

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – SEPTEMBER 18, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on September 18, 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 stated there will be a special Planning Commission Meeting September 23 at the Pennwood Middle School at 7:30 p.m. which is the Continuation of the last meeting and they will hear more Public Comment on the proposed Zoning Overlay.

Mr. Grenier stated the Yes You Can 5K to benefit the Pennsbury PTOs will be held on October 6, 2019. He stated they have a Public Officials Divisions for all Public Officials to walk or run in.

Mr. Grenier stated they were notified recently that Lower Makefield has received a \$52,000 Grant from the State to do design work with respect to the Woodside bike path.

Ms. Blundi asked if the Recycle yard will be open this weekend, and Mr. Ferguson stated he will look into that.

Ms. Tyler stated Ms. Casey Schaeffer has a charity called Full Heart, and she was nominated by a fellow resident to participate in Barbara's Believe in Better Contest; and she was the recipient of a \$10,000 award which she has donated to charity.

PUBLIC COMMENT

Ms. Marilyn Huret, Kings Road, asked that they speak to the Railroad about the work being done in the Township and have them move the port-a-potties so that there is better sight distance as you approach the tracks. She stated the weeds should also be cut down so you can see if something is coming along the tracks as there is a sight distance problem. She stated the two crossings where there are issues are at Heacock and at Edgewood Road.

Mr. Larry Borda, 508 Heritage Oak Drive, stated at an earlier meeting, Mr. Dobby Dobson had asked if the Board of Supervisors had received a letter from the owners of Shady Brook asking for the same Overlay that is being sought by the owners who are making a proposal at the Wegmans site. Mr. Borda stated the letter was dated August 12, and he recalls that the Board of Supervisors had not seen the letter when Mr. Dobson had asked about it at the September meeting. Mr. Borda asked if the Board has now seen the letter. Mr. Grenier stated Mr. Ferguson has provided it to the Board, and Mr. Truelove has done a review, and Mr. Grenier asked Mr. Truelove to comment on the letter and its applicability to the current Application.

Mr. Truelove stated the letter is a request for discussion so there is nothing official before the Board, and there is no Application for a TOD consideration like there is with Shady Brook Investors. Mr. Truelove stated if the owners of Shady Brook Farm want to engage in that, they will have to file a separate Application under the applicable Ordinances. He stated Shady Brook Farm has counsel so they would be aware of that Mr. Truelove stated there is no effort right now available to them to be considered for that status until they file something official. Mr. Truelove stated the letter was just an opening request asking if this is something that could be considered, and he stated there is a process for doing that; but at this point, they have not engaged in that.

Mr. Borda stated he meant to bring the letter with him, but he recalls that the letter said either “be advised we will seek the same relief for our property,” or “please would you consider the same relief for our property.” Mr. Truelove stated while he is not going to say it does not say that, it was more for conceptual purposes; and it has not gone beyond that stage at this point.

Mr. Grenier advised Mr. Borda that the letter was sent to the Board, and they never put it out to the Public. He asked Mr. Borda if Shady Brook sent it to him separately. Mr. Borda stated he believes it was posted somewhere; however, Mr. Grenier stated it was not posted by the Township. Mr. Borda stated he felt he saw it posted somewhere.

Mr. Borda stated his question is if this is a letter of intent to seek the same relief that is being sought by the Wegmans people, he feels the Planning Commission should know about this while they are looking at the Wegmans proposal; and he asked if the letter has been sent to the Planning Commission. Mr. Truelove stated his office did not send it to them. Mr. Truelove added that the Application that is before Planning Commission is a stand-alone Application that should be considered on its own merits. He stated if this other potential Applicant decides to step forward, they could be considered; and while the Township may decide to consider them in concert, they would have to first see what the request looks like. Mr. Truelove stated they cannot deny the opportunity of one Applicant who has provided a valid Application to proceed through the process right now. He stated if another Application is submitted, it would go through the same process. He stated there may be discussions with the respective Applicants to see if there can be cooperation if it is appropriate; however, since there is nothing formal before the Township from another Applicant, it would be hard to do that.

Mr. Borda stated if he was on the Planning Commission he would want to know the potential consequences of an approval on one site when there is another site directly across the street, Shady Brook Farm, that has already gone on Record with counsel stating that they intend to seek the same relief. He asked if the Planning Commission is not entitled to know that and make their own decision as to whether or not they think that is pertinent. Mr. Truelove stated as he noted previously, it is speculative.

Mr. Majewski stated the Planning Commission is aware of this already.

Mr. Truelove stated the Planning Commission is an Advisory Board which makes recommendations to the Board of Supervisors, and it would be important for them to have all the information available that is relevant; however, the potential Applicant has not provided anything specific, and they cannot tell the current Applicant who has gone through the process that they have to wait since they have a valid, stand-alone Application. Mr. Truelove stated while that may be more convenient, they cannot force someone to come forward with something as they may decide not to do it or they may have a different approach than they originally contemplated. He stated if and when an Application is made, the Planning Commission will review it.

Mr. Borda stated he was not suggesting that anyone should wait, but he feels in order to be fully informed and make the right decision, the Planning Commission would want to know what he told them at the last Hearing which was that he anticipated Shady Brook was going to ask for the same relief, which he called the “domino effect.”

Mr. Borda stated he feels that Stony Hill will be developed in terms of the Prickett Farm and the Wegmans site, and Shady Brook farm will seek the same relief. Mr. Borda stated he does not know what the owners intentions are. Mr. Grenier stated neither does the Township know, so this is purely speculation. Mr. Borda stated while he agrees that we are speculating, we are only speculating “what their motivation is.”

Mr. Grenier reminded Mr. Borda that he had gone over the Public Comment time limit. Mr. Grenier stated this is still before the Planning Commission, and Shady Brook Farm itself has no Application into the Township; and they will not be reviewing any Applications from Shady Brook Farm as part of the specific Application before the Township at this time. Mr. Grenier stated any speculation as to what Shady Brook Farm may or may not want to do in the future has nothing to do with the current Application. Mr. Borda stated he “wholeheartedly disagrees,” adding he thinks it is very important. Mr. Grenier stated he agrees it is important, and he has heard Mr. Borda’s comments before the Planning Commission.

Mr. Grenier again reminded that Mr. Borda had gone over the Public Comment time limit.

Mr. Borda asked if there was a “Freedom of Information” for that letter made to the Township, and Mr. Ferguson stated there was not. Ms. Blundi reminded Mr. Borda that he had stated that he had the letter, and Mr. Borda stated he is just asking a question.

Ms. Tyler stated she is looking at the letter which concludes, “While there are not any current Plans for the Shady Brook Farm parcel, the proposed Mixed-Use Zoning Overlay will best allow the Township to achieve the objective in the Comprehensive Master Plan. Finally, we will be in attendance at the Lower Makefield Township Planning Commission meeting this evening, and respectfully ask to be heard during the discussion of this subject.” Ms. Tyler stated not only did they tell the Township what their intent was, they were also there to present themselves before the Planning Commission.

Ms. Tyler stated she agrees that the Planning Commission is an Advisory Committee, but the Board of Supervisors looks to them for their counsel; and they worked for many years on the Master Plan. She stated if an adjacent piece of property is looking to be treated the same as the proposed Wegmans property, it is absolutely relevant to their determination because their job is to look at the overall sustainability of the Township. Ms. Tyler stated she does not feel they can keep these matters separate. She stated she feels they should hear from the attorney for Shady Brook Farm, Mr. Nate Fox. She asked how the Planning Commission could possibly make an

informed decision on this huge issue without taking all of this into account. Ms. Blundi stated she understands that the Planning Commission does have this information. Ms. Tyler stated the Board was told by Counsel that these are separate issues. Ms. Blundi stated legally they are separate issues. Ms. Tyler stated they are not separate issues in the context of the Planning Commission. Ms. Tyler stated the Planning Commission's job is to look at the sustainability of any development; and if there is anything impactful that could play into that, they should be considering that. She stated they have already discussed in the Comprehensive Master Plan the Mixed-Use idea. She stated she feels it is a mistake to try to narrow it to the one parcel, and she asked how that serves the residents.

Mr. Grenier stated it is not just that one parcel, it is several parcels.

Dr. Weiss stated if Shady Brook wants to speak before the Planning Commission, they have every right to do so; and the Planning Commission has the right to hear what they want to do. Ms. Tyler stated that is not a "right," they have an "obligation" to do that.

Mr. Ferguson stated they were at the Planning Commission meeting; and they did not speak, and they did not sign up to speak. Mr. Ferguson stated there is another meeting on September 23 and given the letter he feels the thought of the staff was that maybe they would go to that meeting and speak. He stated they were at the last meeting, but they did not sign the sheet; and they are not scheduled to speak. He stated he understands there are seventeen people who did sign up but did not have the opportunity to speak; however, Shady Brook was not one of them.

Ms. Tyler stated the Board's job is to make sure the Planning Commission has all of the information the Township has so that they can make an informed decision. Dr. Weiss stated he is sure they do, and the Planning Commission is more than qualified to make those decisions on their own. Ms. Tyler stated they need to know about this adjacent parcel when they are considering traffic, etc. Ms. Blundi stated it has already been stated that the Planning Commission does have that information. Ms. Tyler stated she did not know that they had it until tonight, and they were told by Counsel that is a separate issue which "should not be considered."

Mr. Truelove stated what he had indicated was that they could not affect the rights of the current Applicant by tying it in. Ms. Tyler stated it has to be tied in.

Ms. Blundi stated they all now know that the Planning Commission has the letter.

Ms. Vanessa Fiori, 1995 Woodside Road, stated she is “all for the idea of a warehouse in the plot opposite Shady Brook Farm.” She stated she feels it is a good use for that property.

Mr. Robert Abrams, 652 Teich Drive, stated they should keep the truck traffic only during the night hours where it will not cause any real problems. Mr. Abrams stated “with regard to the 20% reduction in the cash, if it were not for me and some other people watching the \$2 million that would be gone too.” He stated there needs to be some very serious attention paid to the cash situation here. Mr. Abrams stated with regard to the “Variance Overlay,” he made the comments weeks ago that this would “open up a can of worms that you will not be able to stop.” He stated everybody is going to expect the same thing, and there will be multiple lawsuits. He stated they are destroying that area of the Township. Mr. Abrams stated he heard at a meeting that 95% of the public is against this, and the Township should not be considering it, and it is an insult to every resident. Mr. Abrams stated this is the same developer who is talking to Marrazzo’s. He stated this developer wants to do everything at the Township’s expense, and “he will decide what he wants to do for us or give us.” Mr. Abrams stated the developer has decided he is going to give \$200,000 a year to the Township; but for Police, fire, and safety there will be \$500,000 worth of expenses so the residents will be paying for the developer’s expenses. Mr. Abrams reviewed other expenses the residents are paying.

Mr. Grenier advised Mr. Abrams that he had exceeded his time for Public Comment.

Mr. Abrams stated the “tower money of \$57,142 is worth \$14,285 in future value dollars thirty-three years from now.”

Dr. Weiss asked Mr. Ferguson the status of the funds that were the result of the long-term Lease for the cell tower; and Mr. Ferguson stated that money has not been spent, and it has been accounted for as was noted by the Auditor at the last meeting. Dr. Weiss asked Mr. Ferguson why that money “is sitting and not being invested.” Mr. Ferguson stated he made the decision to hold that money for now, but that decision is temporary. He stated he will be making a presentation this evening regarding the finances of the Township; and if they have the ability, which they may soon, to place that money in a higher-rated, interest-bearing account, they will do that. He stated they did do that with approximately \$5 million of Bond money which was changed to 2 ¼%; however, because there were some concerns that were unknown to the Board at the time of that sale, they had to use that money as a “back drop for security” for liquidity in the event something were to happen. Dr. Weiss asked if the Township has the financial ability to invest that money will it be invested, and Mr. Ferguson agree it will.

APPROVAL OF MINUTES OF SEPTEMBER 4, 2019

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of September 4, 2019 as written.

APPROVAL OF WARRANT LIST OF SEPTEMBER 16, 2019

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the Warrant List of September 16, 2019 in the amount of \$582,372.92 as attached to the Minutes.

It was agreed to consider the September 3, 2019 Warrant List at the next meeting.

APPROVAL OF AUGUST INTERFUND TRANSFERS

Ms. Blundi moved, Ms. Tyler seconded and it was unanimously carried to approve the August Interfund Transfers in the amount of \$905,298.90 as attached to the Minutes.

ENGINEER'S REPORT

Mr. Pockl stated the Board was provided his Monthly Engineering Report.

Approve Change Order #5 for the Pool Project

Mr. Pockl stated at the last meeting he had presented a final payment amount for the Pool project; however, it has come to his attention that when the Pool contractor was completing the work, they had damaged some electrical wires. Mr. Pockl stated on an emergency basis an electrical contractor was brought in to do repairs to the conduit and re-run the wiring for the Pool lighting. Mr. Pockl stated that electrical contractor submitted an invoice to the Township which was given to the Pool contractor to pay; however, the Pool contractor has not paid it. Mr. Pockl stated the Township is going to pay it and then deduct that amount from the final payment to the Pool contractor. Mr. Pockl stated therefore Change Order #5 for the Pool project in the amount of a credit to the Township in the amount of \$6,720.

Ms. Tyler moved, and Ms. Blundi seconded to approve Change Order #5 for the Pool Project for a credit in the amount of \$6,720 as outlined by the Township engineer.

Mr. Grenier asked Mr. Pockl if he is comfortable with the repairs made, and Mr. Pockl stated they were on site when the repairs were made. He stated Ms. Tierney has indicated the lights are working.

Motion carried unanimously.

#### Authorize Payment of Revised Payment #3 for the Pool Project

Mr. Pockl stated that Change Order adjusts the amount of the final payment for the Pool project, and they are asking for approval of the Revised Payment #3 for the Pool Project in the amount of \$273,471.40.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Revised Payment #3 for the Pool Project in the amount of \$273,471.40 as outlined by the Township engineer.

Mr. Ferguson stated he sent an e-mail to the Board of Supervisors regarding the effect of the pool repairs. He noted that the Pool had been losing a lot of water. He stated in 2018 through August, the Township utilized and paid for 4,931,300 gallons of water. He stated through August this year, they have used 2,369,400 gallons so the net effect of the repairs was an improvement of 2.5 million gallons less of water this year for a savings of approximately \$21,000. He stated going forward that will be good for budgeting.

#### Update on Capital Projects

Mr. Pockl stated with regard to the 2019 Township Road Paving Program all of the roads have been paved. He stated the outstanding items are line striping on Creamery Road and roadway reflectors that need to be added on Quarry Road, Creamery Road, and Black Rock Road.

