

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 18, 2020

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held remotely on November 18, 2020. Dr. Weiss called the meeting to order at 7:35 p.m. and called the Roll.

Those present:

Board of Supervisors: Frederic K. Weiss, Chair
 Daniel Grenier, Vice Chair
 James McCartney, 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
 Monica Tierney, Park & Recreation Director

COVID 19 UPDATE

Mr. Ferguson stated that they have continued to keep the Township Building closed. He stated for anyone having business with the Township there is a drop box that they can use. He stated there are employees working remotely, but they have also staggered staff in so that some of them are working in person one or two days a week. He stated he feels that this will continue for some time in order to protect the public and the employees. He stated the e-mails for the various Township Department can be found on the Township Website. He stated if there is an issue that requires some review, they can make specific arrangements. He thanked the public for their patience, adding they are working to deal with everything as efficiently as possible.

COMMUNITY ANNOUNCEMENTS

Dr. Weiss stated information about Park and Recreation digital recreation opportunities can be found on the Township Website.

Mr. Ferguson stated they received some calls about the leaf collection, and he stated they are behind at this time. He stated early on in the program, they only had four crews. He stated they use contractors as well as temporary employees, and there were some quarantine issues; but they are now back up to nine crews. He stated they are working to get caught up to be where they should be based on the schedule by the end of next week. He stated he has authorized work to go on after hours and on Saturdays in an attempt to get caught up. He stated they hope to be fully caught up by the end of next week. He stated the Public Works Director will post an update on-line.

Mr. Ferguson stated a contractor performing sewer liner work behind the houses at Silver Lake today encountered an issue. Mr. Ferguson stated the liner ruptured while being installed and caught a sharp edge of the original clay pipe. He stated once the ruptured liner was pulled out, they discovered a break in the original pipe which was allowing brown water to flow into the sewer pipe into the sewer main. Mr. Ferguson stated the emergency sewer contractor has been to the site, and they are working on repairs tonight. He stated the effected property owners have been notified. He stated the lining work will be resuming tomorrow. Mr. Ferguson stated he heard from the Sewer engineer, Fred Ebert, in the last half hour that the flows have come down, and they are expecting another crew on site in about one hour; and they will then work to more specifically locate where the crack in the line is and get that repaired today and tomorrow.

APPROVAL OF MINUTES

Mr. McCartney moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of October 28, 2020 and November 4, 2020 as written.

TREASURER'S REPORT

Approval of Warrant Lists from November 2, 2020 and November 16, 2020

Ms. Blundi moved, Mr. McCartney seconded and it was unanimously carried to approve the Warrant Lists from November 2, 2020 and November 16, 2020 in the amount of \$606,390.92 as attached to the Minutes.

Approval of October Interfund Transfers

Ms. Blundi moved and Mr. McCartney seconded to approve the October Interfund Transfers in the amount of \$2,290,449.86 as attached to the Minutes.

Mr. Ferguson noted that this is a large number. He stated approximately \$1,250,000 are transfers for Pension payments for the year.

Motion carried unanimously.

DISCUSSION AND MOTION AUTHORIZING MICHAEL BAKER TO PROCEED WITH SANDY RUN ROAD REOPENING DESIGN PLANS

Mr. Majewski and Mr. Fiocco were present. Mr. Ferguson stated the Board was provided with information from Michael Baker. He stated representatives from Michael Baker are present this evening to give the Board a sense of the plan, answer questions, and discuss some alternatives with the hope that this can be resolved tonight although they could discuss this at a future meeting. He stated with regard to the timeline that had been outlined it was anticipated that the Board would approve going out to Bid by early next year.

Mr. Majewski stated they do need some input from the Board of Supervisors in order to be able to finalize their plans.

Mr. Bill Torr was present with Mr. Chris Stanford and Mr. Scott Cepietz. Mr. Torr stated the project will take place on Edgewood Road at three intersections – Schuyler, Sandy Run, and Mill. He stated the main focus of the project is to reopen Sandy Run at Edgewood as it has been closed due to inadequate sight distance. He stated it will also have the added benefit of traffic calming and safety improvements at the other two intersections and through the entire corridor. He stated the project will require temporary closures which they are coordinating with Mr. Majewski and the Township Safety Officer. He stated the intent is to Bid the project over the winter with a spring, 2021 installation. Mr. Torr stated the average daily traffic on Edgewood Road through this corridor is about 6,000 vehicles, 3% of which is truck traffic.

An overview of the proposed improvements was shown. Mr. Torr stated there are two mini roundabouts proposed at Schuyler and Mill. A barrier/median extension was noted along with other improvements at Sandy Run. A picture of the existing condition was shown with Sandy Run being closed. He stated looking east toward the Railroad crossing there is insufficient sight distance.

Mr. Torr stated the intent is to install improvements at the intersection and get Sandy Run back open for right-in and right-out turns only. He stated they will continue to restrict left turns. He stated this will be done with an extension of the existing median which is located east of the intersection. He stated there are two options as to how to do this, and they need guidance from the Board of Supervisors on this. A slide was shown of the option of a full-reveal curb median similar to what is there currently. This is shown on the bottom left of the slide, and they would match something similar extending further down. He stated the other option is installing a barrier which was shown in the middle of the slide. He stated that would be quicker to install and un-install should they decide to do so in the future; but a drawback, in addition to aesthetics, is that as shown on bottom right of the slide, there needs to be an impact attenuator on the ends to make sure that they protect the blunt end from traffic.

An exhibit was shown of the proposed condition at Sandy Run and Edgewood. He stated what is shown in maroon is the channelized island with stamped asphalt which will allow right-ins and right-outs at Sandy Run. He stated the existing barrier will be extended about 150' to the west to fully block left turns from Edgewood off Sandy Run. He stated this will allow them to re-open the intersection.

Mr. Torr stated they need guidance from the Board as to their preference as to the curb median or the median barrier wall.

Mr. Torr stated the other intersections at Schuyler and Mill will feature mini roundabouts. He stated they are smaller in diameter than traditional roundabouts, and they have traversable center islands that can be driven over. He stated they require minimal or no roadway widening. Mr. Torr stated at Schuyler there is no proposed widening; and at Mill Road, there would be some widening on the southwest corner. Mr. Torr stated these roundabouts have the effect of calming traffic, and they also keep traffic moving unlike a traditional stop-controlled intersection.

Slides of mini roundabouts from around the Country were shown. He noted how some were fit within the existing curb lines and use colored and stamped concrete and asphalt to delineate the roundabout and the island. A picture of a center island was shown which is similar to what would be at this project. He stated the intent with regard to the asphalt splitter island is to have them flush. A picture was shown of a splitter island that they would propose, and it would be a colored and stamped pattern to provide a visual barrier for the splitter islands.

Ms. Blundi asked that if they were to go with asphalt could the stamping be done on the roundabout and the intersection piece by Sandy Run, and Mr. Torr agreed. Mr. Torr stated both the asphalt and the concrete can be stamped and colored in this manner.

Mr. Grenier asked if this is what was done at the crosswalk at Makefield. Chief Coluzzi stated he does not believe it was as there was an issue there because they were trying to get it within a very small height, and there were drainage issues. He stated he does not believe they will have the same issues here. Mr. Grenier stated he was only referring to the stamped approach.

Mr. Chris Stanford asked if the Board has an opinion with regard to the choice of a curb at Sandy Run versus a full Jersey barrier. Mr. Grenier asked how wide it has to be, and Mr. Stanford stated it would match the existing median that is there which is about 3' wide. Mr. McCartney stated he would be in favor of the first option. Dr. Weiss agreed that he feels they should just extend what is there now and make it as aesthetic as possible. Mr. Stanford stated that was their preference as well.

Mr. Grenier noted the roundabout, and he asked about the use of a rain garden in that location. Ms. Blundi stated she understood that this was meant to be temporary and not necessary the full-term solution. Mr. Stanford stated with regard to having a rain garden, they would not do that because they need to allow for larger trucks to be able to traverse the intersection, and they would have to be able to go onto the island since they are not doing widening. Mr. Stanford stated they were also trying to balance the short-term and the long-term solution. He stated they wanted to put something in that will have some longevity and can take traffic loading, but at the same time they understand about the potential to go to a long-term solution. He stated they are looking for input from the Board tonight as to whether some of these treatments

should be asphalt which would be less expensive to install and easier to take out versus concrete which would have more longevity but may cost more and would be more difficult to take out.

Mr. Lewis asked if there would be an option to do Bid Alternates to see what the prices would be under different scenarios so that they could price out the barrier type and style. Mr. Stanford stated that is always an option. Mr. Majewski stated he feels that would work out well with the island treatment whether the islands have concrete or stamped asphalt; but for the barrier in front of Sandy Run Road to prevent left turns, he feels that is a decision that the Board has to make now. Mr. Lewis stated he feels that the Board is in favor of the curb median. Dr. Weiss stated the only Bid Alternate would be the difference between asphalt and cement as far as the round-about centers.

Mr. Torr stated at Edgewood and Schuyler there is a mini round-about which will be fully within the existing roadway limit. He stated they will have the mountable median in the center with concrete curb and a flush splitter island. He stated there will be ADA curb ramps and crosswalks. He stated they are proposing a pedestrian connection from Schuyler Road to the Synagogue on the south side of the intersection since the Township advised that there are a number of residents that cross the road currently and so they will be providing a safe and marked crossing on the left side.

Mr. Torr stated as he indicated earlier there are two options for the center island of asphalt versus concrete. He stated both of them would be rated for the type and amount of traffic that is present there. He stated both would be long-lasting. He stated asphalt is a more cost-effective method and can be installed quicker, and they would not have to wait for it to get up to strength like they would for concrete. He stated if it is determined in the future that the round-about would need to come out, asphalt is easier to remove. He stated concrete has a higher cost, and they do have to wait about seven days to get the cure of the concrete up to a strength where it can be driven on; and that is also weather-dependent. He stated concrete is more difficult to remove, but it does last a lot longer. He stated they will need the Board's guidance on this. He stated the aesthetic would be the same.

Mr. Grenier asked the premium on concrete, and he asked if it is 1.25 versus asphalt. Mr. Torr stated they have not really done the specs with regard to cost for this project. He stated it will be around what

Mr. Grenier has indicated. He added that it does last twice as long as asphalt. Mr. Grenier stated he would lean more toward concrete since asphalt does tend to fall apart over time.

Ms. Blundi asked if the concrete would also be colorized, and Mr. Torr agreed. He stated the examples he showed earlier were mostly all concrete in the middle. He added it will be longer lasting if it is concrete. He stated since truck traffic will be running over the center median, concrete would hold up better.

Mr. Torr stated in addition to the mini round-about, they are also proposing to extend the bituminous path that runs down Edgewood to Schuyler at this time, and they would bring it up and around and form a crossing on Schuyler and have ramps on each leg of the intersection to make for a safe crossing for pedestrians.

Mr. Ferguson stated Mr. Torr had indicated that concrete could take an additional week or so, and they would have to coordinate with the Police Department regarding traffic restrictions/truck restrictions so that trucks are not running over it for that week; and Mr. Torr agreed. Mr. Torr stated it cannot be driven over at all for that week, and trucks will not be able to navigate the travel lane. He stated they will discuss the detours further. He stated it is possible that they would be able to open the road to passenger vehicles, but they will need to maintain a truck detour longer. He stated passenger vehicles should not be driving over the center median and they should be able to drive adjacent to it. He stated they do need to make sure that is the case because the concrete needs time to harden and strengthen without being driven over at all.

Mr. Torr stated at Mill Road, the only difference is that it will take a little longer because on the southeast corner by the Park they do need to widen a little bit and re-grade off the side of the road. He stated it will be similar in look to the other mini round-about. He stated they will maintain access to the Township Complex, and he noted the splitter island on the left which stops short there. He stated there is a center left turn lane for vehicles to get in and out.

Mr. Grenier asked who owns the property where they have to widen on Mill Road, and Mr. Torr stated he believes that is a Township Park. Mr. Majewski stated it is just the area on the lower right-hand corner of the round-about, and the other side is clear of any road widening.

Mr. McCartney asked if that is where the ballfields are located, and Mr. Majewski agreed. Mr. Grenier asked if this will create any drainage issues, and Mr. Majewski stated he does not believe that there will be any drainage issues involved with this little bit of widening.

Mr. Fiocco noted the right side of the slide where they have the striped median which then transitions back to the normal cross section. He stated just off the slide there is a pedestrian crossing across Edgewood; and it has been suggested that rather than transitioning back, they should stripe a left-turn lane into the Township Public Works driveway, and then have a shadowed island opposite of that so that pedestrians crossing Edgewood would have an area where they could stop in the middle and then finish crossing as opposed to having to cross the road all at once. He stated they can do this with just striping and no widening or new paving is required. Mr. Torr stated they will look into that.

Mr. Torr stated they have approached the Township about the need for detours, and it was suggested that the work at Schuyler and Sandy Run could be done in tandem. He stated they would close Edgewood at some location around Mill Road with a signed detour which he showed on the Plan. Mr. Torr stated they would be detouring onto PennDOT roads so they will need to get approval from PennDOT for doing this. He stated he does not foresee this as an issue. He stated they are trying to avoid detours that would result in too much traffic going through the neighborhoods.

Mr. Grenier asked how long the project would last; and Mr. Torr stated it would be several weeks, although that is weather dependent. He stated some of the stamping can take a lot longer if it is colder. Mr. Grenier asked if work can be done concurrently, and Mr. Torr stated that the Safety Officer had suggested that they do the improvements at Schuyler and Sandy Run in tandem, re-open those intersections, and then do the improvements at Mill. He stated the selected contractor would need to agree that was feasible from their end, and they can reflect that sequence of construction in the Bid package so that the contractors would know what they are bidding on in terms of the preferred order of work. He stated ultimately the contractor would need to be able to build it the way they feel is most efficient. Mr. Torr stated they want to minimize impacts to the adjacent areas as much as possible.

Mr. Grenier asked if they have sent this out to any contractors to review constructability; and Mr. Torr stated they have a number of experienced inspectors in-house, and the constructability information came from them. They have not reached out to any prospective contractors.

Mr. Torr stated with regard to Permits, as noted earlier, they need to alert PennDOT that they intend to use several of their roads for detouring. He stated they do not believe that any other PennDOT or Federal Permitting is required. He stated the new disturbance is less than one acre so while they will have E & S Plans prepared and on site, they do not need a formal review by the County Conservation District. Mr. Torr stated he advised Mr. Majewski that at Schuyler Road there are several properties which will have to have sidewalk extensions on their property, and they will hopefully get that permission or perhaps Easements will be needed from those property owners to construct the sidewalk improvement. He added it is a very minimal impact, but is a good safety improvement.

Mr. Torr stated the Plans and Bid package will all go through Michael Baker's quality control process as to constructability.

Mr. Grenier asked if they have done a cost estimate, and Mr. Torr stated they have not since they need to get direction from the Board as to what was discussed this evening. He stated the intention was that once they get direction from the Board, they can estimate the quantities and the cost. Mr. Torr stated they need direction from the Board with regard to the curb median versus the wall barrier and concrete versus asphalt.

Dr. Weiss stated he believes the Board is in agreement with the curbing instead of the barrier. He stated Mr. Lewis had brought up the possibility of Bid Alternates with regard to concrete versus asphalt; and the Board could indicate their preference and then get the alternative as a Bid Alternate. Mr. Grenier stated he would like to use the material that would last longer so he feels they should consider concrete but also do the Bid Alternate for asphalt. He stated this would not be a lot of material. He stated his personal preference is concrete, but they need to justify the cost. Mr. McCartney stated he prefers the concrete as well, but he would like to see Bids on both to make sure they are making a sound financial decision. Dr. Weiss stated concrete would be their preference, but they would like to see the costs for both.

Mr. Lewis moved and Ms. Blundi seconded to authorize Michael Baker to proceed as directed by the Board of Supervisors with the curb as opposed to the barrier and using concrete with asphalt as a Bid Alternate.

Mr. Grenier stated they are proceeding with the Design but not going out to Bid yet.

Mr. Lewis stated when considering the difference between asphalt and concrete, they should also consider if re-construction has to be done later what the cost would be. He stated while he would prefer concrete, he would like to know what the cost would in the future. Mr. Truelove stated the cost of asphalt would be somewhat dependent on the price of petroleum.

Ms. Blundi asked when they anticipate they could go out to Bid, and Mr. Torr stated the work they need to do could take about three weeks. Mr. Ferguson stated currently the last Board meeting of the year would be December 16, and he asked Mr. Torr if he feels they could come back by then; and Mr. Torr agreed. Mr. Ferguson stated if that is the case and the Board was satisfied, they could make a Motion to proceed to Bid at that meeting.

Mr. Fiocco stated he understands that they are going to consider asphalt as an alternative to concrete; but in the middle where the trucks have to be able to roll over, they are going to have to have poured-in cement around the perimeter to give it strength for the trucks. He stated the question would then be if the splitter islands would be concrete or asphalt. Mr. Torr stated he would agree that it should be standard, concrete mountable curb as was seen on the examples. He stated the curb around the perimeter circle would need to be concrete.

Motion carried unanimously.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Report in their packet. He stated the 2021 Road Program is in the process of being designed. He stated they will be putting together the Bid documents. He stated roadway pavement cores will be taken this weekend. He stated he has reminded the crews of the construction start times for weekends, and they will be abiding by that.

Mr. Pockl stated he has spoken to the Grant coordinator for the Multi-Modal Transportation Fund Grant. He stated the Township put in Applications at the end of September for the Woodside Road bike path and the ADA ramps throughout the Township. Mr. Pockl stated the Grant coordinator indicated that they received a lot of Applications, and it will take some time to go through them; and they do not anticipate an award until March, 2021.

Mr. Pockl stated with regard to the Erin Development project on the north side of Dobry Road, there was a pre-construction meeting held last Friday. He stated the contractor anticipates starting on-site work the Monday after Thanksgiving. Ms. Blundi asked that they be reminded about the Ordinance in terms of construction start times. Mr. Pockl stated they did that at the pre-construction meeting but he will advise them again.

Mr. Pockl stated with regard to Regency at Yardley north side, they are working through the punch list items. He stated they are completing the base repairs of the roadways, and they anticipate starting the final paving of the roadways the week after Thanksgiving. He stated this is weather-dependent as it must be forty degrees and rising in order to get asphalt paving down.

Mr. Pockl stated with regard to Caddis Health Care he met with Mr. Lewis and several interested residents from the north side of Regency on Monday evening in order to review the site lighting improvements. He stated they spoke with the developer who is amenable to working with the Township to implement additional site lighting improvements although that will take some time. He stated the developer did put shields up; however, the Regency residents felt those were insufficient, and they are talking with the developer to see what else can be done. Mr. Pockl stated there are some trees that are dead within the buffer that need to be replaced, and the developer has agreed to do that. Mr. Pockl stated it is approaching the time of the year when it is not likely that trees could be planted. Mr. Pockl stated they received the sound test, and they are within the limits for noise for the start of the generator and ambient noise as well.

Mr. Grenier stated he met with some residents last night. He stated most of the residences in the southern corner of the Caddis area have above-ground basements so their living quarters are raised up; and since there is no berm between them, they are looking down at Caddis. He stated at this point they are looking over the trees that were planted. He stated the lights are LED and the light bounces off and glare is coming into the residences. He stated in addition to the wall-mounted lights, most of the lights inside of the buildings are on as well which is creating additional light issues. He asked if there are any treatments they can do to the exterior and if there is a way they could put up shades or turn off the lights at night since that was creating a significant amount of light. Mr. Pockl stated he would agree, and there is a treatment that they could put on the exterior of the building to dull the amount of the reflection off the wall as well as turn off the interior lights.

Mr. Grenier stated in that same back corner it looks like there is a patio with a 2' to 3' wide grass strip and then a curb, and he stated that grass strip was ripped up and piled up; and they were not sure what that was. He stated there were rumors that they were putting in a wall back there. Mr. Pockl stated he saw this on Monday night, and on the Record Plan that area is shown as a secured courtyard, but the patio is not shown on the Record Plan. Mr. Pockl stated they will need to Amend the Record Plan, and he advised that they would have to have the design engineer look to see how that impacts the impervious surface for the site. Mr. Grenier asked if the enclosure would help the light situation in that corner. Mr. Pockl stated he does not believe so since the residences sit up above and are looking down on the Caddis building.

Mr. Grenier also noted the generator in the back, and he asked if that was supposed to be in an enclosure with a decorative fence around it. Mr. Pockl stated on the Record Plan there is no enclosure shown around the generator. He stated it sits on a concrete pad, and that is what is shown on the Record Plan. Mr. Lewis stated the enclosure was around the trash. He agreed when you are at the deck/living level of the residences, the light is shining into their homes.

Mr. Pockl stated he was on site with a light meter and measured the foot candle when he was on the deck of the homes and in their back yard, and it measured at zero foot candles; and while there is no projection of light, there is an observance of light. He stated technically they have met the Ordinance; however, they have requested the developer to try to be a good neighbor and work with them to mitigate the impacts although there is no requirement for them to do so.

Mr. Pockl stated with regard to the Octagon Center/Lightbridge Academy, they have requested permission to relocate the trash enclosure. He stated currently it is behind the facility facing west, and they want to relocate it along the north side of the curb line opposite the parking lot between the two buildings and have the trash enclosure face south. He stated there would be no issue with the trash trucks being able to access it, but they would take up two parking spaces. Mr. Pockl stated because they are up against their limit for parking on the site, they would have to find two parking spaces somewhere else within the site. He stated the developer's design engineer is looking into how they can do that, and he is waiting for a revised Sketch Plan.

Mr. Pockl stated they received a formal request for Dedication and Release of Escrow for Scammell's Corner. He stated he has informed the developer that the plantings at rain garden #2 were plugs and were not established plants. Mr. Pockl stated he would also like to see a Maintenance Plan in place to make sure that they will become established plants prior to signing off on a recommendation for Release of Escrow.

Mr. Pockl stated Artis Senior Living Center has completed their punch list items, and they will be submitting the formal request for Release of Escrow. He stated he anticipates having this on the next Agenda for the Board of Supervisors. He stated this is also true for the Zubaida Foundation which has completed their final close-out items, and he will be processing their final Release of Escrow as well.

Mr. Grenier asked about the Quarry Road booster pump station. Mr. Pockl stated the building is in. He added the Township has not yet been requested to inspect the rain gardens. Mr. Grenier stated the building is up, but the door treatment was not done as discussed. Mr. Pockl stated he will discuss this with them. Ms. Blundi asked if it is too late for them to plant the rain garden, and Mr. Pockl stated it is too late to have the plugs established, but it would not be too late to stabilize the rain gardens.

Mr. Fred Falk, 253 Truman Way, thanked the Township for the visits to their community to see how the lighting and buffer plants at Caddis are not meeting the needs for them to maintain their quality life at Regency at Yardley. Mr. Falk stated they discussed the observances on the southwest corner of the property, but there are also significant issues they are dealing with on the southeast side where there is the parking lot and the portico and the amount of light that is being cast off of the parking lot lights. He stated the Township Ordinance indicates that non-glare lights focused downward are part of the Ordinance. He stated the Ordinance also mentions the foot candle measurement that Mr. Pockl referred to, but it also has an exception which states: "Where such illumination will cause spillover on the adjacent properties, that foot candle measurement becomes irrelevant." Mr. Falk stated this property is creating so much glare and glow that it lights up his bedroom, living room, and deck and is negatively impacting their quality of life. He stated he would like to know what they can come up with to help mitigate these issues. He stated they did get the plantings put in place where the developer had taken out a lot of the Regency plantings, but those plantings will take about five years to grow tall enough to

block any light from the property. He stated they need to have mitigation that will bridge them from now until five years from now when the trees that were planted grow to their full growth.

Mr. Pockl stated the discussion with the developer included mitigation efforts on the parking lot lights as well. He stated there were additional trees planted to replace those that were removed when the developer over-stepped their limit of earth disturbance. He stated they were required to plant thirty-five Green Giant arborvitae trees, and they had them plant them on the Regency side as that was closer to the top of the berm. Mr. Pockl stated he agrees with Mr. Falk that it will take a number of years for them to grow to a height that would be a barrier to the homes. He stated in addition, they also planted twenty-eight trees along the buffer, and these were over and above what was shown on the Landscape Plan.

Mr. Grenier asked where they planted the arborvitae trees, and Mr. Pockl stated it was in the area of the portico, and there were two rows of 17 and 18 Green Giant arborvitae at the top of the hill. Mr. Grenier stated they do grow fast, but they grow straight up so that would not cover that lengthy property line. Mr. Lewis stated he also noticed some gaps where they could have put in some Green Giants and there were some dead trees so there are a couple of areas where there are gaps.

Dr. Weiss stated the developer did go into the Regency property and took down some of their trees so it would be fair for the developer to do a little more to mitigate the lighting.

Ms. Elaine Scalone, 247 Hoover Way, stated she is effected by the portico and the parking lights which come into her bedroom, living room, kitchen, and deck which are fully illuminated from the time the lights come on at 5:00 p.m. until the following morning. She stated there are no areas that are in darkness. She stated she does not feel the parking lot lights are streaming the light downward the way “night-sky lights” are supposed to be. She stated when they started construction of Caddis, the representative indicated they would put up trees if the headlights were bothering them and that night-sky lights would be considered. She stated these are not night-sky lights. She stated she is also at the area where the builder went into the Regency at Yardley property, and she feels he should put up full-size trees on the Regency side to help block the portico and do something more with the lights that are in the parking lot. She stated she appreciates the Township representatives coming out to their property. She stated she also

sent a video of what her deck looks like as well as the other lights in her back yard so that the other Board members could see it. She stated this is effecting their quality of life, and she would appreciate it if the Township could do something about this. Mr. Pockl stated the goal is to get the lantern-style lights in the parking lot to be more downward cast. Mr. Lewis stated Ms. Scalone is looking directly at all of the lights and her property is getting the brunt of this. Ms. Scalone stated she feels that the Township should be helping the community since it was not the residents that put this nursing home here on this small Lot, and it should have been on a bigger parcel of land with empty land around it.

Ms. Kathy Pruner, 249 Hoover Way, stated she lives more toward the parking lot side, and they have the lights shining into their property on the deck, kitchen, living room, and bedroom areas. She stated the parking lot lights are very intrusive in the evening especially now that the trees have lost their leaves. She stated the lights from the parking lot do not shine down, and they are shining across. She stated they had to live through a summer when they could not go out and enjoy their deck because of the noise that was taking place when they were doing construction past 5:00 p.m. and on weekends they were being awakened by heavy machinery. She stated now the construction is almost done, and they have more quiet, but they now have the lights at night which is effecting their quality of life.

Mr. Lee Pedowicz, 247 Truman Way, thanked the Township for paying attention to the lights and the vegetative barrier. He stated he hopes that the developer will do what they say they will. Mr. Pedowicz stated on the south side of the Caddis building, there are two green enclosures which he assumes is PECO equipment, and there are also a row of lockers which he does not feel shows up on the Building Plan. He asked Mr. Pockl if he knows what they are. Mr. Pockl stated he is not sure if they are permanent or something being used as temporary storage. Mr. Pockl stated it appears to be electrical equipment, and if that is what it is, it would have to be protected with barriers since there is a roadway there. Mr. Pockl stated he will look into this and report on it at the next meeting.

PROJECT UPDATES

Dr. Weiss noted the Project Updates are shown. There was no comment on the projects at this time.

MANAGER'S REPORT

Approve Advertisement of Adoption of the Preliminary 2021 Budget

Mr. Ferguson stated he had made a prior presentation on the Budget at a Special Meeting. He stated this evening he would like to give a briefer version of that presentation, and Mr. Pockl can discuss a specific culvert for the Board to consider including in the 2021 Budget.

Mr. Ferguson stated some small modifications to the numbers previously presented have been made. He stated the Preliminary Budget shows that no millage increase is being recommended. He showed a slide of the millage for the seven funds that collect a millage.

A slide of the 2021 General Fund was shown with a starting Fund Balance of \$4,130,000, and a year-end estimated Fund Balance of \$2,584,000.

Mr. Ferguson stated there was a slight modification made from the previous presentation in the Real Estate Transfer Tax for this year. He stated the starting Fund Balance of \$4,130,000 is much higher than has been seen in the last number of years because it includes the \$3 million deposit from Aqua they are anticipating having by December.

Mr. Ferguson stated as he noted several weeks ago at the initial presentation, for well over a decade the Township has had a structural imbalance between Revenues and Expenses, and they are continuing to see that in this Budget. He stated he wanted to make sure that the Board saw that they are anticipating that the General Fund will be assisting both the Golf Course in 2021 as well as the Pool which was discussed previously.

Mr. Ferguson showed a slide listing the schedule for the recycle yard for next year which includes five Saturdays and three Mondays. He stated this year we added a few weekend days when there was a large storm, and there is still the possibility of doing that. He stated what they are proposing for 2021 is consistent with what was done in 2020.

A slide was shown of the Debt Service Fund for 2021. He stated the 2.79 mills is consistent with what we had this year, and he noted the amount of that payment for 2021 as shown on the slide.

Mr. Ferguson stated there are Capital Expenditures in the Capital Expense Fund, and there is also the Road Machinery Fund. He stated they have been utilizing short-term financing for various purchases such as the street sweeper. He stated for 2021, they are recommending the purchase of a wheel-loader and a backhoe that will be financed and purchasing a paving and roller outright for our in-house paving program at a cost of \$45,000. Mr. Ferguson stated there is a Fund Balance that is expected at the end of 2021, but that balance will be used up over a period of years as the primary funding mechanism here is short-term financing to offset those payments.

A slide was shown of the Liquid Fuels Budget. Mr. Ferguson stated this is the money from the State, and that is anticipated to go down about 10% in 2021. He stated the liquid fuels funding is based on a formula on the size of the Township, the amount of local roads that are maintained, and the collection of the Fuel Tax which is down this year due to the Pandemic. Mr. Ferguson stated we also buy rock salt through this fund as well as pay a portion of our labor costs when they are working on roads. He stated there is shown a year-end balance of \$101,000. He stated he feels it is important to have a fund balance in that account since this would provide a way to purchase more rock salt if there is a harsh winter.

Mr. Ferguson stated as was presented at the first Budget meeting, they have been putting together Three-Year Road Paving Programs. He stated they have also been putting together Trail Maintenance Plans, and they have been able to follow and complete those Plans as they were put forth in 2020. He stated in 2020 they added a road from the 2021 Road Program. A slide was shown of the 2021 Road Plan in the amount of \$645,000. He stated this is less in dollar amount than was done this year, but we had a bigger fund balance leading into 2020 which gave the ability to try to complete more roads than they had in past years.

Mr. Ferguson noted a slide showing the Road Program for 2022. He stated when they updated the three-year Plan, they added Silo Road into Year Two of the Plan. He stated their strategy for paving is that they want to be more targeted with where they pave so that they would not have to be re-staging all over the Township. He stated there are leftover roads from the last six or more years, and those are roads that they would try to finish such as Silo and others that are on the list; and that will help close out a lot of the areas.

A slide was shown of the Road Program for 2023 which is what was added for the third year which was completed by the Public Works Director and the Township engineer.

A slide was shown of the Park & Recreation Fund which has its own millage. He stated in 2020 they had approval to add an additional laborer; however, they delayed this due to the Pandemic concerns. He stated they are requesting that to go in for next year with a start date for the new laborer of May 1. He stated some items for 2021 look familiar because they were budgeted last year. He stated this includes the doors for the Community Center which were not installed because the Building had been closed. He stated they are also recommending repairing the tennis courts at Community Park and completing a Needs Assessment and Strategic Plan for Park & Rec.

Mr. Ferguson stated for Park & Recreation they are showing the Expenses for the year which include the bike path repair, the Community Park tennis courts, and the Woodside Road bike path for which there is a Grant request. He stated a portion of the money is set aside, and we are waiting to hear about the \$437,500 Multi-Modal Grant which would make the Woodside Road bike path project possible for 2021.

Mr. Ferguson showed a slide of the updated Trail Plan. He stated in 2020 they completed the Plan as presented and approved by the Board. He stated they have added the plan for 2023.

Mr. Ferguson showed a slide with regard to the Pool. He stated the plan is to open the Pool next year. He stated they have budgeted for an 80% membership collection. He stated they are setting up the funding to open the Pool, and they would be working with the Park & Rec Director, the Park & Recreation Board, and the Board of Supervisors as to how the Pool could be opened. He stated opening the Pool is ultimately a decision for the Board of Supervisors. He stated he felt they should make certain assumptions financially should the Board decide to open the Pool. He stated this includes the 80% membership collection which they are budgeting. He stated even with this membership collection, it will require assistance from the General Fund in order to open the Pool. He stated the 80% collection is just a best guess as far as what they would be collecting. Mr. Ferguson stated this is 80% of what they would anticipate collecting for a whole season.

A slide was shown with respect to the Golf Course. Mr. Ferguson stated this shows what they will provide as assistance from the General Fund to the Golf Course in 2021. He stated Capital Expenses are consistent last year with a little more of a focus on bunkers and their upkeep. He stated there is also shown a list of the Debt payments for 2021.

A slide was shown for the Sewer Fund. Mr. Ferguson stated there is no rate increase anticipated for 2021. He stated they will continue on with the Maintenance and Capital upgrades including the lining. He stated they have added in the seventh year which would be 2027.

Mr. Ferguson stated this is not a Budget that has significant spending outside of paying for staff and basic items. He stated it includes two Police cars which he feels is modest for the Police Department. He stated it also includes electronic reporting software for the Police Department as well building renovations on the second floor which could be used for office and interview rooms so that the Police Department would have more space.

Mr. Ferguson noted the Special Projects which have been discussed previously all of which have a significant Grant component. He stated the Sandy Run project would come from Bond proceed money, but the other three projects – Big Oak Road, Route 332, and the Community Trail project all have a Grant component to them.

Mr. Ferguson stated as he noted at the last meeting, the Township had become aware of a failed inspection in the Quiet Zone at the Stony Hill Road crossing that we will need to plan for. He stated the median that was built was built at 60' and not at the 100' that was originally approved by the Federal Railroad Administration. Mr. Ferguson stated the funding would be to create a four-quadrant gate system to be compliant with Federal guidelines. He stated they have had verbal estimates that the cost would be between \$350,000 to \$500,000, and these estimates were from the FRA inspector and by the original consultant on the Stony Hill Road project that helped draw up the initial 100' design. Mr. Ferguson stated he wanted to be conservative on the side of covering the project cost by putting in the higher end of the range of \$500,000. He stated the money would be available from the Bond proceed account, and it would not be coming from direct tax dollars from 2021 to cover those costs.

Ms. Blundi moved and Mr. McCartney seconded to authorize the advertisement of the adoption of the Preliminary 2021 Budget.

Mr. Grenier asked with regard to the slide on the Quiet Zone if that is still in litigation. Mr. Truelove stated he does not believe that it has been officially filed in Court. Mr. Truelove stated his office is not directly involved in that. Mr. Ferguson stated papers have been served.

Mr. Ferguson stated at some point he does want there to be a discussion about the culvert that they discussed previously.

Mr. Grenier stated with respect to the Quiet Zone issue since there is litigation, and the Township is seeking compensation, he would like to consider moving this particular item to the 2022 Budget because they would have to design it and construct it after the FRA issues something. He stated he feels they would then be able to pay for it with compensation from the lawsuit. He stated that would leave money in the Bond Fund for other infrastructure improvements such as the culvert or for other emergencies.

Mr. Ferguson stated while he understands the point, the FRA is not going to be interested in our pending lawsuit. He stated once the letter is issued by the FRA, they are going to want to see from the Township a willingness to fund and fix it immediately because they have deemed it a safety issue. He stated if that letter were to come from the FRA shortly, absent being able to tell them that we plan to fix that in short order, we put at risk the entire Quiet Zone. He added that a large part of the money was Federal Grant money.

Dr. Weiss stated if the FRA issues the letter, they expect prompt compliance, and Mr. Ferguson stated he feels that we should be prepared to fix the issue within the 2021 Budget year. He stated the inspector indicated that they would want to see that the Township is capable of fixing this and that it is in the Budget so the Township can avoid fines since we have been advised that it is a safety issue.

Mr. Lewis stated currently there are a “back load of projects that we are behind on,” that we could push forward. He stated he does not have a problem with indicating our willingness to address the situation with the FRA should we receive a notice from them; however he feels it would be irresponsible to suggest that we could actually fix that within the year. He stated Sandy Run has taken most of this year to get the design down to even get out a Bid, and the Quiet Zone project could be another technically-difficult circumstance. He stated he feels the more responsible approach would be to just Budget \$100,000 which would allow us to do engineering plans; and we could advise the FRA that we have allocated

money for 2021 to address this; but that given where we are with COVID, we do not expect that we will have the project completed by the end of 2021. He stated he has not seen the proposed fix for this, and he does not have an idea of the cost. He stated he feels \$100,000 is a “decent placeholder” and gives flexibility. He stated the FRA has waited a long time since they first identified this as an issue, and it has not risen to the level where it has to be done immediately; and even if the FRA said that, he does not feel we could execute that fast. Mr. Lewis stated he would be comfortable if Mr. Grenier wanted to Amend the Motion to say that we would put a placeholder of \$100,000 in for 2021.

Mr. Grenier stated he is not sure that \$100,000 is the right number, but he would be in favor of having a shovel-ready project when they are ready to proceed with a Bid. He stated he would not want to spend a lot of money that we do not have right now.

Ms. Blundi stated she disagrees as we have been put on notice, even though it has been slower than anticipated, that we have an unsafe situation. She stated she is not willing to even wait for the letter to come from the FRA, and she feels we should address this as soon as possible. She stated the idea of indicating that we would do this in 2022 causes her concern, and she would not support any reduction in the finances to fix this issue.

Mr. Lewis stated he does not feel that is what he is implying, and it is a question of how quickly we could do the project if we started the design and other elements tomorrow. He stated given where we are with our project overload, he feels it is going to take time. He stated if it is an unsafe condition, he does want to resolve it as quickly as possible as well, but he wants to be realistic with regard to suggesting that it would be done in 2021. He stated we have done that for multiple years with a number of projects, and he feels we should be more honest with ourselves as to what we feel we can execute.

Ms. Blundi stated she disagrees.

Dr. Weiss stated he understands Mr. Ferguson has had discussions with regard to the installation of the quad gate, and he asked if they have any estimates as to how long it would take to install. Mr. Ferguson stated the median as currently constructed would stay at 60’, and it would be a four-quadrant gate that would be installed. He stated the preliminary discussions he has had is that if we go with the four-quadrant gate, other than the FRA approval, it is not a big spec as far as getting it out and doing the work.

Mr. Ferguson stated his point is that when it comes down to an evaluation by the FRA of our cooperation, our goal is to not be fined; and because it is deemed a liability issue, we should show that we have the funding and are ready to go.

Mr. Lewis stated there are Bond Funds in the event that if we needed to do it, we would have cash on hand. Mr. Ferguson stated that is where the money would be coming from. Mr. Lewis stated his point is that we need to start being more realistic about when we think we are going to execute projects. He stated they had been told that they were going to execute all of the projects, but they did not anticipate COVID. He stated this has “built a bubble of projects,” and he feels we should be honest with ourselves as to how fast we could execute something like this.

Dr. Weiss stated he feels there is a difference between timing of the projects and Budgeting for the projects. He stated if they get notice from the FRA in January, but cannot institute the project until 2022, at least we have the money reserved for the project and do not risk a penalty going forward. He stated he agrees with Mr. Blundi, and he would be against not Budgeting and holding this money in reserve to insure that this project gets done sooner rather than later.

Mr. Grenier stated it has been indicated that this is an immediate safety issue, and he asked Chief Coluzzi if we need to close the road because of the FRA’s notice. Chief Coluzzi stated he does not feel it is practical to close that road given its location, but he does feel the Township needs to show that they have money in the Budget and show good faith. Chief Coluzzi stated if the Township is on notice that there was negligence, and there is no money to rectify the situation, that does not show good faith going forward. He stated that would leave the Township open to a Civil Action and fines should there be an accident. He stated he does not feel that it would be possible to close the road.

Mr. Truelove stated he feels the Chief is right, and there is the consideration of Notice for the purpose of private Civil Actions as well as the Regulatory Notice; and the agency might be able to impose fines and penalties, adding that while he is not sure what they might be at this point, he does feel we would run the risk of that.

Mr. Lewis stated he recognizes that an issue exists, and he will vote to make sure that we do fix any violations; however, he wants the FRA to know about the speed at which we could do that. He stated we have a lot of project overhang; and while we would probably prioritize this, he does not feel that

it could be finished by the end of 2021 given that we do not know what the engineering is. He stated we had this same issue with Sandy Run, and a lot of the Board members wanted to get Sandy Run fixed within a year; however, it took time to decide on a solution that we knew would work and solve the problem. He stated all he is arguing is for the Board to be responsible with what we say and how we lay this out. He stated he is not suggesting that we do not want to address the issue, but we want to be upfront and honest about whether we can actually do it in 2021. Mr. Lewis stated we have “pushed so many projects, and we need to get a better accountability on timing with our projects across the Board, which has been a long-term issue.”

Chief Coluzzi stated there is only one fix for this particular location, and that is the four-quadrant gate. He stated if we want to keep the Quiet Zones we have no alternative. He stated we could start preparing for that, and as soon as we get the notice from the FRA, we should start the project.

Mr. Grenier stated since that part of the Quiet Zone failed, he understands that the entire Quiet Zone fails, and Chief Coluzzi agreed that they are all tied together and considered as one project. Mr. Grenier stated from a timing perspective he is “cynical” that the project will get done next year whether we get the Notice or not “because of how things have been going;” however, he feels that we should look at where the money would be coming from to fund this. He stated he would like to look at the Bond Fund and see what other projects are being funded through that to see if the Quiet Zone project is the priority. Mr. Grenier stated a lot of people are having a difficult economic time, but “we are not looking at reducing our spending to help those people out.” He stated he is looking for ways to buffer that until we get through this in 2022. He stated he sees that some of our larger projects are coming out of the Bond Fund. He stated they just discussed Sandy Run, and he is concerned about keeping it in this year’s funding because of that issue, although he is confident that in 2022 “everything gets funded.”

Mr. Grenier stated he also wants to look at where we are with the Yardley Sewer project as he believes that is out of the same Bond Fund. He stated that is a \$3.5 million project that has been “dragging for years.” He stated he would like to know about the realistic nature of that project getting done before we close on the Sewer sale to see if that is something that the Township will have to be taking over or if that is something that the future owner of the Sewer will have to pay for, and then we may have

more money in the Bond Fund to cover other infrastructure items that are important. He stated he wants to consider how we use the Bond Fund for projects given what money we have now and what money we think might be here in a year or so.

Chief Coluzzi stated one of the alternatives that the FRA can impose is suspension of the Quiet Zones at all three crossings until the problem is fixed at Stony Hill Road. He stated the Board may have to consider if they are willing to forego the quiet Zoning under the gates go in. He stated in addition to fines or some other sanctions the FRA may impose on the Township, the suspension of the Quiet Zones may be one of them.

Mr. McCartney asked Mr. Ferguson if we have to wait for the letter from the FRA since we already know what the issue is. Mr. Ferguson stated the letter that came in was from the field inspector who failed it, and his instruction at the time was that we would be getting a final letter from the FRA which would be the actual Notice. Mr. Ferguson stated he had reached out to the inspector who was going to see about getting that Notice out. Mr. Ferguson stated it is possible that we could start to spec this out. He stated originally Gannet Fleming was used for the design until the Township engineer at that time took the project over. Mr. Ferguson stated they could send out an RFP or go back to the original designer and begin to spec out the project in anticipation of the letter coming from the FRA. Mr. Ferguson stated he feels they should wait to Bid it out until we have the letter, but the preliminary work could be done in advance.

Mr. Lewis asked what is the timing on the Yardley Borough Sewer Authority project which is \$3.5 million and has been “pushed quite a bit.” Dr. Weiss stated that is up to Yardley. Mr. Lewis asked if we have gotten an update. Dr. Weiss stated Lower Makefield is obligated to pay our percentage, but other than that it is a Yardley project. Mr. Lewis asked if they received a timeline or have we asked for that. Mr. Ferguson stated we have asked for it. He stated we have been paying consultant bills along the way, and he has carried that money over in the Budget as a placeholder. Mr. Lewis stated the last time he looked into this Yardley was having some issues with Easements such that they would have to go for Eminent Domain in some cases. Mr. Lewis stated the assumption is that the Sewer deal will Close in August or September; and if that Yardley project is not started, that would no longer be Lower Makefield’s project. Mr. Ferguson agreed.

Mr. Lewis asked if we do not think the Yardley project is going to get done during 2021 does that mean that we should still be budgeting the full \$3.5 million. He stated there is also a chance we might not have to deal with that at all. Mr. Ferguson stated while he understands the point, he has created a Budget under the assumption that the Sewer sale will not take place. He stated there was discussion about paying off Debt, but that is also not shown in this Budget. He stated in the event that the Sewer sale does not happen, we would have unbudgeted significant expenses; and that would include the Yardley Borough sewer project. He stated if there continue to be soft costs, the Township will have to pay them. He stated if the Sewer system Closes, that would then become Aqua's responsibility; however, if it does not Close, we would have a \$3.5 million expense, and he does not feel it would be smart to spend that on other things in case the system does not Close.

Mr. Lewis stated that was not his suggestion, and his suggestion is that if we do not think we are going to be spending \$3.5 million because they would probably not get that entire project done in 2021, then we should budget accordingly. Mr. Lewis stated he does not see why we could not budget less. Mr. Ferguson stated from a budgeting perspective if there is a \$3.5 million project, and that \$3.5 million is put in the Budget, and only \$2 million is spent, they would carry over the other \$1.5 million into the next year. He stated in this way it is earmarked and visible so that the public knows that this is the cost that is assumed so that it is not spent for other items. He stated this is the same way we have budgeted the other projects in the Township.

Mr. Lewis stated he feels they should be honest about whether they are actually going to spend the money next year, adding there is a chance that we would not be spending any of that. He stated if the Sewer sale did not go through, we would need that money to pay back Aqua America; however, Mr. Ferguson stated that is a separate "pot of money," and that would not be from Bond proceeds.

Dr. Weiss stated we have been earmarking the \$3.5 million for Yardley for years, and it must be earmarked since that is an obligation of the Township. He stated if things change, we can re-obligate the money.

Mr. Ferguson stated one of the other reasons he has framed it this way was because of what they had run up against when he first started as Township Manager. He stated there had been money for the Woodside bike path, but it was not carried over and went to ball fields and other items.

Mr. Ferguson stated by showing the full amount of this item, it would not provide the opportunity to spend that money on other things. He stated this is also why they started to create the Capital Reserve Funds. He stated the intention is not to show the public that we will spend \$3.5 million in a given year, but that it is that the project itself is provided for. He stated they have been rolling the projects and the dollars over year to year.

Dr. Weiss stated there is no way that he would support “ending up short” because if the project came up, we would be responsible for millions of dollars that we would not have because we used it on something else. Dr. Weiss stated with regard to the gates, we know that we are going to have to install the gates and we know approximately what that will cost, and to have the money Budgeted as part of a Reserve means that it will be there when we need it which he feels makes good fiscal sense.

Mr. Grenier asked if the starting Fund Balance for 2021 of \$4 million include the \$3 million upfront down payment, and Mr. Ferguson agreed. Mr. Grenier stated they would be dipping into the \$3 million down payment in the 2021 Budget to cover items out of the General Fund, and Mr. Ferguson agreed. Mr. Grenier if the Sale did not go through and we had to pay it back, we would “immediately be under water.” Mr. Grenier stated if we want to save money for the Township, the place to look would not be in the Bond Fund since that is where we budget for infrastructure projects, rather it would be at the General Fund level since if we have “up-front spending, we have risk.” Mr. Grenier stated we are “elevating the Pool because of COVID issues and elevating the Golf Course partially because of COVID and Debt payment issues,” and he feels we need to look at ways where possible to reduce General Fund spending so that we do not find ourselves potentially where “we are under water.” He asked Mr. Ferguson where we could look for savings.

Mr. Ferguson stated, as he had indicated previously, absent the \$3 million deposit, we would have been looking at a several mill increase this year. He stated if the Sewer sale does not Close, and we have to pay back the \$3 million deposit, there are short-term measures equivalent to a Tax Anticipation Note that would be paid back over the course of 2022. Mr. Ferguson stated with regard to cutting General Fund spending for 2021, the amount toward the Golf Course is Debt Service, and the amount toward the Pool is making conservative assumptions on membership levels. He stated

with regard to Capital Expenses, he feels we should be averaging four new Police cars a year, but we have bought only one or two cars a year the last few years. He stated if that were to be cut out, it would be a savings of \$158,000. Mr. Ferguson stated other than that it would be cutting staff. He stated there are not a lot of extras in the Budget.

Mr. Grenier asked what the Budget would look like if the Pool did not open since he feels that is a realistic scenario. He asked if that would be a net negative or a net positive. Mr. Ferguson stated it would have a net negative effect. He stated the Pool was not open this year. He stated there is staff who have part of their pay and benefits assigned to the Pool, and they took most of that money from the Park & Recreation fund. He stated this past year we provided \$439,000 from Park & Rec to the Pool to offset those costs. He stated because they had depleted the cash that it had, they are relying on the General Fund this year. He stated if the Pool were to open and we collected 80% of the membership fees, it would be \$185,000. Mr. Grenier stated the more the Pool is open the more it helps, and Mr. Ferguson agreed. He stated typically they would use the Park & Rec Fund as the backstop for the Pool, but there was so much of a loss at the Pool this year, that they depleted the Park & Rec Cash Reserves down to very little, and the follow-up now would be the General Fund.

Mr. Grenier stated there were some Park & Rec discretionary items they were considering, and he asked if they could put those off until 2022, and use that money to buffer the General Fund a little bit for a year. Mr. Ferguson stated most of what they were doing in Park & Rec was modest. Mr. Ferguson stated they have a modest staff for Park & Rec.

Mr. Ferguson stated there is not extravagant spending in the Budget. He stated that as he noted previously he feels the Police Department should be replacing three to four cars every year. He stated we have twenty cars, and they have a lifespan of five to six years, and we are only replacing two cars. He stated they have modest staffing in non-Public safety Departments. He stated everyone has multiple roles. He stated the Police Captain is the IT person for the Township. He stated Ms. Tierney is doing a lot of the communication work. He stated Mr. Majewski is stretched beyond typical Planning, and there is just one Code Enforcement Officer in the Township. Mr. Ferguson stated he himself is the Manager, the Finance Director, the Human Resources Director, and the Open Records Officer.

Mr. Ferguson stated we were looking at a difficult Budget this year, and the \$3 million put off having to do millage increases this year. He stated if we have to re-pay that, there are means to do so including a Tax Anticipation Note which would be paid off over 2022. He stated they would then have to consider whether there would be millage increases or cuts in 2022; and that is what we would have been looking at for 2021 if it were not for the \$3 million deposit.

Mr. Lewis stated he and Mr. Ferguson talked at length about the Golf Course impact which has drained the General Fund since 2018 in the amount of approximately \$2.2 million between 2018 and 2021 projected. He stated this was a conscious decision, and previously what the Township did was that they refinanced the Golf Debt and “pushed it out.” He stated he understands not all of it is re-financeable. Mr. Lewis stated “we have created a situation where people are not going to know the true extent of how profitable or un-profitable the Golf Course is because we buried it in the General Fund.” Mr. Lewis stated one of the things we could do is to create a Golf Course Subsidy Fund that would allow us to see which years the Golf Course is costing us money as it has done for the last four years. He stated once things reverse, it could start showing a subsidy back to the General Fund to pay back the \$2.2 million that it has cost. He stated he feels that would do a better job of showing the public the true status of the Golf Course. Mr. Lewis stated if the “transaction occurs next year, people will immediately say the Golf Course is profitable, and that is not factually correct.” Mr. Lewis asked how they can make sure people know exactly where the Golf Course stands “pre and post-transaction.”

Ms. Blundi asked Mr. Lewis to refrain from saying “we buried it or have not been transparent.” Ms. Blundi stated the Board she has been a part of has gone out of its way to be transparent and improve not only so that people can understand where money is and where it goes but to show by the Inter-fund Transfers how we have been specifically supporting the Golf Course. Ms. Blundi stated Mr. Lewis’ point that the taxpayers have been supporting the Golf Course is accurate. She stated if the Sewer sale goes through, and the Board decides to pay down some of the Debt, we will continue to be transparent and help the public understand how the Course is supplemented.

Mr. Lewis stated he was just generally suggesting where we are with this, and he did not make a statement about anyone in particular; however, he feels that collectively we need to talk about the Golf Course because it is a

unique circumstance. He stated he wants everyone to understand that the Golf Course is not profitable, and we need to tell people that the reason that we are in the circumstance we are is because we made a strategic decision as a Board that rather than keep pushing the Debt out, we were going to take a different approach which was a Balance Sheet transaction that was significant. Mr. Lewis stated in the short run, the Golf Course is going to continue to cost money, and he feels we should be honest and tell people that. Ms. Blundi stated she agrees, and they have indicated previously that the Golf Course is going to cost the Township money.

Mr. Lewis stated he and Mr. Ferguson have discussed how to properly talk about that “post transaction.” Mr. Ferguson stated every year the Budget shows the Actuals from the previous years. He stated if someone was interested, they could add the amounts from the previous years and see that the General Fund has provided assistance to the Golf Course in the amount of approximately \$2 million. Mr. Ferguson stated if the Sewer sale Closes and that debt is paid off, one of the things that he would recommend is that part of the Net Income that the Golf Course would begin to produce would be paid back to the General Fund according to a Plan that he could present at some point. Mr. Ferguson stated for purposes of this Budget, none of that is shown because he does not want to preemptively show cash going in until that transaction takes place. He stated for the purposes of the 2021 Budget, other than the \$3 million deposit that they will show for 2020, there is nothing in the Budget that would indicate that the sale is going to take place because he does not want to count on it and make decisions before that happens.

Mr. Ferguson stated he feels that one of the ways they can show what Mr. Lewis is referring to is to begin to produce financial documents if it gets to the point where the sale is imminent, and the Board can then make an informed decision on the Debts, the assistance that has been provided, and how that may play in with proceeds if and when that happens. Mr. Ferguson stated unfortunately this Budget for 2021 will not have that to assist in that effort.

Mr. Grenier stated the Golf Course Debt is not being covered by golfers, rather it is being covered by taxpayers via the General Fund. He asked if it would make sense to create a separate Golf Fund where we put some millage toward the Golf Fund to cover that specific Debt payment which would take some stress off of the General Fund. He stated he understands we can create new Funds for specific issues. He stated by using the General Fund to deal with the Golf Course debt, it is still taxpayer money; and if we

took that same money specific to the Golf Course Debt and moved it to a Golf Course Fund and put some millage toward that, that would allow the General Fund millage to be reduced a bit so that there would be a cushion for the next year or so.

Dr. Weiss asked Mr. Grenier if he is proposing raising taxes to pay for the Golf Debt. Mr. Ferguson stated there is no such thing as a Golf Tax. Dr. Weiss stated they would have to raise Debt Service millage.

Mr. Lewis stated he does feel that there is merit to discussing this. He stated it is about relieving the stress on the General Fund, and it does not necessarily mean that we would raise net Taxes, rather it may be a shift of millage between the General Fund and the Golf Course Subsidy Fund. He stated he feels that is a reasonable approach to take, and it allows us to address this concern, and also allows us to prepare next year should a “transaction execute or not.” He stated he does not feel that is changing in any way the total amount of the tax burden that residents would pay, and it is just correctly stating where money is going. He stated we have subsidized the Golf Course by \$2 million from the General Fund, and we should pay that back and have a plan for that over time.

Dr. Weiss stated the Golf Course is a Township asset, and they have to get the Revenue stream to pay the bills. He stated if it comes from the General Fund, they know that one day they will be able to get that money back from the Golf Course. He stated if they do not, they would need to consider if they should raise the greens fees to help pay for this recognizing that there is a law of diminishing return since if they raise the rates too much, no one would come to the Golf Course.

Mr. Ferguson stated the goal was to work to keep taxes, in light of what is happening, where they are. He stated the motivation behind trying to get the \$3 million deposit was because they understood that the Budget was going to be short many mills this year. He stated if we did not have the \$3 million deposit, we would have been faced with difficult decisions this year. He stated if the Sewer sale does not happen, the discussions that we would have been having this year, will be next year – whether that is a millage increase to offset Golf Debt or shortfalls in the General Fund. Mr. Ferguson stated the Budget has been framed this year with minimal discretionary spending with the idea that if the Sewer sale does not happen, next year will be much-more difficult. He stated with regard to Mr. Lewis’ point about repayment, he feels the Board would start having discussions in the spring regarding plans for proceeds including the Debt should the

Sewer sale proceed. He stated there have already been discussions about Debt repayment and Customer Benefit Funds, and these will continue to be discussed next spring and summer going into what is hopefully a Closing. Mr. Ferguson stated the goal for the 2021 Budget was to present a Budget that did not need a Tax increase which is why they worked so hard to get the \$3 million deposit. He stated they also worked to be very lean in what they were presenting in the Budget.

Dr. Weiss stated the important thing is that we have a balanced Budget, we do not have to raise millage or rates; and if we have to pay that \$3 million back we could do so, and then deal with the 2022 Budget. Mr. Ferguson stated we would have to pay the \$3 million back, but we would have most of that money available and could come up with a Tax Anticipation Note or some other method for the difference.

Mr. Ferguson stated the Board still needs to decide what we want to do with regard to budgeting for the Quiet Zone, and Dr. Weiss stated no Amendment was offered on this so at this point the original Motion is on the floor.

Mr. Grenier stated with regard to the Sewer projects for 2020, they did not start approving any of the proposals until August/September; and some of those projects will not be completed until next year. He stated he does not feel all of the \$2.2 million in Sewer projects will be spent before August or September of next year.

Mr. Grenier moved to Amend the Motion reduce the Sewer rates by 10% for 2021 based on the savings that were received and the expected completion of projects by the time we Close in August/September.

Mr. Lewis seconded. He stated this would give a chance to help people during this difficult time. He stated the Sewer Fund is separate from the General Fund.

Mr. Truelove stated the person who made the original Motion would have to accept that as would the person who made the Second.

Ms. Blundi stated she finds the “conversation disingenuous.” She stated she did not run to be a Supervisor to “continue to kick the can down the road.” Ms. Blundi stated if it is true that we do not get to the projects, we will have

that money and can use it when needed later. She stated if it is not right, and we get the projects done, then we would have appropriately budgeted, and we would have kept our commitment to the residents of the Township.

Mr. Grenier stated he finds that response “disingenuous.” He stated in talking to the Township Sewer engineer, he feels that the “only reason we are pushing these projects forward is to guarantee that we maintain the 37% for some sort of contractual reasons as part of the Sale.” Mr. Grenier stated when he asked the Sewer engineer in April why the Board had not received the proposals if they were going to get the projects done, the Sewer engineer indicated “he never thought they were going to do the projects this year.” Mr. Grenier stated based on those comments, he feels that while we do need to do some of these projects to maintain our system, he does not feel that we will spend that much money. He stated he feels there is a very strong push to maintain the 37% for reasons other than completing projects.

Mr. Ferguson stated what is seen in the Budget is not cash – it is Revenue. He stated when you look at the Revenues for the year, those are billings, and they are not cash collections. He stated the current end of year 2019 cash position of the Sewer Fund is -\$1.4 million. He stated as quick as revenue is coming in, it is going out because there is a net negative balance. He stated Revenues are what is billed – not what is collected. He stated this is an Enterprise Fund which is managed separately than what you would typically see with a Fund where they are showing Taxes collected. Mr. Ferguson stated if the Sewer system sells at the end of July or August, we would not be booking the full Revenues for the year, and we would be collecting about half a year of Revenues. He stated while the projects may not be fully implemented, the Revenue would not be fully realized either. He stated given that we are starting with a -\$1.4 million balance, it is not the same as looking at a General Fund number.

Mr. Ferguson stated with regard to the comments Mr. Grenier indicated that Mr. Ebert made, he cannot address those comments; adding that was an irresponsible comment if that is what Mr. Ebert stated, and he will have to speak to him about that. Mr. Ferguson stated we planned all along for these projects to take place, and it was never put in as a placeholder number for a Sale. He stated it was a number that was put together for the projects that they were going to do. Mr. Ferguson stated the Board should recall that when we were looking at spacing the projects out, we did it as evenly as we could over time so that the last rate increase, which was significant, would be where it needed to be to

realize those projects. Mr. Ferguson stated in all likelihood the projects that we have for this year, will be placed in the 2020 Budget; and at the end of the year we will be doing a Cash reconciliation. He noted the current Cash reconciliation for 2019 is shown on Page 31 at \$-1.4 million.

Mr. Ferguson stated his plan is to meet with Mr. Ebert shortly and plan the pump station projects early in the year for the Board to consider since we are obligated to continue to handle those improvements.

Mr. Lewis asked the Cash position for the Sewer Fund for the end of 2020. Mr. Ferguson stated he does not have that yet. Mr. Lewis stated it would be helpful for the Board to have that for the next meeting. He stated it would also be helpful to have a Summary of all of the Funds in terms of Revenues and Expenses and the Net Cash position across each Fund, adding that might address some of the concerns. Mr. Ferguson stated a Net Cash position in the Sewer Fund would be very difficult to compute because they are talking about billable amounts versus collectable amounts. He stated up until two years ago that was never reconciled or shown to the Board. He stated the Cash position right now is a negative. He stated once they close the books for the year, they would work with the Auditors to create what the Net position is; but that is a complicated figure to get to.

Mr. Lewis asked about an overall view of each of the Funds which he feels would be doable. Mr. Ferguson stated he has given Fund Balance projections in all of the other Funds. Mr. Lewis stated there is not a Summary page. Mr. Ferguson stated he could provide a spreadsheet. He stated there is a Summary Sheet of the General Fund. He stated when it comes to the Special Enterprise Funds, they are administered differently. He stated in years past, from speaking with the Sewer Authority, there was real confusion as to what those numbers meant. He stated there was an item in the Budget called Net Position, and people inadvertently thought that was a Fund Balance, and that is not what that was. He stated they had the impression that they were starting the year with \$7 million, but in an Enterprise Fund that is not what that is, and that number is reflective of a Capital Expenditure number added to Debt Service Payments, and it has nothing to do with cash or available money. Mr. Ferguson stated he can do it with the other Funds, but that would not be possible to have that for the Sewer Fund in an apples-to-apples comparison.

Mr. McCartney stated there was discussion about the prior Sewer rate hike, and he asked when that was done. Dr. Weiss stated the 37% increase was passed last year for this year. Dr. Weiss stated that was with the approval of the 537 Plan. Dr. Weiss noted that the increase the year before that was 24%. Mr. McCartney stated everyone on the current Board other than himself was part of both of those rate hikes, and Dr. Weiss agreed. Mr. Lewis stated he did not vote for last year's rate hike. Mr. McCartney asked Mr. Grenier if he voted for that rate hike; and Mr. Grenier stated while he did at the time, he regrets his decision. Mr. McCartney asked why he is now thinking about lowering the rate. He also asked Mr. Truelove if a reduction in the rates would jeopardize the sale since we are under a Contract.

Dr. Weiss stated the reason why the Board approved the 37% rate hike was because of the 537 Plan that had to be implemented. He stated it is a Seven Year Plan at about \$2 million to \$2.2 million a year. He stated we are a little behind this year which means that next year we would have to do that much more working within the Seven Year Plan. Mr. Ferguson stated even though it is late in the year, they are still scheduled to have the projects done and paid for in the Budget year. Mr. Grenier stated we should be proud of what we have done this year since we are still doing the projects, and were also able to save money through a number of methods. Dr. Weiss stated there were also some Grants; and that gave us money to improve a "really bad system" in 2021 and 2022 and reduce the deficit in the Fund.

Mr. Ferguson stated it will not actually reduce it; and while it will reduce "it a bit on paper," it depends on where collections are this year. He stated they are looking at booked billings and not collections as this is an Enterprise Fund. He stated what they are looking at is not actual collections. He stated if it shows that we billed \$10 million, but only collected \$9.5 million that is the reason that it is not necessarily applicable until they start to reconcile the cash amounts. Dr. Weiss stated it is possible we could have a bigger deficit when we settle up. Mr. Ferguson stated there could be. He added that in previous years, because they never reconciled those amounts, people were under the assumption that the numbers being shown were actual collections when they were not. Mr. Ferguson stated they have started to get a lot more aggressive on delinquent collections and have been able to collect several hundred thousand dollars, and the -\$1.4 million was actually much higher a couple years ago. Mr. Ferguson stated Ms. Kirk has been working on these delinquent accounts. He stated he does not know that the end year number, even if we saved \$150,000 or \$200,000 in projects, means that we will have a surplus for the year; and we will need to see where

collections come out. Mr. Ferguson stated the concern is that with what is going on, the collections may not be as robust as they would be. He stated the Property Taxes have come in where they were Budgeted for which has led to the Township being in a much better position than a lot of other places. He stated at this point he still cannot tell what the Cash position of the Sewer Fund will be.

Mr. McCartney asked what would happen to the fund if the Sewer rates were reduced. Mr. Ferguson stated if we end up \$200,000 better than anticipated, that money would go toward the negative balance. He stated if the rates are cut by 10% as was suggested, they would still have the \$2 million in projects. He stated if the rate were cut by 10%, the billing would go down by \$600,000. He stated there would still be a seven figure negative Cash Balance. He stated the position of the Sewer Fund has always been the most challenging part of the presentation that the Board has had to face since there is no cash on hand in that Fund.

Dr. Weiss asked where they stand with the Amendment, and Ms. Blundi stated she did not accept the Amendment. Dr. Weiss stated the original Motion is on the Table.

Mr. Lewis stated for those who are concerned about setting rates versus millage, you can change the rates at any time during the year. He stated with rates there is a lot more flexibility. He stated if they feel next year things are going to change, they could “always raise back the 10%.” Dr. Weiss stated that was discussed last year when the Board decided to raise the rates by 37%; and Mr. Lewis and Ms. Tyler made a similar argument that we could raise rates partially at the beginning of the year, and if we needed more money we could raise them later in the year. Dr. Weiss stated the reason why it was not agreed to was because the expenses are fixed; and if we raised a portion and needed more money, we would have had to go above 37% in total at the end of the year. Dr. Weiss stated he would be against the reduction in rates at this time since if the Pandemic continues to go on, a “double hit later in the year would be awful.” He stated he would prefer keeping the rates stable and wait until we know what is going to happen with the Sewer system.

Mr. Truelove stated the vote tonight is not on the actual Budget itself, and it is to advertise the Preliminary Budget. Dr. Weiss stated changes can still be made at the final meeting. Mr. Ferguson stated changes can be made to the Budget, but there are limits as to what can be

changed. He reminded the Board about the discussion with regard to the repairs to the culvert; and soft engineering costs would cost the General Fund approximately \$200,000. He asked if the Board wants to hear the presentation from Mr. Pockl. He stated this assignment was given to Mr. Pockl about two months ago, and he found that repairs would be needed to this culvert in “short order;” and while they could do a band-aid improvement, he would not be in favor of that because it does not offset the aggregate costs.

Mr. Ferguson asked Mr. Pockl if he feels that the full-blown repair could wait a year. Mr. Pockl stated based on what he observed in October it is not in imminent danger of collapse or putting a weight limit on the culvert; however, he would reserve the right to change his answer after the winter since the winter weather is what tends to deteriorate the infrastructure and infrastructure tends to deteriorate exponentially. He stated it is at a point where it could deteriorate exponentially.

Mr. Ferguson stated this is not in the Budget at this point. Mr. Ferguson stated if Mr. Pockl came back in February or March and there was imminent danger of something happening, they would have the ability to allocate funds to pay for that. He stated there are a variety of techniques including short-term financing that would soften the cost for 2021. Mr. Pockl stated another option would be to close the bridge. Mr. Grenier stated from a funding perspective, this would be considered infrastructure, and the Bond Fund can be used for infrastructure; and if the Yardley project of \$3.5 million does not happen or only part of it happens, we would have funds available through that. Dr. Weiss stated that is an option. Mr. Ferguson stated he believes that if Mr. Pockl indicated early in the year that the bridge was so bad that they would have to close it or do an emergency repair, in the Second Class Township Code there is a provision that would permit paying for that; and Mr. Truelove agreed that there are certain emergency provisions that would allow them to do that. Mr. Ferguson stated if that were to happen, they could explore the options for funding at that time. Mr. Grenier stated that would be his preference. Dr. Weiss stated they could leave it out of the Budget for now and see what happens.

Mr. Grenier asked if that emergency situation could cover the Quiet Zone. Mr. Truelove stated he is not sure. He stated Chief Coluzzi has indicated that closing the road would not be a remedy.

Mr. Lewis stated in the worst-case scenario, there is still \$244,000 in the 2016 Bond Fund post expenditures, so that is a back-up option.

Mr. Ferguson reminded the Board that he has Budgeted more for Sandy Run than was estimated that it would cost because the project is important so he wanted to make sure they had a cushion. He agreed with Mr. Lewis about the \$244,000 that is undesignated so we would not have to borrow money to do the culvert repair so there is flexibility.

Mr. Mike Drobac, 1419 Silo Road, stated with regard to the Road Program, he feels the amount of \$645,000 is below what is needed for a community of our size. He stated it is \$300,000 less than what was spent in 2019 and 2020. He stated they are demonstrating no investment of our own dollars for road repaving, and we are relying in the Budget totally on what come in from Liquid Fuels which he does not feel is the appropriate way to budget what is needed for our Road Repaving Program. He stated we should be working toward what it actually needed. Mr. Drobac stated he discussed with the Board some time ago that the Mirror Lake development was being fully done except for a small patch of Silo Road. He stated the road is forty years old. He stated the useful life of roads is far less than that. He stated in his discussions with Mr. Ferguson, he believes that they agreed that forty years is unacceptable for a road not to be repaved. He stated if they determine how long it would take to repave all of the roads in the Township at \$645,000 a year, it would be a substantially higher number than forty years. Mr. Drobac stated he feels the Township deserves an explanation as to why the Budget is being cut by one third for this fiscal year.

Mr. Drobac stated there is a little patch of Silo Road that is listed for 2022, and he feels that should be moved up to 2021. He stated they are not doing a good job as to how they pick and choose which roads they are doing by creating these patches and asking a future Board to deal with the problem. He stated this leads to a series of patches of our roadways. He stated he feels they should do the job right and completely.

Mr. Ferguson stated two years ago the Township received a Grant for about \$300,000 to pave Oxford Valley Road. He stated this past year we had a surplus of money in the Liquid Fuels Fund so we had a ramped-up Program in the amount of approximately \$900,000. Mr. Ferguson stated he did have a discussion with Mr. Drobac and he agrees with him; however, this year the Budget is relegated to the Liquid Fuels Fund, and that amount is down this year. Mr. Ferguson stated they added Silo in for 2022 when they believe they

will have the funding to do it. He stated at the last presentation, they showed the condition of some of the other roads and the difficulty we have with funding. Mr. Ferguson stated in the spring he would like to discuss with the Board some strategies to pave additional roads since there are 138 miles of road; and if it is assumed that we want to have a blended average of paving a road every twenty years, we would need to pave between six and a half and seven miles of road a year to stay on that schedule. He stated we are under that, and we will need to come up with reasonable strategies to pave additional roads outside of the Liquid Fuels Fund. Mr. Ferguson stated he would like to have a presentation to the Board next year on different funding strategies that he has done in other places which could ramp up our Road Paving Program and help us get caught up.

Mr. Ferguson stated Mr. Drobac is not wrong about some of the “straggler” roads. He stated in the 2023 Budget there are other straggler roads that were leftover pieces that were not done at the time because we were picking off the worst roads in the development instead of finishing it all. He stated he hopes we can get more paving done and a more coordinated strategy of paving the neighborhoods and not just the worst roads.

Mr. Ferguson stated the staff spent a considerable amount of time looking at the roads this year. He stated their intent with regard to Silo Road is to do that in 2022.

Mr. Lewis asked if they could put Silo on as a Bid Alternate for 2021. He stated there is variability with regard to the price of asphalt, and they could look at this in February/March when the Bids come in, and make an assessment at that time.

Mr. Ferguson stated they could do that; however, he has gotten calls from other people asking why their roads are not on the Three-Year Plan. He stated the Board may want to have other roads from that list as well.

Mr. Pockl stated their initial estimate to pave the stretch of Silo Road Mr. Drobac is discussing was \$122,000.

Mr. Grenier stated this year they were able to include some Bid Alternate roads, and he asked how much additional they were able to get in. Mr. Pockl stated in 2020, he does not believe it was \$120,000 it was probably \$50,000. He stated he believes there was also an additional road added in. Mr. Ferguson stated they went over by \$30,000 from what was budgeted. Mr. Grenier

stated he likes the idea of using Bid Alternates to see what can be done, and he would not have a problem with adding Silo Road as a Bid Alternate although he is not sure that by doing so they would not be creating a situation. Dr. Weiss stated he would hesitate to do that. He stated in his old neighborhood, some of the streets are more gravel than asphalt at this point; and they would love to have a road that is in the condition that Silo is in. He stated if they are going to prioritize, from the pictures they saw previously, there are other roads that need paving more than Silo.

Mr. Ferguson stated they would tend to do Bid Alternates that would have lower estimated costs; and with a \$645,000 Road Program, they might add a Bid Alternate for a road that is estimated at \$25,000 to \$30,000; and the \$122,000 for Silo would be a big number.

Mr. Grenier asked if they have to do this now or could they consider adding Bid Alternates in the future; and Mr. Ferguson stated they could. He stated the Board will get a presentation in January to authorize the Bid, and they could have a discussion at that time about Bid Alternates. He stated this is just approving the Budget with an amount included. Mr. Grenier asked if we do not have to do the Yardley project, could we use the Bond Fund for paving since it is infrastructure if the Board decided that was something they wanted to do, and Mr. Ferguson agreed they could. Mr. Grenier stated he agrees that we need to see how we can improve our long-term paving strategy. He stated they will be looking next year to see how they will manage the proceeds of the Sale, and infrastructure improvements could be considered.

Mr. Robert Abrams, 652 Teich Drive, stated he would suggest putting the Budget on the Website as it cannot be seen on the television. He stated they should also put a link to the archives or put up last year's Budget Plan next to it so that the taxpayers can compare the two. He stated he feels it is clear that the Sewer sale is a "disaster." He stated they also do not have the Golf Course under control, and we are \$15 million "in the hole for the Bid that was not allowed to come to the table." He stated they are trying to figure out how the Golf Course is going to pay for itself, and no one has any answers. He stated we will "take the money, dip into the \$3 million, and pay interest, and the taxpayers will keep paying." Mr. Abrams stated two years ago they were told that excessive rain was the reason for the excessive Sewer fees; but there has not been rain. He stated the 10% reduction "belongs to the taxpayers at this point." Mr. Abrams stated the reason for the increase "was to make the taxpayers pad the bills so the Township could abscond with a lot more dollars from whoever purchased the Sewer system." Mr. Abrams stated because

of COVID people are struggling, and they are not able to pay their Sewer bill. He stated this has been going on since the Board members have been on the Board. He stated they “need to pay off the Township Manager and get him out of here,” because so far the taxpayers have done nothing but pay and gotten nothing in return.

Mr. Ferguson stated part of the Sewer rate increase that went in was because they were seeing more I & I which led to higher rates. He stated they did budget on scenarios with what they had seen in a couple of years of very heavy rainfall. Mr. Ferguson stated Mr. Abrams is correct in that as we have had less rainfall, we have had less infiltration. Mr. Ferguson stated there is an order that he put in place that the Board is aware of that is still in place regarding Sewer bills and the Pandemic, and they are not shutting people down, putting liens on their properties, or charging them late fees on Sewer bills that are not paid during the Pandemic.

Dr. Weiss asked since we have gotten less rainfall over the last year or so has our Sewer deficit gone down significantly, and Mr. Ferguson stated it has not. Dr. Weiss asked Mr. Ferguson if any Sewer money has gone to anything other than Sewers since he has been the Township Manager, and Mr. Ferguson stated it has not. Mr. Ferguson again noted that the Sewer Fund has a -\$1.4 million position. Dr. Weiss asked if there has ever been a transfer from the Sewer Fund to a non-Sewer expense; and Mr. Ferguson stated there has not to a non-Sewer expense but they do have a transfer of Sewer Fund Revenues that goes to the General Fund but that is budgeted and is to cover certain Expenses in the amount of \$250,000 a year which budgeted there every year, approved by the Board, and is transparent.

Mr. Grenier stated with regard to Mr. Abrams comment about being able to see the Budget, the Preliminary Budget is already on the Township Website, and there is a Summary Sheet at the top for every Fund we have along with a 2019 budget number, 2019 actual number, 2020 budget and 2020 anticipated. He stated anyone can do a comparison, and all of those items are clearly denoted within the Budget. Mr. Lewis stated all the Budgets going back to 2008 are on the Website.

Mr. Ferguson stated this year’s Budget including the Supplements is about eighty pages long while previous Budgets were about 700 pages long. He feels that the current Budget is readable. He stated there are also monthly Treasurer’s Reports showing Cash collected and spending on a month-by-month basis.

Motion carried with Mr. Grenier and Mr. Lewis opposed.

Approve Agreement with Cohen and Associates to Negotiate the Comcast Franchise Agreement with Newtown Township

Mr. Ferguson stated the Agreement with Comcast comes up in 2021. He stated they are coming off a fifteen-year Franchise Agreement which started in 2006. He stated he asked the Cohen law group if they would give us a proposal as they are the firm that specializes in this work. He stated he had asked Newtown Township, whose Agreement is coming up a well, if they would be interested in participating; and last week their Board passed hiring Cohen. Mr. Ferguson stated going together to jointly bargain would lower our costs by 10%. Mr. Ferguson stated part of the discussions would not just be the Franchise negotiations, but would also include PEG Grants which is for our television channel, cameras, and infrastructure that can be part of the negotiation for payments to help with upgrades. He stated part of this service which he would recommend would be an audit of everything collected in the last fifteen years during the Franchise Agreement to see if there is any money owed. Mr. Ferguson stated Cohen pointed out that usually with Comcast about 60% of the time, they will uncover Revenues that should have been provided but were not. Mr. Ferguson stated the cost if we participate with Newtown for both the negotiation and the audit would be \$11,340.

Mr. Lewis moved and Mr. McCartney seconded to approve an Agreement with Cohen and Associates to negotiate the Comcast Franchise Agreement with Newtown Township at a cost of \$11,340.

Mr. Grenier asked if that is in the 2020 Budget or the 2021 Budget. Mr. Ferguson stated he has a placeholder for “other legal expenses” so they would not need to adjust the Budget; and he is comfortable with where that number is.

Mr. Zachary Rubin, 1661 Covington Road, stated he is the Chair of the Electronic Media Advisory Council, and they have been monitoring Verizon and Comcast since the first Comcast Franchise Agreement which was February 22, 1988. Mr. Rubin stated in March, 2017 we engaged the Cohen group to negotiate the Verizon Franchise extension along with eighteen other Municipalities as a Consortium. He stated he understands that there is an impasse and therefore the current Agreement has been extended for the next three years. He asked if we are paying the Cohen group any more money than the initial money

that was allocated to them in March of 2017 to negotiate the Verizon Franchise. Mr. Ferguson stated he does not know what was originally allocated; however, that is part of a joint Bucks County Consortium. He stated there has not been a bill for that for a while, but he will look into that. He stated those discussions have been wrapped up, and we will be getting a proposal soon which will be much different from what we have seen in the past.

Mr. Rubin stated in the Comcast Franchise Agreement we are basically negotiating for both entities – Verizon and Comcast because in the Comcast Agreement in 206-5A it states: “No such Franchise Agreement shall contain terms or conditions more favorable or less burdensome to the competitive entity.” Mr. Rubin stated whatever we negotiate with Verizon, it cannot be any better than what we have with Comcast so they should be done in tandem. He stated as Mr. Ferguson as mentioned, the last time they did the Verizon Franchise Agreement, we got \$11,651 additional money for the PEG Grants and that is in addition to the 5% Franchise Fees that the Township has been collecting from both entities.

Mr. Rubin stated that in the Comcast Agreement under A206-29 it states: “Under normal operating conditions calls received by the Franchisee shall be answered within thirty seconds. The Franchisee shall meet the standard for 90% of the calls it receives at all Call Centers receiving calls from subscribers.” Mr. Rubin stated according to the Agreement Comcast has to answer our calls within thirty seconds, and he does not feel that they have been living up to the Agreement.

Mr. Ferguson stated the language in the Contract is that one Cable Company cannot be burdened with costs as part of an Agreement that would put them at a functional disadvantage on that cost versus another Cable provider. He stated it seems that Verizon is positioning itself to get out of the Cable market, and they want a shorter-term deal. He stated Comcast has expressed strong interest in having an active presence in the Township. He stated Mr. Rubin’s point is noted, and he will make sure that is communicated to Mr. Cohen. He stated if the Committee has any concerns about customer service, items they would like discussed, or answers they would like to receive, if this Motion is approved, they would present those to Mr. Cohen for his insight and feedback back to the Committee. Mr. Lewis stated Mr. Cohen can also audit their “SLAs” on the Call Center to see if they are in compliance. Mr. Lewis noted that audits in the past have uncovered significant Revenue findings.

Motion carried unanimously.

Park & Recreation Recommendations

Mr. Ferguson noted the late hour, and he asked Ms. Tierney if this item could be delayed until the next meeting; and Ms. Tierney stated that would be up to the Board.

Mr. Grenier stated he would like to consider further the Risk Management Plan as he is familiar with these, and he sees a number of things he would like to change so that some of the issues are covered in detail.

Dr. Weiss suggested that Ms. Tierney and Mr. Grenier get together off-line to do that and then come back to the next meeting to discuss this.

Approve Kohl's Extended Hours

Mr. Ferguson stated they have again received a request for Kohl's to have extended hours during the holiday. Mr. Ferguson reviewed the hours that have been requested, and he stated he does not feel this is inconsistent with what they have done for a number of years. Mr. Ferguson stated the Board was provided what they are requesting.

Mr. McCartney moved and Ms. Blundi seconded to approve the extended hours for Kohl's.

Dr. Weiss stated his only caveat would be provided that they are obeying State regulations and following COVID precautions. Mr. Grenier stated a lot of the guidance they are getting now is that in places where COVID is spiking they are cutting off the later hours although he recognizes that is often bars and restaurants. Chief Coluzzi stated what is being requested is consistent with what they have done in the past. He stated if the Board decides to approve the extended hours, State laws and regulations would supersede that if the Governor were to come out with tighter restrictions. Mr. McCartney stated he is sure that Kohl's has corporate policies in place.

Mr. Lewis thanked Kohl's for closing on Thanksgiving Day so that people have time to be together that day. He stated the Retail environment is difficult, and he would encourage the public to consider making purchases from Kohl's and other local businesses which need help.

Motion carried unanimously.

SOLICITOR'S REPORT

Mr. Truelove stated that the Board met in Executive Session starting at 6:45 p.m. and items related to Real Estate and informational items were discussed.

Approve Extension of Lease of 668 Stony Hill Road with Giffin and Nabasny, Owners of a Local Amerprise Financial Services Company

Mr. Truelove stated this building is on the outside part of the Giant Shopping Center parking lot adjacent to Stony Hill Road. He stated one side of the building is owned by the Township, and it has been leased by Ameriprise Enterprises since 2008. He stated they are seeking to extend the Lease for another three years at the same terms with a 3% annual increase for each year over the balance of the term which is consistent with what the prior Addendum provided. Mr. Truelove stated they have been good tenants and have maintained the property responsibly.

Mr. Grenier moved, Mr. McCartney seconded and it was unanimously carried to approve the Extension of the Lease of 668 Stony Hill Road with Giffin and Nabasny, owners of a local Amerprise Financial Services Company.

ZONING HEARING BOARD MATTERS

With regard to the Danielle Carcia Variance request for the property located at 15 Glenolden Road in order to permit construction of a three-car garage resulting in greater than permitted impervious surface, Mr. Grenier moved, and Ms. Blundi seconded that the Township participate.

Mr. Grenier stated he would like to participate because they are going from zero to a three-car garage which is a significant building, and he would like to make sure that they know exactly what is going on and to protect the Township.

Motion carried unanimously.

With regard to the Frank A. and Diane M. Karam Variance request for the property located at 889 Kilby Drive (SW corner of intersection of Ramsey Road and Kilby Drive) in order to permit construction of an in-ground pool and allow property to maintain a proposed impervious surface ratio which is greater than permitted, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the David and Dayna Diehl Variance request for the property located at 1017 Harvest Drive in order to permit construction of an in-ground pool and patio resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

With regard to the Heather & Daryl Geist Variance request for the property located at 1207 Longmeadow Lane in order to permit construction of an in-ground Pool resulting in greater than permitted impervious surface, it was agreed to leave the matter to the Zoning Hearing Board.

PUBLIC COMMENT

There was no Public Comment at this time.

DISCUSSION ITEMS

There were no Discussion Items this evening.

SUPERVISORS REPORTS

Dr. Weiss stated the Historic Committee met yesterday, and they would like to get in touch with Mr. Majewski to walk the Prickett property with or without the developer. He stated since some of the outbuildings are going to be demolished, they wanted to know if the developer would consider donating the stone from those buildings so that they could be used in other areas of the Township. Dr. Weiss stated they also want to research the feasibility of acquiring the land where the old Octagon School house was which is between Oxford Valley and Old Oxford Valley Roads. He stated they are talking to the landowner who is now considering giving the land to the Township in exchange for some small token. He stated they also talked about a new marker from the State for the Slate Hill Cemetery.

Mr. Grenier stated the Electric Reliability Committee is requesting a meeting with PECO to get an update on reliability. Mr. Grenier stated there was a Veterans Ceremony at Veterans Square, and they honored their first female Veteran.

Ms. Blundi stated the term is expiring of a key member of the Financial Advisory Council, and she feels it would be appropriate to put before the Board of Supervisors combining the Financial Advisory Council and the Economic Development Council. She stated she would like to talk to the Board of Supervisors individually about this as it has been requested by both groups who would be re-focusing their Agenda. Dr. Weiss agreed to put this on the next Agenda as a Discussion Item.

Mr. Lewis stated the Zoning Hearing Board met, and the Koretsky matter that involves Township participation had significant discussion; and that matter was Continued to a future date. Mr. Lewis stated the Disability Advisory Board will meet Thursday at 5:00 p.m. and then at 7:30 p.m. in a joint meeting with the Park & Recreation Board to discuss accessibility and potential enhancements to the Pool.

APPOINTMENTS TO BOARDS AND COMMISSIONS

Mr. Grenier moved, Mr. Lewis seconded and it was unanimously carried to re-appoint the following: Stephen Heinz and Liuba Lashchuk to HARB, David Mann to the Disability Advisory Board, Mark Ellison to the Golf Committee, and Paul Roden to the Environmental Advisory Council.

There being no further business, the meeting was adjourned at 11:40 p.m.

Respectfully Submitted,

James McCartney, Secretary