supervisors of the Township of Lower Makefield wants to foster an environment of equality and opportunity within the Township and further promote the Township as a great place to live, work, visit, and recreate for all people.

Now, therefore, be it resolved by the governing body of the Township of Lower Makefield, Bucks County, Pennsylvania, as follows:

1. That the Township of Lower Makefield, Bucks County, Pennsylvania does not discriminate against any class of individual including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, Veteran status, or disability;
2. That the Township Manager shall develop and implement a personnel manual and associated training for Township of Lower Makefield employees, which will include policies related to non-discrimination, sexual harassment, Family Medical Leave, military service, and other similar policies as required by Federal and State regulations;
3. That the Township of Lower Makefield, Bucks County, Pennsylvania Board of Supervisors implores our Federal and State elected officials to pursue legislation and policies that provide protection for all members of our community, including but not limited to sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, Veteran status, or disability; and
4. That, if Federal and State elected officials fail to enact legislation and policies that provide protection for all members of our community, then the Board of Supervisors will pursue local approaches for providing these protections to members of our community as allowed by Federal and State law.

Mr. Ferguson stated from the staff perspective, we have a Sexual Harassment Policy that has been signed off on by DVIT with the assistance of Mr. Truelove's office. Mr. Ferguson stated there is training scheduled for staff that will happen internally on May 10. He stated he feels it is important, not just for liability of the Township, to include all of the employees of the Pool who are High School and College students to start "planting the seed" regarding what is appropriate and what is not. He stated the date for that will likely be late May or the first week of June. Trainers will be coming in through DVIT at no cost to the Township.

Mr. Ferguson stated they are also working on a broader Harassment Policy and a Sexual Misconduct Policy which he will be coordinating with DVIT with input from the Chief of Police as well so that this will be beyond just a Sexual Harassment Policy. He stated he felt it was important this year because of the timing with the Pool, to get this started in this way; and to get it acknowledged from DVIT who

insures us in incidences. Mr. Ferguson stated we will be establishing this year a Personnel Policies and Procedures Manual in its entirety, at least as a framework that will come to the Board of Supervisors ultimately for approval.

Mr. Grenier stated he drafted this as a Resolution so that the Board would have something to discuss; and if the Board is in favor of the general outline but have concerns, comments, or changes, he is more than open to listen to that. He stated if the Board is fine with the language as is, they could vote on it this evening.

Ms. Blundi stated she is pleased that this is before the Board, and she feels it strikes the appropriate balance in recognizing the need to address these issues and serving as a commitment to where we stand.

Ms. Tyler asked Mr. Truelove to explain to the residents the difference between a Resolution and an Ordinance. Mr. Truelove stated an Ordinance is legislation/law to be enforced, and a Resolution expresses the sentiment, conscience, or intent of the body, but does not in and of itself have enforceable powers although it may lead to something to do that. Mr. Truelove stated as part of the proposed Resolution, they are imploring other legislative bodies or Governments to do certain things or take certain actions.

Ms. Tyler stated she likes the language and feels Mr. Grenier did a good job, and she does not have any recommended changes to the language. She stated fortunately we do not have incidences like this in Lower Makefield Township, but there is no harm in putting this out. She stated it is a welcoming feeling for those people who are in these categories. Ms. Tyler stated she feels Mr. Grenier did a good job, and they did not have to spend money on lawyers to do it.

Mr. Grenier stated he did have help doing this, but no tax dollars were spent on it.

Ms. Tyler moved and Ms. Blundi seconded to approve the Equality and Nondiscrimination Resolution as discussed.

Dr. Weiss stated he feels the Resolution is appropriate, balanced, and dovetails nicely with what is happening at the Federal and State level. He stated this gives the Township the option in the future if the State or Federal Government fails in their duties, and the Township could then revisit this and consider more enforceable action.

Mr. Zachary Rubin stated he is support of the Motion. He asked if this Resolution is the same that was introduced at the last Board meeting, and Mr. Grenier stated it is not. Mr. Rubin asked what are the differences between the one two weeks ago and the one introduced today. Mr. Grenier stated what is being presented tonight is a

Resolution versus the last meeting when a potential Ordinance was discussed and the solicitor was asked to write an Ordinance to establish a Nondiscrimination Ordinance that would have to be discussed and would have enforceability requirements. Mr. Rubin asked if the Preamble and action words are basically the same as introduced by Mr. Lewis at the last meeting. Mr. Grenier stated while he cannot speak for Mr. Lewis, he believes that the Board in general is of the same opinion about the Preamble and the general feeling of the Board relative to promoting equality and nondiscrimination. He stated taking that from a Resolution to an Ordinance is different.

Mr. Rubin stated in 1971 Pennsylvania did pass the Equal Rights Amendment which was incorporated in our State Constitution, and he feels that should be expanded with a local Resolution and State laws to bring it up to date and talk about all these other classes that have the potential of discrimination. Mr. Grenier stated as he noted in his opening statement, Representative Warren has co-sponsored legislation that is very close to the feeling Mr. Rubin expressed.

Mr. David Bria, 45 S. Main Street, Yardley, stated he serves as Vice President of the Yardley Borough Council. He thanked the Board for considering this and feels this Resolution is an important first step, but he feels it is only a first step. He stated he feels there is a clear need for an Ordinance at the Municipal level, and they have been waiting for a very long time for the Federal Government to pass the Equality Act; and while he is hopeful since it has so many co-sponsors in the House of Representative, he does not feel it will make its way through the Senate. He asked that the Board consider taking on an Ordinance.

Mr. Robert Abrams stated he would be in favor of the Resolution. He stated other than the School taxes, you cannot find a better place to live than Lower Makefield; but when it come to Ordinances on top of Ordinances for no reason other than control issues it makes it a very uncomfortable and unpleasant place to live. He stated he does not know that we have ever had a problem with any of these issues. He stated they will now have a Resolution; and if we have an issue, then we would need an Ordinance.

Motion carried unanimously.

Discussion and Approval of Commitment to Fiscal Responsibility and Stewardship of Township Assets Through the Use of Professional Services and Vendors Resolution

Mr. Grenier stated at the November 7 Board of Supervisors' meeting, the Board voted to begin working on RFPs for professional services; and according to the Township Manager, they are about ready to start considering those. He stated in

preparation for that, he has prepared this Resolution as they start to interact with potentially new professional service companies and new Contracts. Mr. Grenier stated when he joined the Board last year and heard reviews on projects particularly at the Park & Recreation Board, there were some projects that had very high expenditures. He particularly noted the arboretum project at Memorial Park. Mr. Grenier stated he believes that the engineering design fees were in the range of \$278,000; and in reviewing the bills after the fact, he realized that it was basically set up such that individuals from the different groups and Committees, individuals from the Township, and potentially individual Supervisors, and a number of others kept calling the engineers and others to make small changes; and every time a change was made by anyone, “the meter was running.” Mr. Grenier stated no one was “doing anything nefarious,” and they just had an idea and decided to talk about it with the engineer, and no one was stopping them from doing this; however, the problem was that the bills were running up. He stated he believes this also occurred at the Dog Park, where the price doubled from the original estimate. He stated he also feels it was an issue with expenses by the attorney for the Airport issue.

Mr. Grenier stated they are trying to set up policies and procedures to address this moving forward. He stated he drafted a Resolution for the purpose of discussion, and he is open to comments and changes. He read the proposed Resolution as follows:

Whereas, the Township of Lower Makefield Board of Supervisors confirms its commitment to fiscal responsibility and stewardship of Township assets;

Whereas, the Board of Supervisors recognizes the importance of establishing processes and procedures concerning the management of our assets and budgets;

Whereas, a cornerstone of the Board of Supervisors’ stewardship of Township assets and budgets is the responsible use of our professional consultants and vendors;

Whereas, the Board of Supervisors also recognizes the importance of establishing processes and procedures concerning the use of our professional consultants and vendors;

Whereas, the Board of Supervisors commits to control project costs and contain reviews and research consistent with the initiatives of a majority of the Board; and

Whereas, in an effort to control costs and contain reviews and research, the Board of Supervisors passed a unanimous Motion on November 7, 2018 to develop Requests For Proposals (RFPs) for all professional services; and

Whereas, the Board of Supervisors is establishing standard operating procedures in advance of that process formally getting underway;

Now, therefore, be it resolved by the governing body of the Township of Lower Makefield Bucks County, Pennsylvania as follows:

1. That the Board of Supervisors affirms its desire to have all professional consultants and vendors engaged only by the Township Manager or a majority of the Board of Supervisors; and
2. That all Advisory Boards and Committees within the Township requesting the use of professional services contracted and paid for by the Township shall present their requests to their Supervisor Liaison, who would present to the Township Manager and/or Board of Supervisors for such consideration.

Mr. Grenier stated he wanted to lay this out in draft with some key items that they have discussed in the past. He stated if there are comments, changes, etc. he is open to doing that or if the Board is in favor of it as is, they could vote on it this evening.

Ms. Tyler noted Item #1 and the wording that "... vendors be engages only by the Township Manager or a majority of the Board of Supervisors." Ms. Tyler stated if a majority of the Board agrees on something she does not feel the Board should necessarily be making the call, and she feels that the Township Manager should always be the "gatekeeper." Mr. Truelove stated he feels as he is reading it, the Township Manager would act through the authority of a majority of the Board of Supervisors. Mr. Grenier stated that was the intent, and they could make a change to indicate that.

Ms. Blundi thanked Mr. Grenier for putting this together. She stated when she joined the Board last year she was surprised, coming from seventeen years in public service in another State, where the Township stood in terms of some of the processes and procedures we have with regard to project management. She stated she is proud to be part of the Board that is addressing those issues. She stated she feels that can be seen with the hard work that was done with the Budget, and it will be seen in projects as they move forward.

Dr. Weiss stated he is a firm believer in process and not "harming any further tax dollars for the Township." He stated as long as the language is clear that the Board sets the policy, the Township Manager implements the policy, and we do not have

“six individual Township Manager” making change orders and engaging the professionals and bringing up hundreds of thousands of dollars of bills over the course of two or three years, he is all for it.

There was further discussion on the language of the proposed Resolution, and Mr. Lewis suggested that a provision be included that the Township Manager could designate Township staff to deal with a professional services firm.

Ms. Tyler moved and Ms. Blundi seconded to approve the Resolution entitled, “Commitment to Fiscal Responsibility and Stewardship of Township Assets Through the Use of Professional Services and Vendors” with a modification to the language in paragraph 1. which should read:

1. That the Board of Supervisors affirms its desire to have all professional consultants and vendors engaged only by the Township Manager or his or her designee or a majority of the Board of Supervisors who shall then direct the Township Manager to engage such professionals.

Mr. Zachary Rubin stated he is opposed to the Resolution on the grounds that it is not needed. He stated according to the “Township of a Second Class designation with the State Municipality and Township Code,” every member of the Board of Supervisors holds a fiduciary responsibility to the taxpayers of the community; and by definition fiduciary responsibility is everything that was just incorporated into this Resolution so it is redundant.

Dr. Weiss stated while he would agree in principal with Mr. Rubin’s remarks, over the past years the Supervisors have not been able to keep to that fiduciary responsibility causing great overruns in many projects. This Resolution not only advertises to the Township but also to ourselves that we do have that fiduciary responsibility. He stated it may be redundant, but it seems that it is needed.

Ms. Blundi stated it is also broader than just the Supervisors and refers to our volunteers on the Committees and Boards to make sure that they too follow a process. Mr. Grenier stated he feels that one of the biggest issues we have experienced in terms of cost overruns has been with members of Advisory Boards and Commissions having direct access to our professionals resulting in many cost overruns, and we are trying to manage that process.

Mr. Robert Abrams stated he feels this Resolution is a directive to everyone and it gives a path as to who deals with the professionals and how the taxpayers’ money is spent.

Motion carried unanimously.

SUPERVISORS REPORTS

Mr. Grenier stated the Yardley Makefield Fire Company celebrated their 122nd Anniversary this past weekend. He stated the number of calls they responded to this past year was approximately 650; and since this is an all volunteer company that was 650 individual calls which required a lot of volunteers to spend a lot of hours away from their families and putting themselves in harm's way for the betterment of the rest of the community. He thanked everyone involved.

Dr. Weiss stated the Historic Commission is looking toward establishing a Historic District in our first planned development, Edgewood Gardens, which is approaching its 100th Anniversary. He stated they are also looking to then create Historic Districts in Arborlea and the Westover sections.

Ms. Blundi stated the EAC is starting to work on tree planting, and this will be an opportunity for volunteers in the fall.

Mr. Lewis stated on March 9 the Farmland Preservation Corporation toured all of the existing properties, analyzed them, and put together a punch list of issues they came across including erosion, bamboo, and some fencing issues that need to be addressed.

APPOINTMENTS

Ms. Tyler moved, Mr. Lewis seconded and it was unanimously carried to re-appoint Dave Malinowski to the Park & Recreation Board.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to re-appoint Marilyn Huret and Jeffrey Gusst to the Emergency Management Committee.

Ms. Tyler noted that Lisa Gage resigned from Electronic Media and put in a request to be appointed to Special Events. Mr. Grenier stated there has been some discussion as to where Special Events fits, and there is a need to discuss this further.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to appoint Lisa Gage to Special Events.

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There being no further business, Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried to adjourn the meeting at 9:30 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary