

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
ORGANIZATION MEETING
MINUTES – JANUARY 4, 2010

The Organization Meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on January 4, 2010. Mr. Maloney called the meeting to order at 7:35 p.m. Mr. Caiola called the roll.

Those present:

Board of Supervisors: Ron Smith, Chairman
 Greg Caiola, Vice Chairman
 Matt Maloney, Secretary
 Dan McLaughlin, Treasurer
 Pete Stainthorpe, Supervisor

Others: Terry Fedorchak, Township Manager
 David Truelove, Township Solicitor
 James Majewski, Township Engineer
 Kenneth Coluzzi, Chief of Police

PUBLIC COMMENT

Ms. Helen Bosley, 546 Palmer Farm Drive, stated one year ago she read in the newspaper that the Township employees received a 4.2% increase. She asked what the raise was for this year given the state of the economy. Mr. Fedorchak stated there was no wage increase put in the 2010 Budget for the Township employees. Ms. Bosley asked if this means that this is what will stand. Mr. Fedorchak stated this is correct. He stated they do have two Unions they negotiate with – the Police and Public Works. He stated they have concluded negotiations with the PBA; and if the Board of Supervisors ratifies the tentative Agreement, part of that Agreement includes a wage freeze for 2010 which he anticipates will be passed on to everybody else.

Ms. Virginia Torbert, Citizens Traffic Commission, stated the Scudders Falls Bridge Commission will be holding a Hearing at the Sheraton on January 20 regarding the draft Environmental Assessment. She stated she does not know if the Township was consulted about the scheduling of this Hearing, but it will be held on the night of the Supervisors meeting. She stated the Hearings had previously been held at the Township Building, and the scheduled date will be inconvenient since she assumes one or more of the Supervisors would want to attend this Hearing as she feels it will be the last opportunity to comment on this before it moves forward. She stated there is information on the Website, and it included a proposed bicycle path, a sidewalk on Woodside Road, and constructing an earthen structure in the River which the environmental people may want

to look into. She suggested that they contact the Bridge Commission to see if they would be willing to reschedule this meeting. She stated there will be an Open House from 5 p.m. to 7 p.m., and the Hearing will begin at 7:00 p.m. Mr. Stainthorpe stated he doubted they would reschedule this since mailings have already gone out. Mr. Smith suggested that the Board of Supervisors reschedule their meeting so that Board members would be free to attend the meeting at the Sheraton on Wednesday, January 20.

Mr. Smith moved, Mr. Caiola seconded and it was unanimously carried to reschedule the Board of Supervisors' meeting from Wednesday, January 20 to Thursday, January 21.

Mr. Fred Allan, 816 Winthrop Drive, commended the Road Crew on the job they did during the recent snowstorm and asked that Mr. Hoffmeister and his staff be thanked for the job they did.

SWEARING IN

The Honorable Judge Michael Burns was present and swore in Claudia LaChance as Constable, Rebecca Cecchine as Tax Collector, Tim Malloy as Auditor, and Dan McLaughlin as Supervisor

REMARKS BY NEW SUPERVISOR

Mr. McLaughlin thanked his family for the sacrifices they endured over the last nine months. He also thanked the people of the Township for the opportunity to serve them in this position. He stated prior to deciding to run for Supervisor, he did not appreciate all that the Supervisors do for the residents on a daily basis, and he thanked all of them for their service to the Township. Mr. McLaughlin also acknowledged Jason Simon for serving as a Supervisor for the last six months with honor, distinction and dignity. Mr. McLaughlin stated he will always legislate without prejudice and do his best to serve the residents to the best of his ability adding he will work tirelessly for the residents.

ELECTION OF CHAIRMAN OF THE BOARD OF SUPERVISORS FOR 2010

The meeting was turned over to Chairman pro-tem David Truelove who called for nominations for the office of Chairman of the Board of Supervisors for 2010.

Mr. Caiola moved and Mr. Maloney seconded to elect Ron Smith as Chairman for 2010.

Mr. Stainthorpe stated he will vote no on this, but added it has nothing to do with Mr. Smith as a person. Mr. Stainthorpe stated he has served as a minority member for close to five years. He stated in the 1990s, there was a Democrat Supervisor, Sid Lehman, when there were four Republicans, and he was rotated through the leadership. He stated in the past year there were a number of votes that did not break on partisan lines. He feels that after working together for five years, it is time in the future to re-examine the policy of keeping the minority party out of leadership positions. He stated he is the longest-serving Supervisor present; and while he does not particularly want to be Chairman at this time, he feels it shorts the people of the Township when they do not allow experience and leadership to function. He stated he would be happy if in one year, Mr. McLaughlin were the Chairman.

Motion carried with Mr. Caiola, Mr. Maloney, and Mr. Smith in favor and Mr. McLaughlin and Mr. Stainthorpe opposed.

Mr. Truelove turned the meeting over to Chairman Smith at this time.

REMARKS BY THE NEW CHAIRMAN

Mr. Smith congratulated Ms. Cecchine, Ms. LaChance, and Mr. Malloy on their Elections. He also congratulated Mr. McLaughlin adding he looks forward to working with him over the next few years. Mr. Smith thanked his colleagues on the Board for electing him as Chairperson for 2010.

Mr. Smith stated the theme for 2010 should be caution and fiscal responsibility. He stated the people of Lower Makefield expect this from the Board, and he will work to insure this. He stated he is committed to restoring fiscal responsibility as the Board drafts Ordinances and adopts Budgets. He stated he will be relying on and insisting on business plans for all types of activities that occur in Lower Makefield. He stated he will also look for greater input from the Citizens Budget Committee and the Economic Development Board. Mr. Smith stated he personally will not vote for or vote to fund any major capital expenditures this year unless it has been proven that there is an urgent need. Mr. Smith stated he anticipates that the Citizens Budget Committee will come to the Board of Supervisors on a monthly basis and give a monthly report to the Board on how they stand with the Budget well in advance of the November Budget Workshops.

Mr. Smith stated he will do his best to insure that politics are not allowed to enter the doors of the building and added this should not be a Democratic Board or a Republican Board - rather it should be a Board of Supervisors. He stated the challenges they face are fiscal challenges and the challenge to provide services to the families of Lower Makefield at the most reasonable cost. He asked that the Board and citizens work together to continue to make Lower Makefield a wonderful place to live.

ELECTION OF OTHER OFFICERS

Mr. Smith called for nominations for Vice Chairman for 2010.

Mr. McLaughlin moved and Mr. Stainthorpe seconded the nomination of Pete Stainthorpe as Vice Chairman. Motion did not carry as Mr. McLaughlin and Mr. Stainthorpe were in favor, and Mr. Caiola, Mr. Maloney, and Mr. Smith were opposed

Mr. Maloney moved, Mr. Smith seconded and it was unanimously carried to elect Greg Caiola as Vice Chairman for 2010.

Mr. Smith called for nominations for Treasurer for 2010.

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to elect Dan McLaughlin as Treasurer for 2010.

Mr. Smith called for nominations for Secretary for 2010.

Mr. Caiola moved, Mr. Smith seconded and it was unanimously carried to elect Matt Maloney as Secretary for 2010.

Mr. Smith called for nominations for Assistant Secretary/Treasurer for 2010.

Mr. Caiola moved, Mr. Stainthorpe seconded and it was unanimously carried to elect Terry Fedorchak as Assistant Secretary/Treasurer for 2010.

APPOINT CHAIRMAN OF THE VACANCY BOARD

Mr. Caiola moved and Mr. Maloney seconded the appointment of Tony Bush as Chairman of the Vacancy Board for 2010. Motion carried with Mr. Caiola, Mr. Maloney, and Mr. Smith in favor and Mr. McLaughlin and Mr. Stainthorpe opposed.

APPOINTMENT OF TOWNSHIP SOLICITOR

Mr. Maloney moved and Mr. Caiola seconded to appoint Curtin & Heefner as Township Solicitor for 2010.

Mr. Stainthorpe stated he brought this up a number of years ago and would like to discuss it again. He stated in light of Budget considerations this year and trying to save money, one of the largest costs they have are the professional advisors. He stated a few years ago

he suggested that they review this every few years to get an idea to see what firms would be willing to charge per hour and to see if there are firms willing to work on a retainer versus an hourly rate. He stated he would also like to review what services and capabilities other firms may have. He stated he feels this is a good time to do it since they are trying to be fiscally-responsible.

Mr. Stainthorpe stated he would also suggest that they publicly appoint the other professionals that do work for the Township. Mr. Stainthorpe stated he serves on the Board of Directors of the Bucks County Water & Sewer Authority; and at their reorganization meeting tomorrow, for transparency purposes, they will publicly appoint their insurance brokers, accountants, investment advisors, and bank. He stated last year the Township made a change in the insurance broker for health insurance from WRG Consulting to Neil Modell; and the reasons for this were never made clear, and this is why he feels these appointments should be made in public.

Mr. Stainthorpe moved to instruct the Solicitor to put out RFPs to review the lawyers.

Mr. Maloney stated there is already a Motion on the table.

Mr. Stainthorpe stated they could make a temporary appointment if the original Motion were withdrawn. Mr. Maloney stated he would like to keep his Motion as it is.

Mr. Caiola stated he feels Curtin & Heefner has done great work for the Township, and also noted that he recently saw in the newspapers a listing of Townships and their legal fees; and the Township was in the middle. He stated he is comfortable with the services they are getting from Curtin & Heefner and the work they have done for the Township. He stated 2009 was an expensive year particularly with regard to the Aria situation. He stated Curtin & Heefner have made an effort to keep their rates very reasonable compared to other rates throughout the County.

Mr. Maloney stated he works in the professional services industry and charges many of his clients retainers and hourly rates; and in the cases where you are bidding on fixed-fee projects or retainer projects for work that is particularly volatile in its work scope such as Municipal work “you get what you pay for.” He stated if they are comfortable with mediocrity, they should go with the lowest bidder. Mr. Stainthorpe stated he was not necessarily suggesting the lowest bidder, and Mr. Maloney stated he recognizes this but was indicating it would be a “slippery slope” if they were going to go down that path.

Mr. Smith stated he is very comfortable with Mr. Truelove and his firm which is a local firm. He stated Mr. Truelove is a pillar of the community and was selected as one of the “Super Lawyers” in the Commonwealth of Pennsylvania, and the Township is fortunate to have him serving as the solicitor.

Mr. Fred Allan asked what harm there would be to going out and soliciting bids. He stated the Township needs to see where they are with all of the services. Mr. Smith asked Mr. Allan how many times they went out to bid for solicitor and engineer when he was a Supervisor. Mr. Allan stated they did not do this, and he feels this was wrong.

Mr. McLaughlin asked how long Curtin & Heefner has been the solicitor for the Township, and Mr. Smith stated they have been the solicitor for four years. Mr. McLaughlin asked what was the reason they changed from the prior solicitor, and Mr. Maloney stated he does not feel there was a single reason but he did hear that Curtin & Heefner's hourly rate was significantly lower than the prior solicitor. Mr. McLaughlin stated the same reason for changing from the previous solicitor four years ago may be relevant at this time as well.

Mr. Cynthia Osofsky, 1308 Yardley Road, asked if it is in the residents' best interest to decide at this meeting whether they have an RFP while at the same time they are voting for this coming year to either re-appoint or appoint new service providers. She stated she feels they need to have a policy which would dictate how they bring on board service providers. She stated she works in a neighboring state in public service, and they go out for RFPs for everything; and it does not mean just because you go out for an RFP that you get the best services or the best provider regardless of the prices, and hopefully they will look at more than just price if they chose to go out for bid. Ms. Osofsky stated they should also look at the totality of the work that has been done by Mr. Truelove. She also stated if they are going to put together an RFP, they should get involvement from community members putting together the RFP, reviewing the RFP, and insuring that there is a process by which they get fair responses to an RFP. She stated Municipal business is not that popular amongst a lot of firms even in a bad economy for every service provider. She stated she feels they have gotten good service from Mr. Truelove.

Mr. Sam Speara, 705 Tomlinson Lane, stated in his work in New Jersey with the Department of the Treasury, they have many RFPs, and he feels this is the best way to go.

Ms. Helen Bosley stated with respect to the "Super Lawyer" issue, she stated the Philadelphia Magazine and other publications that list super lawyers, super doctors, etc. are frequently those who are their major advertisers. She stated she feels there are probably thousands of super lawyers in Pennsylvania. Mr. Smith stated there is a rigorous screening process for selecting the "Super Lawyers" in the Commonwealth and it is done through the Bar Association and other Associations.

Ms. Grace Godshalk, 608 Countess Drive, stated they could appoint the professionals for 2010 until replaced. Mr. Smith stated Ms. Godshalk was on the Board for thirty years, and he asked how many times they sent out RFPs for solicitor. Ms. Godshalk stated they did get other prices, and with regard to engineers they got prices every year and also interviewed other firms.

Ms. Colleen Klock, 1296 Jacob Drive, stated as a taxpayer, she feels Mr. Truelove does a great job and feels he always has the best interest of the residents at heart.

Motion carried with Mr. Caiola, Mr. Maloney, and Mr. Smith in favor and Mr. McLaughlin and Mr. Stainthorpe opposed.

APPOINTMENT OF TOWNSHIP ENGINEER

Mr. Caiola moved and Mr. Maloney seconded to appoint Remington, Vernick & Beach as Township engineer for 2010. Motion carried with Mr. Caiola, Mr. Maloney, and Mr. Smith in favor and Mr. McLaughlin and Mr. Stainthorpe opposed.

APPOINTMENT OF TOWNSHIP SEWER ENGINEER AND ENVIRONMENTAL ENGINEER

Mr. Caiola moved and Mr. Maloney seconded to appoint Gilmore Engineering as sewer engineer and environmental engineer for the year 2010.

Mr. Stainthorpe stated in the four years that Birdsall has been appointed as the environmental engineer, he does not recall that they were before the Board; and he asked what the environmental engineer does for them. Mr. Truelove stated he feels they were before the Board once with regard to the Fieldstone project. Mr. Stainthorpe stated he feels they would save money by not having a fourth engineer, and Mr. Caiola stated this was why he was suggesting that Gilmore be both the sewer engineer and the environmental engineer.

Motion carried unanimously.

APPOINTMENT OF TOWNSHIP TRAFFIC ENGINEER

Mr. Maloney moved and Mr. Caiola seconded to appoint Traffic, Planning & Design Inc. for 2010.

Mr. Smith stated he does have some concern with TPD as the traffic engineer. He stated when they were initially discussing the West Ferry issue the conclusion was that speed tables were not the best option for that area; and then when the meetings were done with the Citizens Traffic Commission, they came back that the best option were the speed tables which he feels was inconsistent.

Ms. Virginia Torbert, Citizens Traffic Commission, stated she has been very impressed with the work done by TPD particularly now with the two new representatives. She stated the final decision with regard to West Ferry was not strictly TPD's decision.

Mr. McLaughlin asked if she has been happy with TPD, and Ms. Torbert stated she has; but she would also like to see all the engineering firms more aggressively pursue Grants on behalf of the Township. Mr. Caiola stated they could send this message to all of the engineering firms.

Mr. Stainthorpe stated he feels TPD is an outstanding engineer, and the quality of their work is excellent. He stated they are also one of the firms which is apolitical and does not give money to either Party so they are being judged strictly on the quality of their work. He stated he recalls that they were the most expensive engineer at an hourly rate on the Township roster, and he asked if they really need a separate, expensive traffic engineer.

Mr. Maloney stated of all the issues the Township faces most frequently, traffic is the one that affects all the neighborhoods. He stated he feels in this instance, quality is as important as anything else. He feels in this area it is important to have a specialist.

Mr. Caiola asked their charges compared to the other engineering firms, and Mr. Stainthorpe stated when the Board first appointed them, they were the highest, although he does not exactly recall any of the hourly rates. Mr. Caiola stated they could ask them to keep their rates stable for 2010. Mr. Caiola stated he agrees that they do have expertise; and with Matrix and Edgewood Village proceeding, he feels there will be work where they will need a traffic engineer.

Mr. Stainthorpe stated for all these engineering appointments, they have made decisions without knowing the hourly rates. Mr. Caiola stated he feels they should make all these appointments subject to having a rate chart. Mr. Fedorchak stated Gilmore has frozen their rates as had Curtin & Heefner. He stated he is unsure about Remington Vernick.

Mr. Smith stated he would be happy to have the regular engineer doing normal routine traffic engineering that comes through the Township on a monthly basis; but if there is an issue that requires expertise above and beyond that of the Township engineer, they could go out on an ad hoc basis, and this way they could avoid the higher rates.

Mr. McLaughlin asked how much was spent on TPD last year; and Mr. Fedorchak stated he would estimate that it was \$25,000 to \$30,000 for the West Ferry issue alone, and that for the entire year it would be approximately \$75,000 in total.

Mr. Maloney stated Edgewood Village will be coming in the future, and this will require the expertise of a traffic engineer. He stated the developers would be paying for this, and he feels they should make sure that this is being reviewed by someone who is a specialist.

Motion to approve TPD carried unanimously.

DISCUSSION OF APPOINTMENT OF OTHER SERVICES AT A PUBLIC MEETING

Mr. Stainthorpe stated he would like to discuss further appointing the other service professionals at public meetings. He stated while they are not prepared to do this tonight, he feels this would provide transparency; and anytime a change is made, they should justify the change. Mr. Maloney stated he agrees that Mr. Fedorchak should draw up a list of other Township services, and they can present this at the next Board meeting.

APPOINTMENT OF DELEGATE AND ALTERNATE DELEGATE TO THE ANNUAL CONVENTION OF PENNSYLVANIA TOWNSHIP SUPERVISORS TO BE HELD APRIL 18 TO 21, 2010 AT THE HERSHEY LODGE

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to appoint Pete Stainthorpe as the Delegate and Dan McLaughlin as the Alternate Delegate to the Annual Convention of Pennsylvania Township Supervisors.

PUBLIC COMMENT – FRANKFORD/ARIA DISCUSSION

Ms. Irene Koehler asked if any of the Supervisors have had any meetings with Frankford/Aria to discuss the settlement.

Mr. Stainthorpe stated he had a discussion with a representative who was not on the staff of Frankford/Aria. He stated this was in July, and Mr. Stainthorpe stated he indicated to that individual that he was not interested in talking about any specifics until they were through the Zoning Hearing Board process. Mr. Stainthorpe stated Aria would like very much for the Township to drop the Appeal. Mr. Stainthorpe stated he had voted to continue the Appeal. He stated Aria has indicated they would like to be a good neighbor should they win the Appeal. Mr. Stainthorpe stated at some point, he feels the Board needs to assess their ability to win the Appeal and what is best for the Township.

Mr. Caiola stated he also had a discussion with them; and at the time, he assured Aria that the five sitting Supervisors felt very strongly and had advocated with the Township to insure that they run the course of fighting the project. Mr. Caiola stated he feels that if the Township does lose the Appeal, they want to be in a position to work with them as neighbors.

Mr. McLaughlin stated he did meet with Aria representatives for lunch when they asked to meet with him to introduce themselves. He stated at that time he confirmed to them that he was steadfastly opposed to the Hospital.

Ms. Koehler stated she has heard from reliable sources that there have been multiple meetings between the Board and Frankford/Aria; and the residents are interested in knowing if there are negotiations toward a settlement.

Mr. Stainthorpe stated in these types of situations, the Board could if they chose to, discuss this in Executive Session to determine the consensus of the Board members. He stated only at that point could they enter into any negotiations, and that has not taken place. Ms. Koehler stated this would not be a public meeting, and Mr. Caiola stated while the Executive Session would not be open to the public, whatever decision they make would be announced at a public meeting.

Mr. Maloney stated a single Supervisor cannot act on their own to negotiate with the Hospital or any potential litigant against the Township. He stated they can discuss strategy in Executive Session but decisions of the majority are then discussed at a public meeting. He stated this has not happened as of yet with regard to Aria.

Mr. Smith stated Mr. Powell, CEO, of Frankford Aria does live on his street; and he has said “hello” to his wife.

Ms. Koehler stated the residents are still very concerned about any “back-room deals” taking place that the residents do not know about.

Ms. Pat Haines, 463 Cedar Hollow Drive, stated it is common knowledge that Aria has approached members of the Board. She stated the residents are against the project, and they would like to know exactly what is going on. She reviewed a recent situation which occurred in the emergency room of Frankford/Aria. She asked if the Board is aware that the Philadelphia City Council is holding Hearings to investigate that incident and advised that the Pennsylvania Board of Health is also investigating the Hospital. She questions if they will bring first-class care to this area, and asked if this is the type of Hospital the Board wants to negotiate with privately or publicly. She stated the residents do not want them in the Township.

Ms. Gail McFadden, 280 Marble Court, stated she has problems with the level of care at Frankford/Aria and described an incident which happened to her at that Hospital during which she suffered two cerebral hemorrhages, was paralyzed, lost her eyesight; and they were unable to provide a doctor for her. She stated she was in rehab for three years. She stated she was transferred to Jefferson. She stated the Township will not get any tax money from them. She stated Frankford/Aria gives terrible care, and she does not feel Lower Makefield wants them.

ANNOUNCEMENT OF SUPERVISOR LIAISON ASSIGNMENTS FOR 2010

Mr. Smith announced the following tentative Liaison Assignments for 2010:

- Matt Maloney – Park & Rec, Golf Committee, Zoning Hearing Board,
Pension Committee
- Dan McLaughlin – Planning Commission, Citizens Budget Committee,
Elm Lowne
- Pete Stainthorpe - Economic Development, Historical Commission,
Environmental Advisory Council, Seniors
- Greg Caiola - Citizens Traffic Commission, Sewer Authority, Veterans,
Special Events, Bucks County Performing Arts
- Ron Smith - Farmland Preservation Corporation, HARB, Emergency
Management, Disabled Persons Advisory Committee

ESTABLISH AMOUNT OF TREASURER’S BOND

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to establish the amount of the Treasurer’s Bond at \$2 million.

ESTABLISH AMOUNT OF ASSISTANT TREASURER’S BOND

Mr. Caiola moved, Mr. Maloney seconded and it was unanimously carried to establish the amount of the Assistant Treasurer’s Bond at \$2 million.

EXTEND ENGAGEMENT WITH STANLEY N. BOOZ, LLC FOR ONE
ADDITIONAL YEAR TO CONDUCT THE 2009 FISCAL YEAR AUDIT

Mr. Stainthorpe asked how many years they have been the auditor, and Mr. Fedorchak stated it has been three years. Mr. Stainthorpe stated he feels four would be the limit as you would want to change auditors as part of good accounting practice. Mr. Fedorchak agreed and stated he did provide a memo to the Board which detailed the Finance Director’s recommendations on this.

Mr. Maloney moved, Mr. Caiola seconded and it was unanimously carried to extend the engagement for one year.

POLICE CONTRACT DISCUSSION

Mr. Smith asked if it is appropriate to discuss the Police Contract at this time if it was not on the Agenda, and Mr. Truelove stated it is appropriate since it just came to the attention of the Board that the Union has ratified the proposed Contract. Mr. Truelove stated the Township Manager did an excellent job in negotiating this Contract. He stated in 2010 there will be a wage freeze; and he added that in his twenty-six years of practicing law, this is unprecedented. He stated in 2011 there will be a 2.25% increase, in 2012 a 2.75%, and in 2013 a 3% increase. He reviewed other provisions of the Contract with regard to retirement health care with a “sunset date” of 12/31/10, training, life insurance, comp time, education pay, etc. Mr. Truelove stated he feels the Contract is a fair Contract particularly given these difficult times. He noted other Municipalities have had to lay off officers.

Mr. Maloney moved to ratify the Collective Bargaining Agreement with the Police Department as the solicitor has described.

Mr. McLaughlin asked how many individuals they anticipate are likely to retire in relation to the “sunset clause;” and Chief Coluzzi stated he would anticipate three may retire. Mr. McLaughlin asked if this concerns him in terms of expertise, and Chief Coluzzi stated it does not concern him unless they were not replaced. Mr. Truelove stated there is a good age spread of Officers with different levels of experience and age in the Department.

Mr. Fedorchak stated he and Mr. Truelove began negotiations with the PBA Contract Committee in March, 2009, meeting twice a month and just concluded negotiations. He thanked Mr. Truelove for his contribution to the successful conclusion of the negotiations.

Mr. Caiola seconded, and the Motion carried unanimously.

Mr. Smith asked that Chief Coluzzi thank the Police on behalf of the Township for being true partners with the Township and advise them that the Board appreciates their service and working with them.

APPROVE REOPENING BUDGET AND MOTION ON REPEAL OF DEBT SERVICE FOR 2010

Mr. Stainthorpe stated he feels they need to first reopen the Budget according to the rules set out by the Second Class Township Code, make it available to the Public for ten days; and they can then vote on this. He stated they must first vote to reopen the Budget and then vote on any changes. Mr. Truelove agreed that this is correct, and the Second Class

Township Code does provide a specific process for reopening a Budget. He stated this has to be concluded by 2/15/10 with an appropriate ten-day notice period. He stated the appropriate vote for this evening would be to reopen the Budget, and review the provisions they would like to reconsider. Mr. Stainthorpe stated the tax increase they are discussing is actually debt service.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to reopen the Budget.

Mr. Stainthorpe stated he expressed at the previous meeting that he did not like the way this process was handled as it was “rammed through at the last minute with a lame-duck Supervisor who was appointed as opposed to elected.” He stated he feels anything of this magnitude needs to be much more thoroughly discussed. He stated there were comments made at a prior meeting that they discussed this in 2007, but he does not feel this is sufficient when they are considering borrowing \$5 to \$6 million. He stated they do not have complete Plans on all of the parks. He stated at the meeting he indicated that if someone would advise how many fields they need, they could consider this; and no one at the meeting spoke to that. He stated he will not endorse borrowing any money until he knows where the money will go, how it will be used, and that it is really needed. He stated he feels they should have a discussion going forward among the athletic groups and the Supervisors about the real needs. He stated he would like to know exactly what they need, the reasons why, and how many children will be accommodated. He stated he would also like to know what fundraising the organizations are willing to do and to discuss user fees. He stated at this time he wants to reopen the Budget and repeal the $\frac{3}{4}$ millage increase for debt service.

Mr. Caiola asked if he would be willing to consider a smaller amount in the Budget after they hold further discussions; and Mr. Stainthorpe stated he is not willing to make it part of the Budget because the tax would start right away. He stated he has discussed with Mr. Fedorchak and Mr. McCloskey that since it is a good time to borrow and interest rates are low, the Township should look at all of their debt since it may be a time to refinance existing Township debt. He stated if they are able to refinance existing debt, they may be able to borrow slightly more and not have to raise taxes. He stated he feels they need to have a slower, more deliberate process so that they can consider all of these options. He asked that Mr. Fedorchak and Mr. McCloskey begin the process of looking into how they might restructure or refinance the Township debt.

Mr. Stainthorpe stated they previously indicated that it would only be \$40 additional, but this is in context with a School tax increase of \$240 and in context with people who are not getting a cost of living raise in Social Security; and he feels it is insensitive to say that everyone can afford this. He stated everyone cannot afford this, and this is why they need to be certain that this is needed. He stated he is open to considering what is really needed.

Mr. Caiola stated he agrees that they should come to a realization as to the needs and have the immediate needs spelled out with the user groups taking more of an ownership than the average resident; but feels there is still an opportunity to borrow money and move the projects forward.

Mr. McLaughlin stated he wants to make sure that everyone understands he is not against giving the proper infrastructure for the children and recognizes that it adds value to the Township. He stated he works on multi-billion dollar budgets every day, and he feels there was a lack of documentation and understanding of long-term projections. He stated he feels they need to bring a level of expertise and acumen to these types of projects. He stated he is committed to looking at this in a detailed manner and will then make an informed business decision. He stated they need to be sensitive to all the recreation needs in the Township.

Mr. Maloney stated Mr. McCloskey and Mr. Fedorchak have been aware for some time that there are additional borrowing incentives for 2010 and knowing that open space is on the horizon, they assumed there would be savings that they would pick up. He feels refinancing has been part of the Plan for some time. He stated the park Plans have been in development for years, and there are Sketch Plans available on different levels for a lot of these properties, but they did have to tell the professionals to stop work on them since there was no point to spending more tax dollars if the projects were not going to get funded. He stated they will go back and develop stronger plans if needed.

Mr. McLaughlin stated he agrees that there has been a lot of work done; however, he reviewed all the Board of Supervisors meeting Minutes for 2009 and other than the last two meetings, he did not read any discussion about these fields. Mr. Maloney stated May 20, 2009 was devoted solely to Park & Rec. Mr. McLaughlin stated it was never done in detail and was never brought up at any of the Budget meetings. He stated if they do not discuss these items at Budget meetings, he questions what are the Budget meetings for. He stated they did not discuss at the Budget meetings this \$6 million bond issue which will actually be \$10 to \$12 million when you factor in interest payments. He stated while it had been indicated that capital expenditures are not discussed at these meetings, he feels this is a mistake.

Mr. Maloney stated they also did not discuss open space, and he asked if this means they should not borrow any open space money during 2010 either. Mr. McLaughlin stated there was a Referendum on this. Mr. McLaughlin asked why borrowing \$6 million for the Parks was not discussed at the Budget meetings, and Mr. Maloney stated it was not brought up because it had already been discussed in May. Mr. Maloney stated open space is also a borrowing capital infrastructure project; and while the public has indicated over the next ten years the Township can borrow up to \$15 million, at no point during the Budget Hearings did they discuss how much they would borrow, what they would borrow for, how much it would cost; and he feels you could take the same attitude with this.

Mr. McLaughlin asked if they will borrow any money in 2010 for open space, and Mr. Maloney stated he feels it is highly likely based on the Executive Session meetings the rest of the Board has been involved in. Mr. McLaughlin stated he feels they should discuss the \$6 million bond issuance in depth.

Mr. Caiola stated he is willing to look at the figure for Parks but strongly believes that they need to start the process this year and borrow money. He stated it does not have to be the \$5 million amount, and he would be willing to get that down to something more reasonable. He stated he would not vote for a Budget where this is taken completely out. He feels they can have discussions with the user groups, the Park & Rec Board, the engineer, and a member of the Budget Commission to get more details and also meet the needs of the community.

Mr. Smith stated this has been a very contentious issue. He stated he has been involved with YMS for two decades and is an advocate for youth sports which he feels is a great asset to the community. He stated he has been a Board member for years discussing the need for fields. He stated before they would enter into something of this magnitude, he would insist that it go to the Citizens Budget Committee for review and suggestions. He stated they have continued to forget about the Seniors; and before they build a field, he wants to make sure that the Township is at least working toward doing something for the Seniors. He stated they must also consider if there would be such a great need for fields if there were not so many non-residents. He stated in 2009 there were 1,084 non-residents involved with YMS and in the football program almost half the players do not live in Lower Makefield. He stated there were complaints about the field conditions, and he questions why so many non-residents are coming to Lower Makefield if the field conditions are so poor. He stated currently the residents pay a user fee of \$12 and non-residents pay \$24. He stated he feels the fees are inadequate particularly for the non-residents, and he feels the Citizens Budget Committee should look into this. He feels the user fees should be part of the equation particularly for the non-residents. He stated they need to have a discussion about whether or not the Township taxpayers are subsidizing non-residents. He stated he wants to see a thorough business plan. Mr. Smith stated he has had discussions with Mr. McCloskey, the Finance Director, and asked him to look at the fees to see what can be done to see if there is a way that they would not have to raise taxes and partner with the sports organizations to come up with a Plan. Mr. McCloskey has agreed to look into this. Mr. Smith stated he is not concerned about non-residents, and is concerned about the residents of the Township.

Ms. Helen Bosley asked about the number of households that pay property taxes, and Mr. Caiola stated it is approximately \$11,000. Ms. Bosley stated the Board voted to have 11,000 households pay \$40 a piece for thirty years. She stated when they make a commitment like that, they are also indicating that there will be no more money in the Budget to pay higher Police wages next year or higher anything in the Township without raising taxes. She stated this will be a floor below which they may never get unless they

decide to cut everything else by 20%. She stated for 11,000 households to support this effort she feels is where the taxpayers are going to have problems. Mr. Bosley stated she does understand that a Referendum for open space was approved by the citizens, but this was one or two years ago when things were different. She stated to start thinking about \$5 to \$6 million for Park & Rec and additional money up to \$15 million this would be \$160 additional every year. She stated the Board has just magnified the problem. She stated she feels they need to take a hard look at all of the tax increases. She stated they also need to understand ahead of time when they are going to proceed with open space so that they have a full picture. She expressed concern with the impact of these increases on the Seniors.

Mr. Smith stated he has read that the recovery will not begin until two years after the recession ends; and he is not sure that the recession has ended yet, so he is very concerned about the finances.

Mr. Jack Morrison, 18 Del Rio Drive, stated he has been involved with PAA for twelve years. He stated for the past twelve to thirteen years PAA and YMS have paid user fees for children who do not ever play on the Township fields. He stated last year Lower Makefield charged a user fee for 300 children who never used a Township field; and he asked why they continue to do this. Mr. Morrison stated when he was President of PAA it was typically the younger players – five through eight- who did not use the Township fields. Mr. Smith stated he feels the Leagues should make sure that if there are going to pay user fees, there should be something tangible that they can see and that the user fees not simply be a “Budget-balancer.” He stated a portion of the money should be set aside for the construction of fields, and this would be the buy-in from the Leagues. He stated in the past there was an organization that pulled out of the Township because they would not pay the user fees. Mr. Smith stated YMS charges their players the same fee whether they are residents or non-residents so the residents are subsidizing the non- residents. Mr. Morrison stated he does not feel there should be a fee charged for children who are not playing on Township fields. Mr. McLaughlin asked if Mr. Morrison feels it is fair for Township residents to be subsidizing non-residents. Mr. Morrison asked how many of the non-residents are from Yardley Borough. Mr. Smith stated his concern is for Lower Makefield Township residents who have to pay the taxes here.

Mr. Larry Hanmaker, 1220 Landmark Road, asked why this matter was allowed to go to a vote two weeks ago. He stated he believes that it was because there was never any intention to get this through, and Mr. Simon wanted it and they knew that there would be a three to two vote; and then when Mr. McLaughlin came in, it would be looked at differently. He stated they should not have allowed this to go to a vote previously when there were 350 people present. He stated there was an opportunity to send this matter back to the Budget Committee in March when it was originally reviewed. He stated he would like a clear definition of what the user groups need to exhibit to show that there is a need for the fields. He stated they previously heard that the Township is below the

recommended acreage per resident in terms of recreation. He stated if they do not have some type of clear delineation, they will continue to have the same discussion. He stated there are more Yardley-Makefield residents playing Morrisville baseball than there are non-residents playing PAA, and the reason for this is because the Township has driven them away because of lack of fields and because Morrisville has better facilities.

Mr. Stainthorpe stated there could be a meeting between two Supervisors and the Leagues to discuss user fees, growth of the programs, number of non-residents, and the specific needs. He noted that the two Supervisors could not make any final decisions. He stated he would also like to see the athletic groups discuss doing their own fundraising. He stated they need to have a dialogue.

Mr. Hanmaker stated he does not disagree with Mr. Stainthorpe. He stated he did feel that fifteen years ago when the land was purchased that there was a vision. He stated he understands that the Plans have been around for ten to fifteen years so he felt that these discussions had already taken place. He stated he is concerned that they will continue to put off construction of these plans. He stated he does recognize Mr. McLaughlin's desire to have business plans. He stated there are other people using the fields apart from the user groups. Mr. Hanmaker stated he does not feel they should have allowed this matter to go to a vote at the last meeting.

Mr. Caiola stated he believes the fields are needed, and he is willing to work with the Board of Supervisors to make sure some of the fields are built. He stated he does not feel it is right to put an undue burden on the user groups as these are community fields. He stated they also have to look ahead to see what their needs are. Mr. Caiola stated if they can get the increase down and have the user groups increase their financial commitment, he feels this will cut down on the impact to the residents and it shows ownership by the user groups.

Mr. Stainthorpe stated while the Board of Supervisors will vote on this, they also need to make sure that all the residents of the Township are convinced that this is needed. He stated the reason he is asking for specifics is so that the rest of the Township residents can see that this is a good proposal. He stated they are now in very different times than when they did the original Park & Rec Plans. He stated they previously had developers paying fees, and they did not raise taxes for twelve years. He stated this is no longer the case, and they need to be good stewards.

Mr. McLaughlin stated he would like the user groups to get together and work with the Citizens Budget Commission so that they can present a business plan to the Board of Supervisors to consider.

Mr. Carey Weiss, 1209 Shetland Court stated they are passionate about their children. He stated depending on the user group, the number of non-residents can change. He stated for PAA it is approximately 10% to 15%. Mr. Smith stated the figures he has been shown indicated it is between 18% to 20%. Mr. Weiss stated they should consider that there are hundreds of children who do not use the Township fields and have to use the school fields which are sub par. He stated he feels the most important thing is the safety factor, and children are getting hurt because the facilities are outdated and they do not have the proper facilities.

Mr. Smith stated part of the problem at some of the facilities is the issue of lights. He stated a number of residents have come before the Board indicating they do not want another Macclesfield Park with all the lights. He stated exiting out of Macclesfield they have put in an additional turning lane to address safety concerns at that facility. He stated they find that most of the non-residents that come to the Township to play for YMS are playing on the travel teams. He stated they are not putting anything into the Township other than their presence. He stated this results in a disproportionate number of non-residents on the elite travel teams, and they are depriving the kids from Lower Makefield from being able to play on these teams. Mr. Weiss stated he does not have the numbers on that. He stated he agrees that something needs to be done by the user groups with regard to the user fees and raising funds. He stated when they go to other areas and see what they have, he feels it is unacceptable what they have in Lower Makefield for who they are.

Mr. Fran McDonald, 937 Randolph Drive, stated the user groups are paying \$102,000 in user fees to the Township now, and he does feel this is a “buy-in.” Mr. McDonald asked with regard to the Budget being re-opened to repeal the Park & Rec projects, if this happens will there be any discussion about the other .5 increase. Mr. Truelove stated currently the Motion is only to reopen the Budget. He stated there may be a second Motion to propose an amended Budget with just this one piece being considered. He stated there has also been discussion about the Citizens Budget Commission looking into some of this information.

Mr. John Parsons, DeKalb Drive, asked about the process going forward. He stated he does feel that they have the quantitative data to support their needs. Mr. Truelove stated the Board has until February 15, 2010 to make a final decision. He stated if they reopen the entire Budget and the Budget Commission is involved, it could include other issues besides the Park facilities.

Mr. Maloney stated irrespective of what takes place this evening, the vote that would occur at some point either on January 21 or the first meeting in February would be a vote to accept the revised Budget in totality; and this would also require the Board to have

Resolutions fixing the levies for all funds for 2010. Mr. Truelove agreed that this is correct. He stated if they vote to reopen the Budget, the Budget they voted on last year does not exist so everything else is “thrown out,” and they will start anew.

Ms. Helen Bosley stated she agrees that there should be quantitative analysis. She stated this Township is reasonably well built out. She stated they should be able to consider what is the likely look of the Township in the future in terms of the types of families, the number of Seniors considering the Matrix facility etc.; and this would provide a good “snapshot” of where the Township will be in five to ten years. Ms. Bosley stated she has heard in prior discussions about this last year that some of the statistics that were given talked about the optimal number of fields per Township resident; and while this may have been appropriate five to ten years ago, it may be different now since these are different times. She stated the Board of Supervisors and Township management should ask the various constituents how many people have played for the past fifteen years so that there are statistics. She stated given the passions involved, the Board may need an independent consultant to evaluate whatever is put before the Board. Mr. Smith stated Mr. Sherman Taylor did this for the School District in determining population and how this impacted the Schools, and he asked Mr. Fedorchak to contact the School District about this rather than going out and hiring an independent consultant.

Ms. Bosley stated she has recently read that the assessed valuation of the existing homes decreased by \$2 million in 2008/2009; and in addition to not having as many real estate transactions, the Township now has a move a foot by citizens of all Townships to reduce the assessments on their homes so this is another place that the Township is not getting the kinds of revenues they may have thought they were.

Mr. Ray Lucas, 524 Hearthstone Drive, stated this is a quality of life issue, and he feels a community needs to have enough open space and recreation for their children. He stated what they have is insufficient for this Township since they should have facilities representative of their community. He stated he recognizes that this is a difficult time, but this is a twenty year commitment being made; and there will be ups and down during that time. He stated the time has never been better to borrow the money from an interest rate perspective. He stated the land has already been purchased so funds have been put into these properties that have no return to the community. He stated he feels the Township leaders should recognize that this is a long-term commitment to the community and not react to the short-term economic turmoil. He stated in twenty years, people will look back and say they were glad that the Board made this decision in 2010. He stated the Pennsbury School population is increasing, so he feels there are a lot more children in the Township than there were ten to fifteen years ago and Parks and recreation has not kept up.

Mr. Caiola stated he does feel there is a need for new fields. He stated he feels they need to not only give the children fields, but they should give them something that is safe and which they can be proud of. Mr. Caiola stated the \$5 million bond issue was not all going to go to ball fields as \$2 million was going to go toward Memorial Park which is a community-type facility.

Mr. Lucas stated they cannot have games at the School fields since they do not have water or restrooms. He stated there seems to be recognition that there is a need for fields, and there is just some trepidation as to whether or not now is the right time. He stated he feels in twenty-five years people will be very impressed that the Board went ahead with this.

Mr. Caiola stated he agrees with Mr. Stainthorpe that they need to have a Plan and to know where the money is going and there should be more help from the user groups. He stated he wants to make sure that this all takes place quickly and to get something done this year.

Mr. Norm Shore, 705 Briarwood Court, stated he would like to commend Mr. Fedorchak for the work he has done over the years. He stated he feels Seniors having to use the Municipal Building is as embarrassing as are the fields the children are playing on. He stated he agrees that they should know how many fields are needed, and he would not want children to be denied an opportunity to play. Mr. Shore stated comments have been made about these being the worst of times, but he feels other times have been much worse. He stated he has heard that a neighboring Township was able to raise \$50,000 by holding a Bingo night with the funds raised to be used for their fields. He stated he feels these have been healthy discussions, and he feels the Board should have an open mind if they are going to open up the Budget and look into everything.

Mr. Mitch Friedman, Brookfield Road, thanked everyone for the time and effort they have put in. He asked the role of the Park & Recreation Board in this procedure since there was strong recommendation from them to proceed with the Plans. Mr. Smith stated they are an Advisory Board. Mr. Caiola stated they make recommendations and work on the Plans. He stated the Plan for Memorial Park is completed. He stated the Plan for Samost has not been fully completed. He stated they would need this Plan fast tracked if the Board decided to proceed. Mr. Friedman asked if the Park & Recreation Board is responsible for helping to develop the Plans, and it was noted they are. Mr. Friedman asked if there was a breakdown in the process, and there should have been a Plan developed already by the Park & Recreation Board. Mr. Stainthorpe stated the Plan for Memorial Park is complete. He stated there is a complete Sketch Plan for the Snipes Tract, but it has not been fully engineered. Mr. Majewski stated Snipes has been fully engineered, but it has not been approved yet. Mr. Maloney stated Park & Rec has the task of meeting the needs of the Township and coming up with designs that do that, and the Board of Supervisors provides feedback the way they would if there were a developer

coming to the Township. Mr. Friedman stated it appears that the Park & Recreation Board is in charge of the design part of the planning, but not the business part of the Plan. Mr. Maloney stated in the past they have been asked to provide estimates, and they have done this. Mr. Smith stated he was on the Park & Recreation Board for eight to nine years, and in the past they have made recommendations on user fees as well to the Board of Supervisors.

Mr. Friedman asked if any of the Board members are concerned about setting a dangerous precedent by reopening the Budget. He feels the Board will lose credibility by undoing what they indicated they were going to do one month ago. Mr. Caiola stated while he does not feel it is a great idea, it is within the law as they are permitted to do so after a Municipal election. Mr. Caiola stated he feels they should have something more defined relative to how the money would be spent, and he feels there is ample time to do that. Mr. Friedman stated there have been Plans for several years, and he feels they will continue to sit with these Plans for more years, and no firm action will be taken. He feels tonight was a political move to put this on hold for an indefinite period of time.

Motion to reopen the Budget carried with Mr. McLaughlin, Mr. Smith, and Mr. Stainthorpe in favor and Mr. Caiola and Mr. Maloney opposed.

Mr. Stainthorpe moved and Mr. McLaughlin seconded to repeal the debt service millage of $\frac{3}{4}$ mill. Motion carried with Mr. McLaughlin, Mr. Smith, and Mr. Stainthorpe in favor and Mr. Caiola and Mr. Maloney opposed.

Mr. Caiola asked that Mr. Truelove explain what the next step will be. Mr. Truelove stated the proposed Amended Budget will be publicized for ten days public inspection. He stated when the Board considers it to be appropriate, either the next meeting or the first meeting in February, they would vote on the proposed Amended Budget. Ms. Torbert asked what would happen if the Board voted against the Amendment. Mr. Truelove stated as he understands it, technically they would not have a Budget. He stated if a vote is taken on January 21 and the proposed Amended Budget does not pass, they could make another Motion. Ms. Torbert asked if there could be a Motion to reinstate the original Budget, and Mr. Truelove stated there could be but since they would technically be opening up another Budget, they would have to go back and re-advertise with ten days notice.

There being no further business, Mr. Stainthorpe moved, Mr. McLaughlin seconded and it was unanimously carried to adjourn the meeting at 10:55 p.m.

Respectfully Submitted,



Matt Maloney, Secretary