Mr. Pockl stated they noted earlier the award of the Grant for the Woodside Road bike path. He reminded the Board that there is also a Grant Application in for the construction of that path in the amount of \$437,500. He stated they expect to hear about the award of that Grant Application in December, 2019.

Mr. Pockl stated he, Mr. Hucklebridge, Mr. Majewski, and Mr. Truelove met on site with Friends of the Patterson Farm to review some of the work needed at the buildings and to discuss the proposal of the Friends group. Mr. Pockl



stated they provided him with a working plan which he is reviewing, and he will provide an Exhibit Plan of the site and the comments on the work that the Friends propose to do on that site.

Mr. Pockl stated the MS4 Report is due September 30, and they are working on that Application. He stated this is an annual progress report to the DEP on the status of our stormwater sewer system. He stated they intend to submit this on time.

Mr. Pockl stated the Memorial Park Project has been re-bid, and it is on PennBid. He stated they have received some interest. Mr. Grenier asked that they consider this further on the Agenda under Project Updates.

#### DISCUSSION OF PENNSYLVANIA AMERICAN WATER REQUEST FOR WAIVER FROM LAND DEVELOPMENT

Mr. Craig Darash, Project Manager, PA American Water, and Mr. Jeff Skinner, engineer, were present. He stated they are requesting a Waiver from Land Development. He stated they have a booster pump station along Quarry Road between Creamery and Dolington which is failing. He stated it is a below-grade station, and it has severe corrosion. He stated they are proposing to bring that exact same booster station above ground for the health and safety of their employees; and in order to do so, they are requesting a Waiver from Land Development as well as some other items. He stated they also need an expansion on the existing Easement they have in the Township which was granted around 1999.

Mr. Skinner showed a slide of the Site Plan.

Mr. Truelove asked if they need the expanded Easement for easier access, and Mr. Darash stated the existing Easement only includes what is there now which is the below-ground station. He stated they need to keep that station in service while they build the new station. Mr. Truelove asked if it is a temporary Construction Easement they are requesting, and Mr. Darash stated it would be a permanent Easement for the facility.

Mr. Grenier asked if there is currently an access drive, and Mr. Darash stated there is not. Mr. Grenier stated they are proposing a new road cut. Mr. Grenier asked the distance between the access drive and the intersection, and Mr. Skinner noted one which is approximately 150' from the center of where Creamery Road "T's" into Quarry Road. He stated it is approximately 250' down to Dolington Road.

Mr. Grenier stated there has been some discussion long-term about re-aligning Quarry to “T” up with Creamery, and he stated this might “kill that concept.” Mr. Majewski stated the potential future re-alignment of Quarry Road and Dolington Road would just be the extension of Creamery Road going north toward I-95 before it goes back into Dolington. He stated when this Easement was laid out, it was laid out with the proposed future alignment of the road in mind. He stated their expansion of the Easement is going to the east toward Taylorsville Road, therefore the expansion will have no impact on the future possibility of alignment of Creamery Road and Dolington Road.

Mr. Skinner stated the Easement will extend directly behind the existing station whereas the Creamery Road driveway would still continue straight up. Mr. Majewski stated in speaking with Pa American Water Company, the driveway would be very low volume. Mr. Darash stated someone would check it two to three times a week at most. Mr. Majewski stated currently they are pulling off onto the grass and partially park in the road if they have to in order to have access, and what they are proposing will provide a more usable access to get into the station. Mr. Majewski stated this proposal also has no impact on the Snipes project if that were ever to move forward.

Ms. Tyler asked if there is a residence across the street from this proposal on the corner, and Mr. Majewski agreed. Ms. Tyler asked which way that house faces, and Mr. Majewski stated he believes the house faces Quarry Road with their garage off the side onto Creamery Road. Ms. Tyler asked if that homeowner was notified that this would be on tonight’s Agenda, and Mr. Majewski stated there were not.

Ms. Tyler asked why they are going from underground to above ground, and Mr. Darash stated it is for the safety of the employees. Ms. Tyler asked if there were ever safety issues there; and Mr. Darash stated while there was not, a new initiative for Pa American is safety and health, and there is always a safety issue when employees have to descend ladders to lower-grade stations. Ms. Tyler asked what the proposed structure will look like, and a slide was shown of the structure.

Ms. Blundi stated with regard to the house across the street, the house faces Creamery, and the driveway is on Quarry Road.

Mr. Skinner stated the station would require a Special Exception from the Zoning Hearing Board, and they will be going before them to expand the Easement and move the station to the rear. He stated since they are going for a Special Exception, they would also have to go before the Planning Commission for a recommendation to the Zoning Hearing Board.

Ms. Tyler stated her concern is that the Township did not notify the people who live there of this project, and they are leaving the decision elsewhere by Waiving Land Development. Mr. Truelove stated his suggestion would be to get the Zoning relief first, and they can then decide about the other aspect. Mr. Majewski stated they would like the Waiver from Land Development as all they are doing is taking the items that are currently below ground and putting them above ground. He stated they currently have a large generator which can be seen which is a “huge, ugly, green box;” and they are going to replace that with a more attractive-looking building that the Board of Supervisors and Township staff will have some input on. Mr. Majewski stated he did anticipate eventually contacting the residents in the area to get their input on the look of the building as well.

Mr. Truelove stated he feels it would be premature to deal with the Land Development Waiver request tonight; however, Mr. Majewski disagreed adding that there are several issues that need to be discussed. Mr. Majewski stated the Land Development process would be overly-cumbersome for what is essentially just a large shed that is being put on the property. He stated the Ordinances will require that it be buffered. He stated they also want the Board’s input on their request to expand the Easement. He stated there is also a sanitary sewer Easement that is unused that traverses through the Snipes property, and they might encroach into that Easement; and they would like to get the sentiment of the Board as to whether or not the Board would consider abandoning that. Mr. Majewski stated that is also an issue for the Sewer Authority, and they would have to go to them as well in order to accomplish that. Mr. Majewski stated they do need the Special Exception at which time the homeowners would be notified of the proposal. He stated he feels the Board of Supervisors can make a decision as to Waiving Land Development independent of the other process, recognizing that the homeowners in the area will be notified at the time of the Special Exception.

Mr. Grenier stated the request is for a Waiver from Land Development but they would still have to go to the Planning Commission and the Zoning Hearing Board for the Special Exception. Mr. Grenier asked what they would not have to do were they to get a Waiver from Land Development. Mr. Majewski stated while they would be required to notify people within 300’ when they go to the Zoning Hearing Board for a Special Exception; if they had to go through Land Development, they would be required by Ordinance to go to 1,000’ for the notification. He stated a new Ordinance was passed

for Notice for Subdivision and Land Development which, while not cumbersome for a large development, it would be “overkill” for a smaller development. Mr. Majewski stated they also would not have to go to the Board of Supervisors for Preliminary and Final Land Development Approval as it essentially is just one accessory building. He stated the Board of Supervisors have the opportunity to weigh in at the Zoning Hearing Board and the Planning Commission levels for the Special Exception. Mr. Majewski stated waiving the Land Development result in a streamlined process. He stated this has been done in the past, and he noted specifically the Edge of Yardley.

Mr. Lewis stated normally he would be inclined to be supportive of expediting the process since they are making an improvement; however, he is concerned about stormwater management since they will be going above ground and expanding the area. He stated this parcel has some stormwater management challenges. He stated there are also some potential sight issues as well for drivers given this unique intersection in the Township. He stated he has confidence that they can resolve those, and he has confidence that the Zoning Hearing Board and the Planning Commission could help them work through those issues. Mr. Lewis stated he might be open to a streamlined process if they have some Conditions.

Mr. Skinner stated they fully expect to submit to the Township engineer for a full review for sight lines, stormwater management, etc. and get clearance letters from the Township engineer as needed; but are requesting not to have to go through the Land Development process as well, and they are asking to just go through the Zoning Hearing Board and the Planning Commission for the Special Exception.

Mr. Lewis stated he would prefer the 1,000 foot notification in this case as part of the Zoning Hearing Board process given the sensitivity of this particular area of the Township, and Mr. Majewski stated he did not believe that would be a problem.

Mr. Majewski stated as part of the Fee Schedule that was adopted last year, they established a Fee for a Waiver of Land Development, and they have quantified that as a set amount. He stated there is an Application Fee for the Waiver of Land Development for the staff’s time to process everything and an escrow of \$2,500 to pay for the engineers to review stormwater management, sight lines, grading, and all the issues that typically go into any small project like this.,

Mr. Grenier stated he agrees with Mr. Lewis’ request for the 1,000’ notification, and he feels that this should not involve more than fifteen parcels. Mr. Majewski agreed he would look into the number of parcels that would need to be notified.

Mr. Skinner showed the location of the existing Easement which runs behind the existing pump station. He stated it is a vacant Easement, which as noted by Mr. Majewski, will never be used. He stated the properties that it was intended for have obtained sewer service by other means. He stated they are looking for the Easement to be vacated, and they would have to go before the Sewer Authority to get that obtained.

Mr. Skinner stated they would be requiring an expansion of the existing Easement on the property as well to allow the station to be built while the existing one is still being used so that the changeover could be done without disruption to service to the properties that are in this water zone. He stated they would need input from the Board as to getting an agreement for the expansion of the existing Utility Easement and also the vacation of the Sewer Easement on the property.

Mr. Grenier stated it appears to be a large Easement area given the size of the proposed building, and he asked if they are planning on removing the existing equipment when they complete the work. Mr. Skinner stated they will remove the existing underground equipment when they are done. He stated there will be a stormwater detention system which could be a rain garden, and there will also be buffering around the site. He stated the site will also be fenced in for security reasons. He stated that will all take up a fair amount of the Easement. Mr. Grenier asked what type of fence they are proposing, and Mr. Darash stated it would be black, chain link. Mr. Skinner stated that could be open for discussion. Mr. Darash stated black, chain link has been determine to be the type of fence that stands out the least. Mr. Skinner stated there will be a landscape buffer in front of the fence as well. Mr. Grenier stated this is a very visible intersection with a lot of traffic, and they would like the area to look nice.

Mr. Grenier asked how much impervious area they are adding, and Mr. Skinner stated it is approximately 4,000 square feet. He stated they would submit stormwater calculations based on the simplified method with the volume control. He stated they will do perc tests on site once they finalize where the basins will go to insure that the run off that is coming off the driveway and the building would be infiltrated into the ground. Mr. Grenier stated he believes that there is shallow rock in that area.

Mr. Ferguson stated he understands that there is some uneasiness about this request, and he suggested that they take Mr. Majewski's initial outline and expand upon it to get more clear answers. He stated he feels they should apply for the Special Exception and come back to the Board of Supervisors at their first meeting in October to see if there is additional information particularly with regard to the buffering. Mr. Grenier stated he would want to make sure that the residents have a chance to see this.

Mr. Ferguson asked that if the Board has any additional questions, they advise him of them; and he will make sure that they try to get those questions addressed as well. Mr. Truelove stated no action needs to be taken this evening, and he recommended that the Pa American representatives work with Mr. Majewski to expand the memo, and they will put this matter back on the Board of Supervisors' Agenda for October 2.

Mr. Lewis asked if this would delay their project by waiting until October 2; and Mr. Darash stated he does not believe so adding the bigger concern is that the underground structure is failing. Mr. Lewis asked when they were planning to do the construction, and Mr. Darash stated it would probably be in the spring of 2020. Mr. Darash stated the station is pre-fabricated. Mr. Lewis stated he feels this could get resolved in sufficient time for their proposed time of construction.

Mr. Skinner asked if the Board of Supervisors feels there will be an issue with getting the Sewer Easement vacated or not since that would have an impact on where they would finalize the location of the station. He stated if it cannot be vacated, they will have to push back further into the property. Mr. Truelove stated that would depend on what the professionals advise; but barring any difficulty, he does not see that to be a problem. Mr. Ferguson stated they would rely on Mr. Majewski who is also a PE, and they would also get input from the Sewer engineer.

Mr. Majewski stated that Easement was originally for a parcel of land that was on the Snipes property at the corner of I-95 and Dolington Road, and that parcel is now owned by the Township; and the Township will never use that Easement for anything. He stated the property across the street gets their sewer from the development off of Heller Drive and Miller Place so there is no need to ever have the Easement there.

Mr. Grenier stated they should go the Sewer Authority, and it was noted the next meeting will be held on September 26. Mr. Skinner agreed to see if they could attend that meeting.

Ms. Blundi thanked Pa American Water for taking the time to do some renderings and an acknowledgment of what the Township and community would like to see.

Mr. Zachary Rubin, 1661 Covington Road, stated he would like re-visit the linkage of Creamery Road and Dolington in the future. He stated he feels round-about are the way of future for traffic control, and he asked if this would impact a round-about at that location. He stated he would like Mr. Majewski and our Township engineer to give their opinion about putting this project there, and the possibility of moving it back further onto the property and whether this project would prevent the installation of a round-about to connect those two roads. Mr. Grenier asked that Mr. Majewski consider this.

## PROJECT UPDATES

Mr. Ferguson stated they will have to consider at Budget time the Grant that was received since the amount that was received was \$52,000, but the amount requested was \$76,000. He stated the more significant piece to be considered later is the construction portion.

Ms. Blundi asked Chief Coluzzi about Makefield Road. Chief Coluzzi stated Ms. Blundi had asked him to go to Makefield Road near Makefield School to check out the improvements that were already in place and to see if additional improvements could be added to increase safety in that area. He stated he went out there last week with the Traffic Safety Officer, Mr. Roche, Mr. Hucklebridge, and Captain Lewis; and they evaluated the strip from Homestead to Colonial Ridge along Makefield Road. He stated they believe that some additional improvements are needed, and he provided a Sketch that the Traffic Safety Officer made for the Board. He stated everything in black is what is existing including the crosswalk, and the additional improvements are shown in red. He stated these include channeling strips at the beginning and the end of the School Zone at N. Homestead and Colonial to indicate the lane begins to narrow. He stated in the shoulder of the road hash marks would be placed with three hash marks in a row every 125' to 150'. He stated additional street markings are proposed indicating "SLOW" in either lane on either side of the crosswalk. He stated they believe that all the existing improvements are fine. He stated they looked at sight lines which are good. He stated he understands from Mr. Hucklebridge that all the street lights have been replaced.

Chief Coluzzi stated Mr. Hucklebridge advised that he could probably get the work done in the next several weeks; however, he does not have the exact cost. He feels he could incorporate the striping along with other roadways that are being done at the same time.

Mr. Grenier asked Chief Coluzzi if he witnessed anyone using the crosswalk, and Chief Coluzzi stated he did not. Chief Coluzzi stated he has not received any feedback on this from the School District.

## MANAGER'S REPORT

### 2020 Budget Summary

Mr. Ferguson stated when the Auditor was present at the last meeting, he gave the Township a clean Audit. Mr. Ferguson stated he would like to discuss what was done over the last year to get to that point and give a very preliminary overview of 2020.

Mr. Ferguson stated over the last year the process they were engaged in was designed to create transparency in the Budget, provide transparency in financial transactions of the residents' money, and illustrate our financial picture and challenges. He stated the Budget document was shortened from 650 pages to 81 pages. He stated they added a presentation of certain funds into the Budget which were not previously listed, and he particularly noted the Regency bridge fund. Mr. Ferguson stated he began presenting monthly Treasurer's Report to show our year-to-date Revenues and Expenditures. He stated they created a public process to approve moving money, known as Interfund Transfers so that there would be no confusion about our financial condition. He stated they also resolved all negative account balances to clarify our financial standing to the Board and the residents.

Mr. Ferguson stated while he has provided some rough numbers, he will be working with the Department Heads over the next few months and there will then be a specific Budget presentation. He stated we now have clarity on what money we have in all of the funds we have. He showed ending 2019 with a year end Fund Balance of \$1.3 million, adding that \$900,000 of that money was from a RACP Grant that was a reimbursement from projects several years ago; and that Revenue will not carry forward. Mr. Grenier noted the top number 2019 Fund Balance is actually the 2018 year end Fund Balance. Mr. Ferguson agreed and stated the end of year number for 2019 is then carried up to start 2020.

Mr. Ferguson stated for a number of years the Township helped sustain itself and its Fund Balance by utilizing other Funds to assist it to be solvent. He stated in 2009 they brought in from other Funds approximately \$567,000, and that created an end-year Fund Balance of approximately \$922,000. He showed a slide and stated all the way to right he has shown the net number had those transfers not taken place. He noted 2010 which has a Fund Balance of approximately \$1.1 million with the \$790,000 which was transferred in; and while there was nothing wrong with those transfers as it is how the Township sustained itself, the point he is making is what the net effect of what the Fund Balance would have been absent those transfers which was approximately \$333,000. He noted 2011 when money was transferred as well.

Mr. Ferguson stated there were also a number of projects which were done between 2010 and 2016/17 which involved the issuance of debt.

Mr. Ferguson stated in 2012, they started to see the negative Fund Balances which have grown. He noted the 2013 figure adding that in this figure they had a Matrix Agreement where the Township started receiving payments; and in 2013 Matrix provided \$475,000 which helped the bottom line. Mr. Ferguson



stated in 2014 Matrix provided \$450,000 as part of their Agreement with the Township and he noted the negative balance of \$172,000 off of the transfers in 2014. He stated in 2015, it shows that the negative balance had grown with a net Fund Balance of approximately \$1.5 million had everything been reconciled in that year. He stated this is consistent in 2016 with a net Fund Balance number of \$1.7 million. He noted 2017 which is when they see that the transfers are about the same; and there was a Fund Balance number that was on the books of \$2.9 million but there was a much more substantial negative balance account of minus \$3 million. Mr. Ferguson stated it was in 2018 that he started to address these numbers, and it will be seen per the Audit that was just presented, the Township ended the year to resolve that negative \$3 million Fund Balance.

Mr. Ferguson stated for ten years, they transferred \$4.8 million from other funds into the General Fund to assist it. He stated the negative \$3 million were overages that were not resolved. He stated as the Auditor pointed out that was not the number that was in the 2017 Financial Statement, and they had to restate that because there was \$900,000 improperly assigned to 2017. Mr. Ferguson stated when the Township sold the cell tower in 2018, the presentation that was made in the Financial Statement and by the Auditor was that there was a Fund Balance of \$2.9 million; but unfortunately that was not the case.

Mr. Ferguson stated looking at 2009 and 2010 and going through the Matrix money and the transfers you then get into 2017 and 2018 and you can see what the Net Fund Balance was absent the transfers. Mr. Ferguson stated when you get to 2020, the minus \$79,000 is not so much out of context. He stated the reason he has talked about the transfers is because those transfers can no longer take place. He stated the money has all been reconciled, and there is no money sitting in those accounts to assist the General Fund.

Mr. Ferguson stated the General Fund is currently at 12.88 mills, and we can go to 14 mills according to the Second Class Township Code before we would have to go to the Commonwealth to seek an increase. He stated the 1.12 mills would be approximately \$600,000. He stated they could raise mills more than that but it would be a process that would not be locally-driven.

Mr. Grenier stated in 2017 it shows the negative Balance of \$3 million, and he knows that approximately one third of that was restating the RACP of \$911,000. He asked if there is a breakdown of what the remaining items were. Mr. Ferguson stated he believes it was project driven. He stated the Auditor noted that over \$1 million was in Capital Projects, and there was a significant amount in Special Projects. He stated it was also a variety of other funds that were negative for years that sat on the books.

Mr. Ferguson stated in 2015 there was a negative balance on the books from the Traffic Impact Fee that was used to make the Golf Course Capital improvement that sat there. He stated those are restricted funds, and he worked in Townships that temporarily used money to offset expenses, but this was just never reconciled. He stated the whole process was to bring this back with a new Auditor to get the clean Audit which was very important. Mr. Ferguson stated he feels this took place over a period of time, and some of this goes back years; and just carried over from projects. He stated he has not done a forensic review of that, but it did grow over time which led to this amount.

Mr. Grenier stated in the summer of 2018, the Board was presented an Audit for 2017 and it indicated that in the General Fund there was \$2.9 million; however, in reality it was negative \$600,000. Mr. Ferguson stated they had \$460,000 in transfers that went to the General Fund, and there is nothing improper about that; and it is just how the General Fund sustained itself. He stated the amount that was shown would have been negative \$140,000. He stated in the 2017 Financials it showed the RACP Grant, probably unbeknownst to the Board. He stated the 2017 Audit would have shown \$2.9 million in the General Fund, and then all of the other negative balances amounted to approximately \$2.1 million. He stated they restated 2017 and everything is now in order.

Mr. Ferguson stated he has had questions about what is in the General Fund, and he stated the General Fund includes all staff except for Park & Rec; and the biggest Department in the General Fund is the Police Department which is a 24/7 operation. He stated the General Fund also includes all technology, legal and engineering expenses, highway-related expenses, and equipment-related expenses. He stated they now have a new millage for machinery. He stated Pension payments and medical insurance are also big items in the General Fund.

Mr. Ferguson stated one of the challenges he sees going forward over the next several years is that the Township is going to have to replace seven dump trucks and three major pieces of equipment. He stated under the current funding for roads, we can currently pave approximately two to two and a half miles of road a year; and that is State money which is called Liquid Fuels money. Mr. Ferguson stated we have 138 miles of road, so that means if a road was paved this year, it would be paved again in 2075. He stated this is a challenge that every Municipality struggles with.

Mr. Ferguson stated under the current financial framework, our Bond rating really matters. He stated our debt is the means by which we actually paved additional roads and purchased equipment. He stated the annual Budget as

outlined has not facilitated an aggressive, on-going Capital Road Maintenance Plan. He stated if our ability to incur additional debt becomes more expensive, then our ability to deliver services and provide quality roads and have quality equipment will become more difficult.

Mr. Ferguson stated our current Bond Debt is just under \$52 million.

Mr. Ferguson stated when he started with the Township last year, the Sewer Sub-Committee was examining a variety of options for a sewage treatment plant. He stated these options included MMA's plant being updated, the Township diverting all of its flow to Bucks County Water and Sewer, the Township creating its own plant, and the Township diverting its flow to Lower Bucks Municipal Authority. He stated the one consistent comment was that the cost of those options was approximately \$50 million. He stated looking at the current financial framework and some of the limitations we have, the debt we currently have, and adding on the \$50 million for a sewage treatment plant, that would mean the debt for the Township would be approximately \$120 million.

Mr. Ferguson stated they also talked about the debt for the Golf Course. He stated they have paid off approximately \$7 million in principal over fifteen years. He stated these payments will be increasing, and it looks like this year the Township will have to help the Golf Course offset its debt by approximately \$200,000. Mr. Ferguson stated last year, because they had carried a number of negative balances in Golf for a period of years, the Township had to help the Golf Course in the amount of \$875,000. He stated the Golf Course did have a number of challenges last year because of the weather which resulted in a loss of approximately 4,000 rounds of Golf. He stated the \$875,000 was not just from last year, rather it was from several years.

Mr. Ferguson stated the Golf Course does extremely well, and they have a comparison to show that it does very well and is felt to be a high-quality Course which people are using; however, as the payments go up, it becomes less and less likely that the Golf Course can support these payments, and the taxpayers have to subsidize any shortfalls. He stated last year those shortfalls were \$875,000. He stated people have contacted him asking him about selling the Golf Course; however, Mr. Ferguson stated that would be impractical at this point since we owe over \$20 million for it. He stated refinancing that debt is not possible because we face limits on the number of times we can finance the debt. He stated under the tax law that was recently passed, if we were to try to finance some of our debt, it would transition from tax-exempt to taxable debt which would raise the interest rate.

Mr. Ferguson showed a slide of the Golf debt over seventeen years where it has been refinanced, and pushed out, and interest only. He stated the Golf debt was redone under Series B in 2018. He stated when it was refinanced, we were only able to legally extend it by one year at that time. He stated being able to continue to do that is probably unlikely.

Mr. Ferguson stated as was noted previously, the Township finalized its 537 Plan for sewer which outlines improvements we have to make. He stated for 2020, those mandated improvements will translate to approximately a 40% increase in rates. He stated as noted previously the Township's share would be approximately \$50 million that we would be responsible for at the sewer plant which would translate to an additional 60% increase. He stated these are all improvements that they know of, and there could be things that come up that are unexpected.

Mr. Ferguson stated the General Fund for 2020 is slightly negative, and we could raise the millage approximately \$600,000, but we would then have to appeal to the Commonwealth Court to go higher. He stated our ability to maintain infrastructure, buy equipment, and update our existing facilities under our framework would have to be through debt, which will get increasingly expensive. Mr. Ferguson stated our current funding allows for about 2 to 2 ½ miles of paving a year. He stated our heavily-utilized Golf Course has a Bond debt that will increase by \$300,000 to \$600,000 a year and will need to be subsidized by taxpayers. He stated our Sewer rates will increase by over 100% over the next five years. He stated with the sewage treatment plant, our total debt will be in excess of \$121 million.

Mr. Ferguson stated they started talking about all of the things that have led to this point at last year's Budget. He stated beginning in January, he had already started meeting on all of these issues with our Bond Counsel, our sewer engineer, and with staff knowing what was coming. He stated he had indicated last year that this Budget year would be even more difficult than 2018. Mr. Ferguson stated they then had the Moody's evaluation take place early in the spring where we were downgraded. He stated the review of sewers and the potential analysis and potential sewer sale were not done as a result of the Moody's downgrading the Township. He stated the Moody's letter does address the Enterprise Funds which are the Golf Course and the Sewer. He stated the Moody's letter cited three things – the General Fund balance diminishing, the debt on the Golf Course, and the coming debt on the Sewer system; and those were the reasons for the downgrade. Mr. Ferguson stated this was confirmation to him that Moody's was saying the same things that he was seeing and identifying.

Mr. Ferguson stated the fact that we resolved the negative Fund Balances at the end of 2018 saved the Township from a more significant downgrade since Moody's opinion was that the Township understood what the issues were, and they were taking specific immediate steps to improve the situation.

Mr. Ferguson stated with that in mind there were discussions about an evaluation of the Sewer system, and he had considered if the system was sold how could that work to improve as many of these situations as possible. Mr. Ferguson stated they discussed that one of the goals of a Sewer sale was a rate stabilization/rate freeze. He stated this is an unknown, but he feels the goal would be to work to freeze rates for three to seven years. He stated with regard to Debt reduction \$27,700,000 would eliminate over \$34 million in principal and interest currently assigned in the Sewer and Golf Funds.

Mr. Ferguson stated the Golf debt being eliminated immediately would make the Golf Course profitable by at least \$800,000 a year. He stated it would be up to the Board to determine how to use a portion of that surplus; and that could include repaying the taxpayers (back to the General Fund) over \$1 million that the Township/taxpayers have had to subsidize over the last few years, invest several hundred thousand dollars a year back into the Golf Course which Mr. Attara and Golf Committee feel is necessary to keep the Course as a premier Golf Course, and create a set-aside fund from part of those profits every year for future facility improvements in the Township, which would relieve taxpayers of these future burdens. Mr. Ferguson stated some of the projects they are looking at are trail maintenance and tennis court repairs.

Mr. Grenier stated he feels what Mr. Ferguson is discussing at this point is speculative as they have not gone through the process to get all the Bids for a potential Sewer sale. Mr. Ferguson stated what was discussed was how much money would the Township need to reduce debt, and this is what he has outlined. Mr. Ferguson stated they have talked about a sale having to reach a level that would have this secondary impact for the Township, and that has always been the underlying point as well as stabilization of rates. He stated he agrees it is speculation as to how much we could receive to achieve these goals.

Mr. Ferguson stated under the scenario that he has outlined, the Township would have the ability to pave an additional \$1.5 million worth of roads every three years at no additional cost to the taxpayers. He stated that would be through the same mechanism of a plan that was instituted in his last position that worked very well. He stated finally, the Township would have the ability to lower taxes up to .84 mills in 2021.

Mr. Ferguson stated the debt we have by keeping the Sewer system and going through the treatment plant versus not keeping the Sewer System would be debt without a Sewer sale of \$121.6 million compared to \$13.5 million with the Sewer sale. Mr. Ferguson stated from his perspective the discussion about looking at the Sewers was the issue with the Golf Course and the impact on the taxpayers, rates and the ratepayers, who are much the same people, and the cap we are reaching and having to go to the Court for property taxes.

Mr. Ferguson stated regardless of a Sewer sale or no sale, the 2020 Budget will be crafted as if no sale takes place. He stated they have had initial management meetings with a variety of companies, and it is a given that even if something were to take place with regard to the Sewers it would not be able to be done in a way that they could craft the 2020 Budget around it. He stated he will work with the staff on the 2020 Budget and they will do their best to tighten up the numbers.

Mr. Ferguson stated as he noted previously, the framework for a discussion is if we can freeze rates and control Sewer costs, lower our Debt, and make the Golf Course profitable, we can then invest in roads, lower taxes, and do a variety of very positive things as an outcome of the proceeds of a Sewer sale.

Ms. Tyler stated this information was not provided to the Board before the meeting, and it is a substantial document that has been put out to the public; and she feels it should have been provided to the Board of Supervisors in advance of the meeting so they would have had the opportunity to review it and ask questions. She stated there are a lot of assumptions made and no timeframes. She asked Mr. Ferguson that in the future he communicate this type of information to the Board before they are at a public meeting trying to digest all of the significant things that are contained in this document.

