

TOWNSHIP OF LOWER MAKEFIELD  
BOARD OF SUPERVISORS  
MINUTES – JUNE 19, 2013

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on June 19, 2013. Chairman Stainthorpe called the meeting to order at 7:30 p.m.

Those present:

Board of Supervisors:     Pete Stainthorpe, Chairman  
                                  Dobby Dobson, Vice Chairman  
                                  Dan McLaughlin, Secretary  
                                  Kristin Tyler, Treasurer  
                                  Jeff Benedetto, Supervisor

Others:                     Terry Fedorchak, Township Manager  
                                  Jeffrey Garton, Township Solicitor  
                                  Mark Eisold, Township Engineer  
                                  Kenneth Coluzzi, Chief of Police

RECOGNITION OF MARY BORKOVITZ AND BUCKS COUNTY PERFORMING ARTS CENTER'S 35<sup>TH</sup> ANNIVERSARY

Mr. Stainthorpe commented on the importance of the volunteers working on behalf of the Township. He stated the Bucks County Performing Arts Center has been active in the Township since 1978. He stated Mary Borkovitz started the group and has provided leadership from the beginning until now. He stated they bring musical performances to the community, and the performers typically go into the Schools as well to share their talents and love of music with the students. He stated they originally held their performances in the Township's meeting room and are now held in the Yardley Borough Community Center. A Proclamation was presented to Ms. Borkovitz this evening.

Ms. Borkovitz thanked the Supervisors for acknowledging herself and the program. She thanked the Board of Supervisors for their support over the entire thirty-five years financially and otherwise. Ms. Borkovitz stated there are people on the Performing Arts Center Board now that will succeed her so that the program will not go away.

PUBLIC COMMENT

Mr. Harold Koopersmith, 612 B Wren Song Road, asked if the Board will hold only one meeting in July and August; and Mr. Stainthorpe agreed adding that it will be the third Wednesday of the month in both July and August. Mr. Koopersmith discussed his concerns with the finances of Pennsbury School District.

Ms. Kaaren Steil, Darby Drive, stated she is the new Chair of the Historic Commission; and she would like to put the Historic Commission back on an active basis. She stated the Historic Commission is in the process of reorganizing due to expiration or resignation of the term of service of Commission members, and they are looking for new members. She asked that those interested in serving submit a letter of interest and resume to Mr. Fedorchak.

Ms. Steil stated during the June 5 Board of Supervisors meeting the Quaker Group and J.P. Orleans made a presentation of their projected plans for the development of Scammell's Corners at the intersection of Route 332 (Yardley-Newtown Road), Schuyler Drive, and Yardley-Langhorne Roads. She stated their presentation gave the Historic Commission the opportunity to test and move ahead on an issue that has been on the books in the Township for more than twenty-five years. She stated the Historic Commission's Mission Statement was crafted and accepted on August 20, 1977. She stated they are an advisory group that lobbies and advocates for historic preservation. The duties of the Commission are that they survey all the buildings and structures located within the limits of the Township, determine whether or not these buildings have local, State, or National historic significance and advise the Board of Supervisors of what that significance is. She stated the Township does not own the Scammell's parcel. She stated the Historic Commission has been involved in its proposed re-development since 1990. She stated recently members of the Historic Commission took a tour of the grounds and the Scammell House, and their focus was security and architectural integrity. She stated no members of previous Commissions have seen the inside of the main house in over twenty years. She stated it has been documented that the House has only been occupied by sporadic renters but never by the owners themselves for the last ten years. She stated there are visual signs that say "No Trespassing," but this has been abused.

Ms. Steil stated since 1980 the Bucks County Conservancy listed this property as a potential National Registry Property; however, she stated there is more value behind this property than just being on the Registry. She stated this would be an investment in Lower Makefield's historic heritage. She stated the 150-year-old slate



roof has kept the house mostly dry and intact and the fireplaces are in good shape; however, many of the hallmarks of the wealthy families that once owned this property have either been damaged or removed.

Ms. Steil stated during the June 5 presentation it was indicated by the developer that the floor was covered with Mercer tiles; and while it was at one time, when the Historic Commission members visited the property three weeks ago, there were ridges of cement where the tiles had been. She stated they have been able to find only four tiles, and the rest had been removed by one of the previous owners or renters. Ms. Steil stated the Historic Commission members would like the Board of Supervisors to know that it was suggested by the developer that maybe the Historic Commission would have a museum, but this is “wishful thinking.” She stated the developers offered a replica of the Scammell House, but the Historic Commission would have no place to keep such a replica. Ms. Steil stated this Friday the Historic Commission has an opportunity to go back to the Scammell House and find out what historic items are there to be rescued.

Ms. Steil stated the developer is still looking for someone who might be interested in purchasing the House and the property it sits on. She stated Mr. Michael Schurr of J.P. Orleans indicated at the June 5 Board of Supervisors meeting that the dollar value would be under \$200,000 to purchase the structure and the lot “as-is.”

Ms. Steil showed and described four pictures they took during their tour of the Scammell House.

Mr. Stainthorpe stated it is his understanding of the Court Stipulation that the property is sold under, that it does not permit the developer to tear down the Scammell House. He stated while the developer indicated at the June meeting that they were planning to market the property for six months, and if it did not sell, they would tear it down, he does not feel that would fit the Court’s Stipulation.

Mr. Garton stated he shared with the Board of Supervisors his correspondence with regard to this issue, and he does not feel that permitting the Historic Commission to take some artifacts and build a model for display is historic preservation.

Ms. Steil stated while six months is typically what properties are listed for, she does not feel that six months is long enough for this property. She stated she agrees that the Stipulation indicated that they could not demolish the House.

Mr. Benedetto stated it seems that some of the trees present a danger to the House and surrounding properties, and he asked Mr. Fedorchak if there is any Township enforcement mechanism. He also asked about enforcement against trespassing since neighbors have advised him that there were hunter stands on the property and other trespassers. Mr. Stainthorpe stated the owner twenty years ago was

clear cutting the trees without Permits, and the Township insisted that the trees that were cut down be replaced. Mr. Fedorchak stated he is concerned about removal of trees on the property because of the feelings of the neighbors about the removal of trees in the past; and unless there is a compelling reason to remove a tree, he would be reluctant to do so. Mr. Stainthorpe stated the Township does not own the land. Mr. Benedetto stated he understands that many of the trees are top heavy and a storm could take out a tree and cause property damage. He asked if they could contact the developer and remind them they have to protect the House.

Mr. Garton stated under the Court Order, they are required to preserve the House. He stated with regard to trees there is a distinction between those trees which are clearly on the property and those which are on the property but impose some potential harm to adjoining property owners. Mr. Garton stated the Township could require them to remove trees that would cause a potential harm to an adjoining property or to the public street. He stated they could not require them to remove trees within the confines of their property that do not pose a hazard to others.

Mr. Stainthorpe thanked Ms. Steil for her presentation. He also reminded the public that there are three vacancies on the Historic Commission, and the Board would like to see them filled. He stated this Commission does meet during the day which is difficult for some people. He thanked Ms. Steil for her leadership adding it is a pleasure for the Board to work with and communicate with the Historic Commission, and he encouraged Ms. Steil to continue to provide the Board with updates on this project and others. Ms. Steil stated the Historic Commission is considering having their meetings in the evening beginning at 7:00 p.m. or 7:30 p.m. She stated they will not have a meeting in July or August, and they will start again in September.

Ms. Gudrun Alexander, 256 S. Fieldstone Court, stated Bowman's Hill will hold a plant sale this weekend with 25% off native plants. Ms. Alexander stated GOAL has a cleanup this Saturday and Sunday and she has provided information on this. Ms. Alexander stated she often complains about the speeding on Bluestone Drive and Stony Hill. She stated she set her cruise control between twenty-five and thirty and she was passed. She stated she followed that individual and parked next to the driver to advise the driver that the speed is twenty-five miles per hour. She stated she feels something needs to be done about the speeding, and she has volunteered to sit at the corner and write down license plates.



APPROVAL OF MINUTES

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to approve the Minutes of June 5, 2013 as written.

APPROVAL OF MAY 20, 2013, JUNE 3, 2013 AND JUNE 17, 2013 WARRANT LISTS AND MAY, 2013 PAYROLL

Ms. Tyler moved, Mr. Benedetto seconded and it was unanimously carried to approve the May 20, 2013, June 3, 2013, and June 17, 2013 Warrant Lists, and May, 2013 Payroll as attached to the Minutes.

PRESENTATION OF 2012 AUDIT

Mr. Peter Place from Lopez, Teodosio & Larkin, LLC, auditors, was present. Mr. Stainthorpe stated the Township financials are audited every year, and it is a good practice to change auditors every few years; and this is their first time auditing the Township.

Mr. Place stated there are some changes to the Financial Statement. He noted Page 1 which is the Opinion Letter which is in sections and explains management's responsibility of the Financial Statement to prepare the Financial Statements accurately and have a fair presentation of the financials. He stated the next Section is the Auditor's responsibility, and they do a lot of inquiry which requires a lot of time up front for the first year audit. He stated they do an evaluation of the internal controls and a lot of sampling of transactions. They also mail out confirmations to third parties. He stated the third paragraph is the Opinion which is their opinion on the Financial Statements; and it is clean Opinion with no exceptions which is good.

Mr. Place the second page provides supplemental information. He stated from Page 3 through 13 is the Management Discussion and Analysis which is prepared by the Township management. He particularly noted Page 3 which gives the financial highlights for the year. He noted that the Township assets exceeded the Township liabilities by \$85 million. He also noted that for 2012 the change in net worth increased by \$1.8 million from 2011 to 2012. He stated it also discusses the Golf Course, and the revenue numbers were better for the Golf Course in 2012. He stated it also discusses the Local Services Tax that was enacted in 2010 of \$52 per annum for all those working in the Township, and this increased revenues.

Mr. Place noted Page 6. He stated there is comparison between 2011 and 2012. He noted Governmental Activities, the bulk of which is the General Fund; and there are the business-type activities – the Golf Course, Sewer Dept. and the Pool. He stated with regard to the Government Activities, the total Revenues for 2012 came to \$14.5 million versus \$13.5 million in 2011. Mr. Place stated business-type activities had total Revenue of close to \$10 million in 2012 and in 2011 it was approximately \$8.8 million. He stated across the board revenues are up. He stated on the Expense side for Government Activity there was approximately \$13.9 million in 2012 versus \$14.2 million in 2011 so expenses went down. He stated for the business-type activities, the Expenses went up by approximately \$50,000 in 2012 which is not a substantial increase in expenses.

Mr. Benedetto noted the Deed Transfer Tax which seems to have had a healthy increase of over \$150,000 from 2011 to 2012. He stated it also indicates however that this continues to be a cause for concern. Mr. Fedorchak stated it is difficult to determine what is the “new norm;” and looking at the history over the last three to four years, they have been as low as \$800,000 and as high as \$1 million. It has been fluctuating over the last four years. Mr. Fedorchak stated what they are seeing so far this year, he is cautiously optimistic that they may break \$1 million for the first time in the five to six years. Mr. Place stated he agrees that he feels that this will increase; and in this area, real estate is beginning to pick up.

Mr. McLaughlin asked how much Regency is contributing to this, and will they be artificially high this year because of that development or has real estate recovered in Lower Makefield. Mr. Fedorchak stated he feels it is too early to call whether real estate has recovered. He stated Regency has made a difference with forty new homes over the last two years which is helping the Township’s bottom line. He stated the development has been approved for five hundred units so if they can sustain this over forty to fifty new units per year over the next several years, it will provide the Township with revenue for some time.

Mr. Place noted Pages 7 through 13 which are highlights of certain Sections of the Financial Statement. He stated it discusses the capital assets of the Township and the debt that is associated with capital assets. He stated Pages 12 and 13 discuss economic factors and statistics of the Township and what they believe hopefully will happen in 2013.

Mr. Benedetto stated he joined the Pool for the first time this year, and he would like to commend the Pool staff for the facility which he feels is a great asset to the Township and is extremely well run. Mr. Place agreed and stated he has been at the facility a number of times since his children swim for another Swim Club and they have had Swim Meets at the Township Pool. He stated it is the nicest Swim Club of the facilities they go to.



Mr. Place stated Page 14 begins the actual Financial Statements. He particularly noted Pages 14 and 15. He stated in the past they capitalized fixed assets and the infrastructure. He stated they are now trying to get close to what an actual business Financial Statement would look like. He stated looking at the net position, the total between the two activities of \$85 million is a healthy position.

Mr. Benedetto stated Page 13 discusses the recent Dalgewicz case and the resolution of the lawsuit with the plan being to award approximately \$3.32 million. Mr. Benedetto asked when the Township is required to make that payment, and Mr. Garton stated they are required to do so within a reasonable period of time after the final adjudication by the Supreme Court. Mr. Garton stated he feels it should be no later than this summer. Mr. Fedorchak stated he is going to recommend to the Board of Supervisors that they pay this award as soon as possible. He stated that he had asked Mr. Garton to prepare a Resolution that would authorize this payment, and Mr. Garton has done that. He stated the reason for this is because the “interest clock is ticking” at approximately \$13,000 to \$14,000 per month. He stated they have already set into motion the new Bond issue which will cover the award; however, even under the most optimistic circumstances, he does not feel the Township will be able to take receipt of that money until August. He stated Mr. Garton is working with the Dalgewicz’ attorney to get a precise number; and he would recommend to the Board that as soon as they firm up that number the Township should pay the Dalgewicz family the amount that is owed. He stated the Township can accomplish this through an internal borrowing of Township funds, and he would recommend using a number of funds – the General Fund, the Sewer Fund, and Traffic Impact. He stated in terms of cash flow there is more than enough to cover the \$3.3 to \$3.4 million. He stated there will be the need to adopt a Resolution which will once they have paid the Dalgewicz family allow the Township to reimburse itself from the Bond monies that will be forthcoming in the next few months. Mr. Fedorchak stated they will consider this later tonight.

Mr. Place stated once that money is paid, it will be capitalized because it is associated with the land that was purchased for the Golf Course so it will not actually effect the net position of the Township. He stated they will take it from cash and put it into a capital asset and then it will start to depreciate. He stated this will not have a dramatic impact on the Financial Statements as it will just be shifting from one asset to another.

Mr. Place stated Page #15 is a statement of activities, and this is on the accrual basis of the revenues coming in and the expenses. He stated at the bottom it shows the change in that position and for Government Activities it was \$890,000 to the positive and for the Business-type Activities was \$914,000 to the positive.

Mr. Place stated Page #16 is the “old-fashioned” Balance Sheet which was what was done in the past. He stated you do not see the fixed assets or the debt on this sheet, and it is more of a cash based type statement.

Mr. Place stated Page #18 is the Income Statement. He stated on a cash basis you do not have depreciation on this statement. He stated on a cash basis in total the Government Funds had a change of approximately \$369,000.

Mr. Place stated Page #19 is a reconciliation of the Statement of Activities between \$369,000 and \$890,000. He stated the biggest difference here is that previously the principal payment was always expensed and that is not the correct way to do it which is why there is a big difference between the cash basis versus the accrual basis.

Mr. Place stated Pages #20 and #21 are the Enterprise Funds (Business Activities). Page #20 is the Balance Sheet for the Enterprise Funds and Page #21 is the Income Statement for the Enterprise Funds.

Mr. McLaughlin stated they have \$750,000 cash in the Golf Fund, and he asked if they plan on keeping that level consistent after the payment so that they have working capital for the needs of the Golf Course or do they plan on draining that amount down to a lower level. Mr. Fedorchak stated he would recommend that they keep it as high as they can. Mr. McLaughlin stated they will therefore be borrowing the full \$3.4 million, and Mr. Fedorchak agreed.

Mr. Place stated Page #22 is a Statement of Cash Flows for the Enterprise Funds. He stated it is good to see the positive cash flow of almost \$2.4 million for the total of all three Enterprise Funds. He stated this is a positive sign.

Mr. Benedetto noted Pages #22 and #23 and he specifically noted the Golf Course fund with a end of year balance of approximately \$750,000. He stated on Page #23 it notes that the Golf Course fund net cash being approximately \$85,000 greater, and Mr. Place stated on Page #23 that is not the cash balance and this is a reconciliation of the net positive cash flow from operating activities. He stated this ties onto the figure on Page #22.

Mr. Place stated Pages #24 and #25 are the Fiduciary Funds, the biggest of which are the Pension Funds. Mr. McLaughlin asked Mr. Place if he could provide a sense of where the funding was in terms of their liability. Mr. Place noted Page #56 which is the Schedule of Funding Progress. He stated the Township has two Pension Plans – Uniform and non-Uniform, and Page #56 gives the actuary reports which are done every two years. He stated one is being done now for January, 2013; and he hopes that this will show a better picture on the unfunded liability because the market in



general has done better in the last two years. He stated the numbers for 2009 and 2011 were fairly high for the unfunded liability. He stated hopefully the next report will show them going the opposite way. Mr. McLaughlin stated he recalls that they try to have an 80% funding ratio, and Mr. Fedorchak agreed.

Mr. Place stated the Notes to the Financial Statement begin with Page #26 to Page #51. He particularly noted Page #37 which is a disclosure of the Capital Assets and shows the additions and disposals of the Capital Assets. He stated for 2012 \$1.3 million was invested into Capital Assets for the business activities. Mr. Place stated Page #38 is the Long-Term Debt which are the bonds that are outstanding. He stated there were no new bonds for 2012 and approximately \$1.5 million was paid down on principal.

Mr. Benedetto stated he understands that the General Obligation Bond Series A for 2010 is where the Patterson Farm money is, and Mr. Fedorchak agreed.

Mr. Benedetto stated in 1998 the Bond was not just for the purchase of the Patterson Farm, but was also for other projects; and Mr. Fedorchak agreed.

Mr. Fedorchak stated the Bond Issue was \$7.5 million and ultimately it was designated for Open Space with much of it going to Patterson Farm and the remaining piece going to the Elm Lowne purchase and this exhausted the entire Issue. He stated he believes it was refinanced in 2003, but at that time new money was added of approximately \$1 million for a new fire truck. He stated also in 2003 there was, in addition to the 1998 issue being refinanced, a 1997 issue that was refinanced at that time which was exclusively a sewer issue. He stated in 2006 there was also a sewer issue which refunded completely the 1997 issue. In 2010 there was a re-fi issue which was Patterson Farm, Elm Lowne, and the new money.

Mr. Stainthorpe stated the early 2000's the Township still had a lot of development money coming in and they did not manage the debt as well as they do now. He stated the Township is running a much "tighter ship" now.

Mr. Place stated Page #40 is the amortization of the Debt Service requirement out to 2032. He stated this shows how much principal is due each year.

Mr. Place stated Page #41 begins the Note Disclosures for the Pension Plans and this runs to Page #43. He stated Page #45 discusses Commitments and Contingent Liabilities including the equipment lease for the Golf cart rentals.

Mr. McLaughlin asked Mr. Fedorchak if the Township still offers the same benefits in terms of retirement age, and Mr. Fedorchak stated all employees hired prior to 2010/2011 have been under the Defined Benefit Program for both Police and non-Uniform. Since then the non-Uniform new hires are under a DC Program. He stated this does not include Police.

Mr. Place stated Page #47 is a Note Disclosure that discusses the derivative financial instruments. He stated the Township has three sets of Bonds which are approximately ten years old, and the Township was able to get a fixed cost and there was a swap. He stated this has performed very well since the fair market value of the swap has actually increased to \$2.3 million. He stated with the Agreement that the Township has that surplus belongs with the DVRFA; but if it was a negative and the rates were higher than they were ten years ago, the Township could be possibly responsible for that swap.

Mr. Benedetto stated Page #46 discusses the Emergency Unit and the loan made in November, 2012. Mr. Benedetto asked for an update with regard to the Emergency Unit. Mr. Fedorchak stated they have made the tax distribution to the Emergency Unit of \$125,000 which is their share, and they have not had any requests from their Board of Directors for additional money at this time.

Mr. Benedetto noted Page #44 and asked about the Drop Plan for the Deferred Retirement Option Plan, and he asked if there is anyone currently eligible for this; and Mr. Fedorchak stated there is. Mr. Fedorchak stated for Lower Makefield Township this would be expense neutral. He stated when a Police Officer elects to go into Drop, his pension benefit is placed in a 457 vehicle; and in the Drop Agreement that the Township has with the PBA, it is agreed that it will go into a fixed income type arrangement and whatever interest rate it is realizing, that would be received by the Officer and no more. He stated what has happened in other areas is that there were perhaps agreements with the City or Township and the PBA that there would be an interest rate such as 5% and that is what the Officer would be receiving within their Drop environment, and when that did not happen it fell on the Government to make up the difference; and that is not the case in Lower Makefield. Mr. Benedetto stated he understand there are two Officers that are eligible, and Mr. Stainthorpe stated they already elected. Mr. Dobson asked if that program is still offered, and Mr. Fedorchak stated it is part of the PBA Contract. Mr. Garton stated the Pension benefit is frozen as of when they go into Drop so even if their income increases during the Drop period, their Pension does not increase; and the amount is fixed at the time they enter the Drop Program.



Mr. Place noted Page #48 which begins the Note Disclosure for the post-retirement health benefits and this runs through to part of Page #51. He stated the last Note on Page #51 is Subsequent Events, and he stated they just had the discussion about the litigation so it discloses that there was an amount that was determined.

Mr. Place stated Pages #52 through #57 are the required supplementary information which is basically made up of the Budgets. He stated Page #56 and #57 deal with the Pension Funds. He stated Pages #58 and #59 are the Balance Sheets and more detail of the Special Revenue Funds.

Mr. Benedetto noted Page #55 which discusses the maintenance of the streets and gives them a valuation rating. Mr. Place stated he assumes that this is something dealing with the infrastructure and came from an engineer. Mr. McLaughlin stated they have had the same score for the last six years. Mr. Place stated he assumes there was an inspection done in 2011.

Mr. Place stated he appreciates the opportunity to do the Audit. He stated the management team in Lower Makefield is a very good team and does an excellent job.

Mr. Dobson asked Mr. Place if he does other Municipalities in Bucks County, and Mr. Place stated he does. Mr. Place stated the Township is in very good shape financially. He stated for the size of the Township and what it has to offer, it does a very good job for the community. He noted particularly the Pool and the Golf Course.

#### GRANT EXTENSION TO CAPSTONE TERRACE, ARIA HEALTH, AND WRIGHT AND HYER

Mr. Garton stated with regard to Capstone Terrace, the Planning Commission reviewed this request for Extension and recommended Approval in accordance with Township policy.

Mr. Dobson moved and Mr. McLaughlin seconded to approve the request for Extension for Capstone Terrace to September 30, 2013.

Mr. Benedetto stated he was at the Planning Commission and did have an opportunity to talk to the representative from Capstone Terrace who indicated he wants to talk to the Board to come up with some future plans, and Mr. Benedetto stated he would be in favor of extending the time.

Motion carried unanimously.

Mr. Garton stated with regard to the request for Extension for Aria Health, this matter is still in litigation with respect to the Use; and they cannot deal with the Land Development and Subdivision issues until the Use is determined so an Extension would be appropriate.

Mr. Dobson moved and Mr. McLaughlin seconded to grant the Extension to Aria Health (f/k/a Frankford Hospital) to September 30, 2013.

Mr. Benedetto stated he believes Mr. VanLuvanee reached out and indicated that they wanted a “cooling off” period, and he feels that time has extended. He stated he understands that Aria has only Preliminary Approval, and Mr. Garton stated they have no Approval. Mr. Stainthorpe stated they did submit Plans, but he does not feel the Board reviewed them. Mr. Garton stated they need to sort out the Use Approval before they can deal with the Land Development aspects. Mr. Garton stated he did have a discussion with Mr. VanLuvanee who indicated they have started a dialogue.

Motion carried with Mr. Benedetto opposed.

With regard to the Wright/Hyer Extension, Mr. Garton stated this is a Minor Lot Line Change, and this is the first Extension request.

Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to Approve the Extension for Wright and Hyer to October 5, 2013.

Mr. Garton stated the Board met in Executive Session for approximately fifteen minutes prior to the meeting to discuss the three Zoning Hearing Board matters.

#### ZONING HEARING BOARD MATTERS

With regard to the Brian and Alexis Powers Variance request for the property located at 1519 Buck Creek Drive in order to permit construction of an addition resulting in encroachment into the front yard setback it was agreed to leave the matter to the Zoning Hearing Board

With regard to the Jon Kontz Variance request for the property i/n/o James and Jean Nycz located at 1760 Odessa Lane in order to permit construction of a covered porch resulting in encroachment into special setback for corner lots it was agreed to leave the matter to the Zoning Hearing Board.



With regard to the Gregory and Marcia Pignetti Variance request for the property located at 1272 University Drive in order to permit construction of an addition resulting in greater than permitted impervious surface it was agreed to leave the matter to the Zoning Hearing Board.

#### SUPERVISORS REPORTS

Mr. Benedetto stated there are two vacancies on HARB and he understands that two individuals have come forward and submitted their resumes.

Ms. Tyler stated the Farmers Market is open on Thursdays from 3:30 p.m. to 6:30 p.m. at Veterans Square.

Mr. McLaughlin stated there was a question from a resident on the progress of the Veterans Memorial; and he asked Mr. Dobson, the Supervisor Liaison, to provide an update by the next meeting. Mr. Dobson asked Mr. Fedorchak to invite the Veterans Committee to attend the next Board of Supervisors' meeting.

#### APPROVAL OF RESOLUTION TO FUND DALGEWICZ PAYMENT

Mr. Garton stated the Board is permitted to make inter-fund loans in order to fund the Dalgewicz family payment. He stated this must be done at a Public Meeting, it must be memorialized in a Resolution, the money has to be paid back within the calendar year that it is loaned, and you must pay interest at the same rate that the funds are earning. Mr. Garton stated he has prepared the necessary Resolution to accomplish this, and Mr. Fedorchak has identified the source of those funds for the temporary loan to be the General Fund, the Sewer Fund, the Sewer Capital Reserve Fund, and the Traffic Impact Fund. Mr. Garton stated the Resolution discusses the history of the Dalgewicz matter, the award, the judgment, and their desire to make the loan from those funds and also sets forth that it will be paid by the end of the year and the same interest rate will apply.

Mr. McLaughlin moved and Mr. Dobson seconded to Approve the Resolution.

Mr. Benedetto asked if this sets forth the exact dollar amount, and Mr. Garton stated it is approximately \$3.5 million.

Mr. McLaughlin stated Mr. Fedorchak has recommended paying this quickly because they are accruing interest. He stated the Township is borrowing from itself to pay the cash outlay; and when they borrow money from the open, public markets, they will then reimburse all the funds that were borrowed from. He stated this is a way

to pay the obligation quickly and save the Township interest. Mr. Garton stated the Township is probably earning less than 1% on the funds, but they are accruing interest at a rate of 6% on this obligation. Mr. Dobson stated Mr. Fedorchak has indicated that by August the Bond will be able to be closed, and Mr. Fedorchak agreed.

Motion carried unanimously.

#### DISCUSSION OF SATTERTHWAITE PARCEL AND APPROVAL TO EXTEND THE AGREEMENT OF SALE

Mr. Fedorchak stated there is an Agreement of Sale for the Satterthwaite Parcel which has certain Conditions, and there is a finite amount of time. Mr. Garton stated when this went out to Bid it took some time for the Bid to be awarded because of a number of issues, and it took some time for the Bidder to put together a Plan which was part of their Application to the Zoning Hearing Board. Mr. Garton stated there have been a number of Zoning Hearing Board Hearings, and they are not finished yet. Mr. Stainthorpe stated there will be at least one more Zoning Hearing Board Hearing in July to hear additional Public Comment which may not even be completed at that time. Mr. Stainthorpe stated he would recommend extending the Agreement of Sale to the end of August. Mr. Garton stated he feels it should probably be even longer since Briefs will probably be requested by the Zoning Hearing Board, and he would recommend that it be extended to the end of the calendar year as Appeals could also be taken.

Mr. McLaughlin moved and Ms. Tyler seconded to approve the Extension of the Agreement of Sale for the Satterthwaite Parcel to December 31, 2013. Motion carried with Mr. Benedetto opposed.

Mr. Benedetto stated he would request that they televise the Zoning Hearing Board meetings when the Satterthwaite issue is discussed. He stated he does not feel it will take more than one meeting.

Mr. Benedetto moved to have the meetings televised.

Mr. Stainthorpe stated they have not televised the Satterthwaite Zoning Hearing Board Hearings to this point; and while Public Comment is important, the real bulk of the Testimony has already been done and was not televised. He stated he feels it is an issue of fairness to the Applicant in that either all the meetings should have been televised or none should; and to televise just the last meeting where only Public Comment is going to be heard, he does not feel is fair to the Applicant.



Mr. Garton stated aside from the fairness issue, he feels it is the Zoning Hearing Board's prerogative because it is their meeting. Mr. Benedetto stated he recalls that the Board of Supervisors made a Motion to televise the Aria Zoning Hearing Board meetings and it did pick it up mid-way through as well. Mr. Garton stated while he is not aware of this, legally the Zoning Hearing Board controls its own meetings so they would have to agree to that and the Board of Supervisors would have to agree to the expenditure if they were going to televise the meetings. Mr. McLaughlin stated he feels that it was agreeing to incur the expenditure that the Board of Supervisors agreed to.

Mr. Stainthorpe stated the reason there is a Zoning Hearing Board is to keep it out of politics which is why the Board of Supervisors cannot overrule the Zoning Hearing Board, and it has to be Appealed to a Court. He stated once the Board of Supervisors appoints people to the Zoning Hearing Board, the Board of Supervisors has no further say. He stated even if the majority of people feel an Appeal is a bad idea, it is still supposed to be the application of the Ordinances upon which the Zoning Hearing Board makes their Decision.

Mr. Stainthorpe stated while he sees no value in televising this matter at this point, he feels they should discuss it with the Zoning Hearing Board and then decide if the Township wants to fund it. Mr. Benedetto stated the issue is that the next Board of Supervisors meeting will be the day after the Zoning Hearing Board meeting when the Satterthwaite Parcel is scheduled to be heard.

Ms. Tyler stated she agrees with Mr. Stainthorpe that it would be unfair to start televising now at this juncture, and it could prejudice either Party in the litigation.

Mr. Stainthorpe stated while he agreed to televising the Aria Hearings, he feels that it was a bad decision because the Zoning Hearing Board is supposed to be insulated even though people are permitted to speak. He stated he does not feel that televising it is helpful.

There was no Second to the Motion, and the Motion died for lack of a Second.

#### DISCUSSION OF SIGNS IN THE TOWNSHIP

Mr. Stainthorpe stated there are Ordinances in the Township that ban signs for anything other than a charitable or non-profit organizations that exists in the Township. He stated a few years ago there was a issue when there was a fair being held in Falls Township and they had signs placed in the Township which had been taken down. He stated at the time he had made a Motion that they relax the enforcement of the Sign laws until they clarified who could do what. He stated now

there are numerous signs being placed throughout the Township, and it has become out of control. He stated while no special action is required, he feels the Code Enforcement Official should enforce what the Ordinance already says. He stated he is therefore publically announcing that the Township will vigorously enforce the Sign laws. He stated non-profits that are located within the Township should still come to the Township to get a Permit; but for-profit businesses are not permitted to have signs in the Township, and they will be taken down.

There was discussion about political signs. Mr. Garton stated political signs in a front yard can be there as long as you want. If they are in the public right-of-way you may have the ability to regulate the timing. It stated if it is a large sign at an intersection that creates a problem for turning movements, this could be restricted. Mr. Benedetto stated he felt there was a time frame for taking them down, and Mr. Garton stated there is and it is ten days after the Election. Mr. Stainthorpe stated they previously required a Permit for political signs and you had to post a check and provide a map as to where the signs were; and if you took your signs down within ten days, you would get your check back. Mr. Garton stated you cannot require the posting of money for political signs.

Mr. Arthur Cohn, 7906 Spruce Mill Drive, stated he sees a lot of signs and some of the signs are advertising an event that has long past, but the sign is still there. He asked if there is anything in the Ordinance that indicates they have to remove them. Mr. Fedorchak stated if they see this type of sign, the Township will take it down and then contact the responsible person and advise them that the Township has the sign and they can come pick it up.

#### APPOINTMENTS

Mr. Dobson moved, Mr. McLaughlin seconded and it was unanimously carried to re-appoint the following:

Allyson Kliefoth - Emergency Management  
James Frawley - Emergency Management  
Marilyn Huret - Emergency Management  
Dean Dickson - Planning Commission

Mr. Dobson moved, Mr. Tyler seconded and it was unanimously carried to appoint Craig Hyman to the Citizens Traffic Commission.



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There being no further business, Mr. McLaughlin moved, Mr. Dobson seconded and it was unanimously carried to adjourn the meeting at 9:00 p.m.

Respectfully Submitted,

A handwritten signature in blue ink, consisting of a stylized 'D' followed by a cursive 'M' and a long horizontal line extending to the right.

Dan McLaughlin, Secretary