Dr. Weiss asked Ms. Tyler what assumptions were made. Ms. Tyler stated after just looking at it, she does not believe we owe \$20 million on the Golf Course, and she believes it is \$14.6 million. Mr. Ferguson stated that is the principal, and principal and interest are \$20 million; and we cannot refinance it. Mr. Ferguson stated his point was that if refinancing the debt is improbable because of how many times we have refinanced the debt, and if transitioning that debt from tax-exempt debt to taxable debt raises the interest rate significantly, we will be paying that \$20 million out because it will be principal and interest until it is paid off. He stated they have already refinanced that debt between five and seven times. He stated our ability to take a Bond Issue that was for twenty years and keep refinancing it is limited by law. He stated when they refinanced Golf Course debt

in 2018, it could only legally be extended for one year. He stated the ability to take the thirteen years left in debt and stretch it to twenty years or beyond would not be feasible.

Ms. Tyler stated while she understands that Mr. Ferguson is trying to project out twenty to thirty years, this requires discussion with the Board. She stated there is \$50 million assumed for the Sewer debt, but we do not know what will be happening with that. She stated she does appreciate that what Mr. Ferguson has presented is an overview. Mr. Ferguson stated the Sewer Sub-Committee has been meeting, and the Sewer engineer has run the various options; and the various options that have been before us are between \$50 million and \$55 million. Ms. Tyler asked the timing on that, and Mr. Ferguson stated he feels it will be three to five years as noted in the documentation.

Mr. Grenier stated with regard to the Sewer Sub-Committee, he believes that they will have a summary document from them shortly. Ms. Tyler stated it would be helpful to know the costs for the 537, and how much will be needed in 2020 and 2021.

Mr. Grenier noted Page 7 with the figures from 2009 to 2018, and added he agrees with Ms. Tyler it is a lot to consider. Mr. Grenier stated there are some big negative numbers and some small positive numbers which do not match up with what they heard from previous Auditors and other presentations. Mr. Grenier asked Mr. Ferguson if he is comfortable with the numbers, and Mr. Ferguson stated he spent 700 hours in three months looking at the Township financials, and he believes he has found most of it. He stated he felt reconciling all of the accounts so that the Board could make financial decisions based on clear information was important. He noted all of the actions that the Board has taken with the monthly Treasurer's Reports, the Interfund Transfers, and with the Auditor who reviewed all their Motions, and he believes there are tight controls on all of this. Mr. Ferguson stated he has set up the Financial Department with three full-time people and a part-time person, and the most senior person has been given the authority to give out work and coordinate through him what they want to see. He stated they have also created clear separation duties regarding who writes checks, who reconciles, who can approve Bond payments, etc. so they have built in a whole series of checks and balances. He stated he is very pleased with where we are.

Dr. Weiss stated the fact that they had an unmodified Audit for 2018 says a lot to the Board regarding the work that the staff headed by Mr. Ferguson accomplished considering the numerous negative balances over the years. He stated they have zeroed everything out, and we know exactly where we are. He stated this presentation gives a "road map"

of where to go for the next few years, and he thanked Mr. Ferguson for getting us to this point although we do have a hard job ahead over the next few months to get to a Budget for 2020.

Mr. Grenier stated it is “upsetting” to see some of these largely negative balances and how things were done. He stated he is glad we got to where we did; however, it is clear that the Budget season is going to be difficult.

Mr. Lewis stated he feels that while some of this is “sobering,” he is happy that they are not trying to push the Sewer sale in the upcoming Budget as that gives the Board time to consider that and other options as well. Mr. Lewis stated it is important for people to see the different scenarios, and for a long time collectively as a community they did not address the issue that they were using the Regency money as a “filler” as opposed to addressing “structural issues.” He stated it is important that they now have this dialogue. Mr. Lewis stated with regard to the Sewer options, we have to consider from a debt perspective who holds that debt and what would be the circumstance depending on our choice. He stated we would not have that debt circumstance if we chose to sell or if we chose to go with another provider who does not plan to build a new plant. Mr. Lewis stated he feels the public should feel very comfortable that over the last year, the Township has aggressively worked to “right the ship” financially and build a Balance Sheet for the future. He thanked Mr. Ferguson for his hard work getting us to this point.

Mr. Robert Abrams noted Page 8 and stated there are Revenues of \$13,608,362 for 2019 and only \$12,531,338 for 2020. He stated \$900,000 of that would be the difference that they realized in 2019 that was put in 2017, but they are still showing less Revenue for 2020 net. Mr. Ferguson stated in 2018 there was another payment made for \$568,000 from Matrix to the Township that was received in December so there were four Matrix payments received in 2013, 2015, 2016, and 2018. He stated that last Settlement developer payment was for \$568,000 that went into 2018. He stated the Revenue numbers that we have are down \$1.7 million.

Mr. Abrams stated \$900,000 would be attributable to what they realized last year, but they are still down \$200,000 and they are still building and taxing so he does not understand why the Revenues are decreasing. Mr. Ferguson stated this is a quick Budget Summary, and as he advised the Board previously, he tends to be very conservative with Revenue projections. He stated there are also other things in the Revenue including Permit Fees, State aid for Pensions, and a variety of things that he takes a cautious approach to. He stated it may be as they work on the Budget, there will be changes.



Mr. Zachary Rubin stated Mr. Ferguson had indicated if we sell the Sewer system we could pay off the Golf Course debt. Mr. Rubin asked if the 2018 Bond was a five-year callable Bond, and he asked what percentage of the Golf Course debt is callable over the next few years. Mr. Ferguson stated he believes it could be half of the debt. Mr. Rubin stated if they were to sell the Golf Course, they would put that money in an interest-bearing account, and then pay the debt down each year. Mr. Ferguson stated if there were a sale, they would have to do something similar as with the Sewer debt. Mr. Ferguson stated there is \$2 million of the Golf Course debt that is never callable, and some of those payments would run and would be automatically taken.

Mr. Rubin stated Mr. Ferguson indicated they could go to a maximum of 14 mills, but they could go higher if they Appealed to Commonwealth Court. He asked Mr. Ferguson what is the possibility of the Commonwealth Court giving the Township relief. Mr. Ferguson stated he has never had to do that as a Township Manager. Mr. Rubin stated he believes other Townships have. Mr. Ferguson stated he has seen Townships which were distressed; and if you have a Budget that is in order that they can decipher, as long as the increase is within reason, it is not as if they are going to look to say “no.” He stated part of what happens is your Budget presentation goes under their review as well.

Mr. Rubin asked Mr. Truelove if he agrees with Mr. Ferguson, and Mr. Truelove stated he does not have the specifics on the debt. He stated it would be the Common Pleas Court that they would go to, and there are a lot of factors that would be considered. Mr. Truelove stated depending on the request, he believes that Courts generally defer to the local officials as long as they make a good-faith presentation.

Mr. Ferguson stated in the 2019 Budget which we are currently under, the Board approved a number of measures to give relief to the General Fund where they actually did some millage increases. He noted that they had given the Ambulance Squad some extra money out of the General Fund of approximately \$50,000 a year, so the Township essentially raised millage in the Ambulance Squad the equivalent of \$50,000 which was approximately one tenth of a mill, and alleviated the pressure off the General Fund to do that.

Mr. Rubin asked if anyone knows when the State Legislature raised the ceiling on millage for Second Class Townships, and Mr. Truelove stated he believes that it has been at least ten years. Mr. Rubin stated he recalls that they changed the mathematics involved where they reduced the assessments 50% and then raised the millage 50%, but that was a “bookkeeping figure.” Mr. Truelove stated that was at the County level approximately twelve years ago.

Mr. Lewis stated there are a number of Municipalities in Bucks County with much higher General Fund millage than the cap such as Yardley Borough where they choose not to have an Income Tax. Mr. Lewis stated the Township spends \$35 million across all of the Funds, and it is the General Fund that has a cap which makes for a constraint.

Mr. Adrian Costello, 2122 N. Crescent Boulevard, stated while the news is not good to hear, he feels the presentation is “amazing “given that they are two months before finalizing a Budget and that they are being this proactive. He stated compared to what he had seen over the last seven to eight years, this was “awesome,” and it is a credit to the Board dealing with the issues they had over the last year.

Ms. Vanessa Fiori, 1995 Woodside Road, asked the average Sewer rate now; and Mr. Ferguson stated a person using 14,000 gallons of water a quarter which is the average in the Township would have a quarterly Sewer bill of approximately \$165 or \$660 a year. Ms. Fiori stated Mr. Ferguson’s proposal was to raise it 100%, and Mr. Ferguson stated they do not have a Budget yet. He stated what he had indicated was that based upon improvements that the Township is mandated to make according to the Plan that was approved by DEP for next year, they would need a 40% increase to meet those requirements. He stated in his presentation he had noted that in the coming years, the cost options they have looked at for a treatment plant would translate to approximately another 60% increase at that time. He stated although he cannot be specific as to the timeframe, his estimate would be three to five years. Ms. Fiori asked if that treatment plant would accommodate expansions. Mr. Ferguson stated he is not sure, but he believes that the goal would be to have an updated adequate facility that would accommodate the needs of the region. Ms. Fiori stated a 100% increase would be approximately \$1,300 a year average, and Mr. Ferguson agreed.

#### Approval of 2020 Minimum Municipal Obligation

Mr. Ferguson stated the 2020 Minimum Municipal Obligation has been calculated and will be part of the 2020 Budget, and he had provided the details to the Board. He stated the payment will be going up substantially. He stated the 2018 MMO was \$1,184,086, and because of retirements and poor performance in the fourth quarter of last year our payment this year is going to go up to \$1,419,706. He stated the Police payment will be \$874,896, the non-Uniform Pension payment will be \$468,595, and the Defined Contribution Payment will be \$76,215. Mr. Ferguson stated that is the new Plan that we have that we pay as we go, and there are no legacy costs with that. He stated all new employees other than Police go into that Plan.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the 2020 Minimum Municipal Obligation as outlined by the Township Manager in the amount of \$1,419,706.

Approval of Community Center Sign Design

Mr. Ferguson stated they budgeted for a sign for the Community Center this year. He stated Ms. Tierney looked at a variety of options, and he felt that because of the prominence of the location and the importance of the Community Center that the Board of Supervisors should have a part in making a decision on this. He stated the Park & Rec Board discussed this and gave their endorsement. The cost of the sign is \$1,176.50. He stated the Park & Rec Board unanimously approved Sign #1 with the addition of the words “Park & Rec Department,” and a copy of the image was shown.

Ms. Tyler stated it is in line with many of the other Park & Recreation signs.

Ms. Tyler moved and Ms. Blundi seconded to approve the Community Sign design as unanimously approved by the Park & Recreation Board at a cost of \$1,176.50.

Mr. Grenier asked where the sign will be located. Mr. Lewis stated he believes it was going to go in front of the building.

Motion carried unanimously.

Mr. Truelove stated the Board met in Executive Session beginning at 6:20 p.m. and items of personnel, confidential items, and informational items were discussed.

ZONING HEARING BOARD

With regard to the Kevin & Barbara Fischer Variance request for the property at 1385 N River Road for greater than the permitted height on structures, Ms. Tyler moved, Dr. Weiss seconded and it was unanimously carried that the Township should participate.

With regard to the Rob Stein Variance request for the property of Floral Vale Professional Park Condo Association, Floral Vale Blvd in order to permit internally-illuminated sign, it was agreed to leave the matter to the Zoning Hearing Board.

Dr. Weiss stated he feels this would be a good time to consider the drafting of an Amendment to the Ordinance to allow for these types of signs since the technology has changed so much. Mr. Truelove stated Mr. Majewski has been working for some time updating many aspects of the Zoning Ordinance, and they can discuss this with him.

APPROVE EXTENSION REQUEST OF ERIN DEVELOPMENT

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to grant an extension request for Erin Development to November 1, 2019.

APPROVE RESOLUTION NO. 2342 AUTHORIZING EXECUTION AND SUBMISSION OF CERTIFICATION APPLICATION FOR CERTIFIED LOCAL GOVERNMENT PROGRAM

Mr. Ferguson stated this is the Resolution with regard to authorizing the Certification Agreement between Lower Makefield and the Pennsylvania Historic and Museum Commission, and this re-Certification allows us to apply for Grants. He stated this is a classification that we have had for a number of years.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Resolution No. 2342 authorizing execution and submission of Certification Application for Certified Local Government Program as outlined by the Township Manager.

APPROVE CONTRACT FOR PROFESSIONAL SERVICES FOR KAPLAN MINOR SUBDIVISION

Mr. Truelove stated this is a Minor Subdivision to allow for the property to be subdivided to allow for the construction of another house on the property. He stated it was put on hold by an adjacent landowner who wanted to force him to hook into his private sewer line, but this matter is now moving forward. Mr. Truelove stated the Professional Services Contract is where engineering and legal fees are paid for by the developers.

Ms. Tyler moved and Ms. Blundi seconded to approve the Contract for professional services for Kaplan Minor Subdivision as outlined by the solicitor.

Dr. Weiss asked if this has to do with the area around Susan Circle, and Mr. Truelove agreed.

Motion carried unanimously.

## SUPERVISORS REPORTS

Mr. Grenier stated the Financial Advisory Committee met and reviewed the most recent Audit Report.

Dr. Weiss stated the Zoning Hearing Board met last evening, and they approved the Application of the developer to construct eleven townhomes at the Marrazzo Tract. Dr. Weiss stated the Historic Commission met and asked that he advise the Board that they are ready when able to start digitizing all the historic records. He stated they are asking the Board to consider the tax sale of the Weiner property which is where the Octagon School remnants are so that we could possibly create a suitable memorial to that structure as it was the first Octagon School in the State if not the Country. He stated a future project they have includes re-cutting the oldest tombstone in the State at the Slate Hill Cemetery and adding a historical marker. He stated they are also discussing an appropriate honoring of Edgehill Gardens, the oldest neighborhood in the Township which is coming up to its 100<sup>th</sup> Anniversary.

Ms. Tyler stated the Golf Committee met, and there is an opening as Mr. Adam Reis has resigned; and she thanked him for his service. Ms. Tyler thanked the Committee and the staff particularly Colin Marsh and Mike Attara who are working very hard at Makefield Highlands where they have made a number of improvements.

Mr. Lewis also thanked Mr. Rodger Owen from the Golf Committee for the work he has done. Mr. Lewis stated the Planning Commission will meet at the Pennwood Middle School on Monday, September 23 which will be a continuation of the last meeting that discussed the potential Mixed-Use Overlay Ordinance.

## APPOINTMENTS TO BOARD AND COMMISSIONS

Dr. Weiss moved and Mr. Blundi seconded to appoint Peter Solar to the Zoning Hearing Board.

Ms. Tyler stated they will need to remove him from the EAC.

Motion carried unanimously.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to remove Peter Solar from the EAC.

September 18, 2019

Board of Supervisors – page 30 of 30

There being no further business, Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 9:55 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary