

TOWNSHIP OF LOWER MAKEFIELD
BOARD OF SUPERVISORS
MINUTES – NOVEMBER 6, 2019

The regular meeting of the Board of Supervisors of the Township of Lower Makefield was held in the Municipal Building on November 6, 2019. Mr. Grenier called the meeting to order at 7:33 p.m. and called the Roll.

Those present:

Board of Supervisors: Daniel Grenier, Chair
Frederic K. Weiss, Vice Chair
Kristin Tyler, Secretary (left meeting in progress)
Suzanne Blundi, Treasurer
John B. Lewis, Supervisor

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

COMMUNITY ANNOUNCEMENTS

Mr. Grenier stated the 2019 leaf collection began November 4 and leaves are picked up by Zone. He stated Zones can be checked on the LMT.org Website. He stated the pick ups are weather dependent. Mr. Ferguson stated once the first round is completed, the second round of collection will begin.

Mr. Grenier stated the last Five Mile Woods clean-up day will be held on Saturday, November 9 from 9 till Noon.

Mr. Grenier stated the Veterans Day Parade and Celebration will be held on Saturday, November 9 from 1:00 p.m. to 4: 00 p.m. The Parade will be along Edgewood Road from Whitehall Drive to Veterans Square at the intersection of Edgewood Road and Heacock Road. He stated the Ceremony honoring Veterans will take place at Veterans Square following the Parade at approximately 2:00 p.m. Mr. Grenier stated the American Legion Post 317 and VFW Post 6393 will be conducting their Veterans Day Observance and Ceremony on Monday, November 11 at 11:00 a.m. at the Afton and Delaware Avenue monument across from the Yardley Inn. There will be an Awards Ceremony following that at VFW Post 6393.

Mr. Grenier announced that a tree planting event at the baseball complex across the street from the Municipal Building will take place on November 16 and 17. Volunteers should sign up on-line at the Park & Recreation Facebook Page or contact the Park & Recreation Director, Monica Tierney; and information is also available on the Township Website.

Mr. Grenier stated there will be a Holiday party at the Community Center on Friday, December 6 from 6:00 p.m. to 9:00 p.m. with activities and photos with Santa Claus.

Mr. Gruen thanked everyone who ran for Election in Bucks County. He congratulated Supervisor Suzanne Blundi and Supervisor-Elect James McCartney. He also congratulated Keith DosSantos who was elected to the Board of Auditors. Mr. Gruen stated LMT voters should be congratulated for turning out to vote in record numbers during an off-year Election.

Mr. Gruen announced the passing of long-standing member of the Community, Patricia Miiller, and read about her accomplishments and all the work she had done over the years for Lower Makefield. A moment of silence was held in her memory. Ms. Tyler commented on the extensive work done by Ms. Miiller in Lower Makefield including striving to preserve Lower Makefield and its history.

Ms. Blundi stated the LMT Walking Group will meet this Saturday at the Community Center at 10:30 and have planned a 2 ½ to 3 mile walk. She stated all are invited.

PUBLIC COMMENT

Mr. Harold Kupersmit, 612 B. Wren Song Road, expressed concern with the money the Township has spent on the Trenton-Mercer Airport expansion since they have no chance of stopping that project.

Mr. Kupersmit commented on his arrest in August, 2014, adding the Board should advise Mr. Santarsiero that he needs to resign and that the Democratic Party needs to pay him \$10 million for false arrest. He also discussed a subsequent arrest and his request to the Bucks County Court of Common Pleas for a post-conviction Hearing. He stated Chief Coluzzi had a Task Force come to his home and arrest him five years ago. He also stated Mr. Truelove sent him a Cease and Desist letter approximately four years ago, and he will be Subpoenaed to Testify. Ms. Tyler advised Mr. Kupersmit that these are personal matters and do not pertain to Township business.

Ms. Fran Goldstein, 1926 Westover Road, stated she recently worked in support of Ms. Blundi and Mr. McCartney's candidacy for Supervisor. She stated she would like to thank everyone on the Board and those working for the Township who give their time to better the community.

Mr. Bob Sanford, 1180 Temple Drive, stated he has an issue with Ordinance 416 – Blighted and Vacant properties. He stated he has lived in Lower Makefield for 67 years, and he grew up in Lower Makefield in his parents home. He stated his mother died, and he is the Executor of the Estate; and in April he received a notice from the Code Enforcement Officer that the property was deemed as a vacant property and had to be registered as a blighted and vacant property. He stated when he received the letter, he asked if he could have an explanation as to why the property was selected because to his knowledge between himself and his two brothers, they had maintained the house, it had electric and gas service, and there were no liens or taxes due on it or complaints from the neighbors. He stated he asked Mr. Majewski about this who promised he would get back to him within a week, but he never heard anything from Mr. Majewski. Mr. Sanford stated he then sent Mr. Majewski a letter explaining the situation and asking for an explanation, but he received no response. Mr. Sanford stated he then sent Mr. Lewis a letter, and he responded within ten minutes stating that he declined to get involved because it was an ongoing enforcement issue; however, he did forward the letter to the Township Manager and to Mr. Truelove. Mr. Sanford stated no one responded back.

Mr. Sanford stated within two weeks he had a Summons to go to Court. He stated with regard to the Ordinance, the Registration deadline was September 1, 2019; but he was summoned to Court, and the first date was the first week of July. Mr. Sanford stated within a week of the Trial date, he received a notice from the Courts that Lower Makefield changed the date to about ten days after that. Mr. Sanford stated he appeared in Court that day with his attorney, but Lower Makefield never appeared in Court; and the Judge dismissed the case. Mr. Sanford stated ten days later he received another Summons from Lower Makefield with the date of September 1, 2019. Mr. Sanford stated when he went to Court in September, the Judge dismissed the Case.

Mr. Sanford stated there was no intervention from anyone in Lower Makefield starting with the Code Enforcement Officer, and no one was an overseer to look at what was going on. Mr. Sanford stated he had photographs of the house, and he wanted someone at the Township to listen to him and find out what the facts were. He stated he feels this is a bad Ordinance which equates whether a house is occupied or not with it being blighted which is false. He stated no one including the Code Enforcement Officer or anyone else from Lower Makefield even wanted to visit the property to see if in fact it met any of the criteria. He stated the Ordinance

is overreaching. He stated there are eight trigger items, and any one of them can get the house deemed as blighted. Mr. Sanford stated there is also no leeway. He stated he wrote letters, made phone calls, and came into the Township Building to try to meet with people; and he was “blown away.” He stated he finds it “appalling” he was treated this way.

Mr. Sanford stated with the forty-five day vacancy period, anyone holding onto an Estate, or if you have a home for rent and cannot get a renter within forty-five days, or if there is a sale that is pending for forty-five days according to the Ordinance, you will get a Notice that you have to register it as a vacant property which is a burden.

Mr. Grenier asked Mr. Truelove if it is appropriate to speak about this at a public meeting. Mr. Ferguson stated he will not speak about the specifics adding he is not disputing what Mr. Sanford has stated. He stated if there was an issue with himself or staff not meeting with Mr. Sanford, he apologizes; and normally he meets regularly with people who have complaints or questions. He stated in the past staff has even gone to people’s homes to look at issues, and it is unacceptable that someone did not answer Mr. Sanford’s questions. He stated moving forward he would be willing to coordinate a meeting with Mr. Sanford and staff to review this and how they are applying this Ordinance. Mr. Truelove stated he was never aware of any Hearings that were scheduled.

Mr. Ferguson stated with regard to what does and does not qualify as a vacant property, there are certain things that the Township looks at to make that determination including if Leaf Assessment and the other various charges that are assessed to people occupying a house are being paid.

Mr. Sanford stated he started with the Code Enforcement Officer and was told that this “was above his pay grade” which was not acceptable. He stated the situation escalated, and he then had to go to Court.

Mr. Grenier asked that Mr. Sanford contact Mr. Ferguson to set up a time to meet.

Mr. Lewis apologized for not following up on this matter. He stated the reason he wrote the e-mail the way he did was because he did not want to get involved in a Code Enforcement situation and have it be seen as “tilting the scales” in any way as he would want there to be a fair Hearing. Mr. Lewis asked Mr. Sanford if his concern is the policy that requires Registration for vacant properties given that there is a \$100 fee. Mr. Sanford stated he understands that, and he has read through the Ordinance many times in preparation for going to Court.

He stated he feels there needs to be some leeway written into the Ordinance. He stated after his Mother's death, many people assumed someone was living in the property because it was kept up so well. He stated in this case, he does not understand what the purpose of the Ordinance is.

Mr. Lewis stated the Ordinance is based off a similar Ordinance that is place in more than one hundred Municipalities in Pennsylvania, and it is a model Ordinance about property management. He stated this allows the Township to work on prompt corrective action so that properties do not become blighted such that they go into negative value. Mr. Sanford stated he feels they need to consider that on an individual basis. He stated in his case, they are investing money into taking care of the property. He stated it has everything except someone sleeping in it every night.

Mr. Ferguson stated he will meet with Mr. Sanford; and while Mr. Sanford may disagree with the answers he is given, they do owe him an answer.

APPROVAL OF MINUTES OF OCTOBER 16, 2019

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve the Minutes of October 16, 2019 as written.

DISCUSSION AND APPROVAL OF ADVERTISING SEWER LATERAL ORDINANCE

Mr. Fred Ebert, Sewer engineer, was present. Mr. Grenier stated this past year they have been working on a Sewer Lateral Ordinance that is required by the PADEP as part of the Township's Act 537 Plan. He stated there was a presentation on this at the Board's last meeting; and since that time, the Sewer Authority voted unanimously to recommend approval of the Ordinance.

Mr. Ebert stated he gave a power point presentation at the Board's last meeting. He stated since then he met with one additional Homeowners Association. He stated he also met with the Sewer Authority, and as a result of that meeting there were a number of changes which they recommended that have been incorporated into the Ordinance. Mr. Ebert stated the changes include adding apartment complexes and non-Residential uses on a schedule rather than at the time of property transfer. He stated the Sewer Authority felt it was very important to proactively address the I & I. Mr. Ebert stated the apartment complexes and

non-Residential uses will be on the same schedule as the common laterals which is in years ending in 2, they are required to do a television and physical site inspection and complete and submit the required forms to the Township. He stated in years ending in 3, they will budget for any repairs that are identified as a result of the inspection. In years ending in 4, they will complete those repairs. Year 5 is in case there is a hardship.

Mr. Ebert stated they have defined apartment complexes as apartment units of four or more individual units so that it does not include someone who has a Mother-in-law suite. He stated they have also defined non-Residential uses in accordance with the SALDO and Zoning. Mr. Ebert stated in terms of definitions, they also took the Homeowners Association out of the common lateral; and defined it as a common lateral because it does not have to be a Homeowners Association and it could be any other Association.

Mr. Ebert stated after any questions have been addressed, he is requesting that the Board approve advertising the Ordinance so that it can be adopted this calendar year. Mr. Ebert stated he met with DEP yesterday and went over the changes, and DEP felt what was proposed was more proactive with regard to putting this on a schedule. Mr. Ebert stated the Ordinance was fully reviewed by the Solicitor's office who offered comments which have been incorporated into the version that the Board has.

Dr. Weiss moved, and Ms. Blundi seconded to approve the advertising of the Sewer Lateral Ordinance as written.

Mr. Lewis stated as he noted previously he still does not understand what would happen in the situation where a property is sold and then is sold again in a short period of time which would require them to have the inspection done again. Mr. Lewis stated he understood from discussions previously that the inspection would be good for a certain period of time; however, he did not find that in the Ordinance. Mr. Ebert stated his recommendation would be to handle this as it is done in other Townships which is to make the Permit valid for a set amount of time. He stated it is not defined in the Ordinance although it could be. He stated most Townships like to have flexibility. He stated he has seen them change from two to three years; and if a set time is not in the Ordinance, the Township could just change the Permit and would not have to change the Ordinance. Mr. Ebert stated normally it is valid for two years, although a few Townships have it valid for three years.

Mr. Ferguson stated they could set this standard as part of the Re-Organization meeting that takes place every year much like they do with the Fee Resolution. He stated they could pass a separate Resolution indicating how long the Board

would want the Permit to be good for. He stated that way if there is a desire to change it, the Board would not have to advertise it and go through the Ordinance; and it would just be passing another Resolution. Mr. Truelove stated the Board would decide each year if they want the Permit to be good for two or three years. Mr. Lewis stated his concern was that it be clearly delineated in the Ordinance so that when someone is reading it, they understand it. He stated most times people would go to the e-Code and read that Section. He stated if the Board is comfortable with two to three years, he feels it should be put in the Ordinance. Mr. Ebert stated he would be comfortable with two years.

Mr. Grenier asked if there is a hardship consideration for individual homeowners like there is for those uses that would be on the schedule. Mr. Ebert stated that was not addressed. He stated it could be handled administratively.

Mr. Ebert stated they could amend the Ordinance to include how long the Permit would be good for.

Mr. Truelove stated they use the term “Certification” in the Ordinance, and he asked if that would be the same as a Permit. Mr. Ebert stated once it is certified and approved, that would become the Permit. Mr. Truelove suggested that they include a definition of “Certification” that would include language that would reflect that upon Certification, a Permit for two years is issued. Mr. Lewis asked if that would be on Page 4, Article III Sub Section E, and Mr. Grenier stated he feels it should be on Page 2 under Article II - Definitions; and Mr. Lewis stated that would be acceptable.

Mr. Ferguson stated he feels they would also have to specify the distinction between those that are not on a schedule, and that this Ordinance would be for those that are due at the time of transfer. Mr. Lewis agreed adding that for those on the schedule their Certification would be good for ten years, and they would then start the cycle over again. Mr. Ebert stated they should make it clear that this is for Residential property transfers only. He stated the others would be on a regularly-occurring schedule. Mr. Lewis stated a definition could be Residential Unit Certification.

Mr. Truelove asked if there are different Certifications for Residential and Non-Residential, and Mr. Ebert stated he was using the same Permit and the same form for both because he wanted to hold them to the same standard since a “lateral is a lateral.” Mr. Ebert stated non-Residential, apartment complexes, and common laterals would be on a ten-year cycle, and Residential would be triggered by property transfer.

Mr. Truelove stated his recommendation would be that there be a Definition of Certification and under that have a Sub A for Residential and a Sub B for non-Residential. Mr. Ebert stated he would also include that on the Permit as to what type of Certification it is. Mr. Grenier asked if there is language they could include at this point rather than having to wait until the next meeting to authorize advertisement.

Mr. Lewis noted a number of typos.

Mr. Lewis stated with regard to non-compliance, the surcharge seems de minimus at \$25 a month. Mr. Ebert stated that is what every other Ordinance has used, and it does add up substantially since after 60 days it goes to \$50 per month. Mr. Lewis stated if they find that this is an issue, they could amend the structure.

Ms. Blundi stated Page 5, Article IV Sub-Paragraph B talks about the ramifications of non-compliance, and she is not sure the second sentence is reading correctly. It was agreed that it should read "... this Ordinance and/or other applicable Township regulations." Ms. Blundi also noted a number of typos.

Mr. Truelove suggested language with regard to Certifications and the Permit and that the Residential Permits would be valid for up to two years, and non-Residential Certifications would be valid for up to ten years.

There was discussion about the different requirements with regard to Residential and non-Residential properties; and Mr. Ebert stated with the Schedule the non-Residential properties will be checked more frequently than the average Residential home which would only be done at the time of the sale of the property.

Dr. Weiss withdrew his Motion.

Dr. Weiss moved and Ms. Blundi seconded to advertise the Sewer Lateral Ordinance with the included changes specified by the Township solicitor.

Mr. Harold Kupersmit asked the status of the Supervisors discussions to either keep the sewer system or sell it, and he asked how this item and the next item on the Agenda impact on that decision. Mr. Grenier stated the review of the sewer system is a totally separate issue from this item. Ms. Tyler stated she asked Mr. Truelove about that; and if there is a sale, it would be subject to this Ordinance. Mr. Grenier stated this is required as part of our 537 Plan issued by DEP.

Mr. Kupersmit asked how the Board is “impacting” with Morrisville. Mr. Grenier stated the reason for the Ordinance they are considering is to deal with the I & I. He stated this is a way to make sure we are inspecting the pipes on a regular basis to make sure that they are in a good condition so that less I & I gets into the pipes since an increase in volume raises the flow volumes to the sewer plant. He stated when there are increased flows, there is more volume in the pipes than what they were designed for that comes into the sewer plant, and that effects the sewer plant’s ability to address the disinfectant needs.

Mr. Ebert stated we are charged by the volume that goes to the sewer plant so there is a financial impact to the Township. He stated reducing the flows reduces the treatment costs that are charged by the treatment authority that are passed on to the ratepayers. He stated the lower they can get the I & I, the less likely they are to have future rate increases since they would be experiencing less costs so a main driving factor is financial. Mr. Grenier stated when there are rainy years, the sewer fees increase because of the I & I, and their goal is to reduce that additional water coming in which will reduce the financial burden on the Township for sewer volumes going to the plant.

Mr. Kupersmit asked how Yardley, Morrisville, and Lower Makefield impact each other as he feels we are heading to \$200 a month sewer rates. He stated they should get together with everyone to do some forward planning. He stated if they sell the sewer system, the new owner will increase the rates. Mr. Grenier stated this Ordinance has nothing to do with the overall sewer system in terms of a possible sale, and it is just the lines coming out of the homes to the mains and addressing those items. Mr. Ebert agreed, adding that this is required to address the 537 Plan requirements whether the Township owns or does not own the sewer system.

Motion carried unanimously.

Mr. Truelove stated he will make the changes in the next few days and circulate it to the Board, Mr. Ferguson, and Mr. Ebert so that they can see it before it is advertised. Mr. Ferguson stated they need to coordinate the timing of the advertisement.

DISCUSSION AND APPROVE ADVERTISING SEWER LATERAL TELEVISIONING RFP

Mr. Ebert stated the Township is providing this service to the property owners, and the Township will request proposals for guaranteed pricing for three years

for the inspection and completion of the Certification for the laterals. He stated this will be a lump sum for each of the three years for the first 150' and then a unit price for any laterals that are longer than 150'. He stated they will go out to plumbers and utility contractors that are Licensed that understand the requirements and provide prices which will be provided as a courtesy and a reference for the property owners' use. He stated the property owners are not obligated to use those on the list. He stated anyone who bids on this will have their name, contact information, and their prices on the Township Website so that it is available to the property owners. He stated this will be a pre-negotiated, guaranteed price. He stated this provides a level of security for the property owners; but there is no obligation for them to use anyone on the list, and they could negotiate a lower price provided it meets the Ordinance.

Mr. Ferguson stated the first six months there may be some confusion, and he felt that this list would be helpful to property owners who are selling their property and need to do this. He stated it is meant to give flexibility and options to the property owners.

Mr. Grenier stated there is no obligation to use anyone on the list, and a property owner can go to someone not on the list, although they could use the list as a reference point to see if they are getting a good price. Mr. Grenier stated the Township is not recommending or certifying anyone on the list; however, in order to be on the list they need to have the requisite Licenses. Mr. Ebert stated they also have to commit to guarantee the price. Mr. Ebert stated while they could not give a recommendation as to who to call to have this done, they could provide the list.

Mr. Lewis stated he feels this is a good idea, and the one benefit for the service providers is that they can decide if they want to invest in the proper equipment to provide this service. Mr. Lewis stated he also feels the same concept would be very helpful in terms of dealing with trash haulers since there have been some issues as to how their pricing works, and this could be a good test run for that as well. He stated they could then go to trash haulers and have them give a three-year guarantee on pricing.

Mr. Grenier asked the timeframe for the RFP. Mr. Ferguson stated they would have to get their pricing back by December 11, and Mr. Ebert would review that and come back with a list to the Board of Supervisors at their final meeting in December. Mr. Ebert stated once the Ordinance is passed, they will have information on the Website for those who may be selling their homes in January. Mr. Grenier stated he knows the HOAs are aware of this, but the Township needs

to make sure that residents and Realtors are aware of this. Mr. Ebert stated with regard to the non-Residential property owners, he is planning to prepare a packet; and he will follow up with the HOAs. He stated he will also do an informational package to go on the Township Website and it will be sent out to Real Estate agents. Mr. Grenier stated it can also go on the Township Facebook page. Mr. Ebert stated there is a learning curve the first few months.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize advertising Requests for Proposals for the sewer lateral inspections as outlined by the Township Sewer engineer.

APPROVAL OF PAYMENT REQUEST NO. 2 FOR HEACOCK FORCE MAIN REPLACEMENT PROJECT

Mr. Ebert stated this is for the driveway and lawn restoration at the Prancing Peacock. He stated the delay in processing this was because they wanted to make sure that the grass area was established which it was.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Payment Request No. 2 for the Heacock Force Main Replacement Project in the amount of \$20,399.35 as outlined by the Sewer engineer.

APPROVAL OF PAYMENT REQUEST NO. 3 AND FINAL FOR HEACOCK FORCE MAIN PIPE REPLACEMENT PROJECT

Mr. Ebert stated this is for release of the retainage. He stated they have received all the drawings, and the Maintenance Bond has been approved by Ms. Kirk. He stated this will complete the Contract and start the maintenance period.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve payment of Request No. 3 and Final for the Heacock Force Main Pipe Replacement Project as outlined by the Sewer engineer.

ENGINEER'S REPORT

Mr. Pockl stated the Board received his Engineer's Report in their packet that outlines the status of the Capital Projects and Development Projects that they have been working on.

Approve Escrow Release #2 for 109 Ovington Road

Mr. Pockl stated the house has been built and a Certificate of Occupancy has been issued. He stated he is requesting that all of the money be released with the exception of the contingency and the Inspection Fees.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Escrow Release #2 for 109 Ovington Road in the amount of \$11,792.00.

Authorize Change Order #3 for the 2019 Road Program (Final Quantity Adjustment)

Mr. Pockl stated this project is completed. He stated they have issued Change Order #3 which adjusts all of the final Contract quantities to the amount of quantities which were actually installed on the project. He stated there were less quantities installed than what was budgeted for, so this is a net Change Order which results in a credit back to the Township in the amount of \$30,778.22.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize Change Order #3 for the 2019 Road Program with a credit back to the Township in the amount of \$30,778.22.

Authorize Final Payment for 2019 Road Program

Mr. Pockl stated with the authorization of Change Order #3 for the 2019 Road Program that equates to a final payment for the 2019 Road Program in the amount of \$14,701.23.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize the final payment for the 2019 Road Program as outlined by the Township engineer.

Approve Escrow Release #8 for the Yardley Woods Development

Mr. Pockl stated this is for curb work and roadway work that has been completed. He stated he is recommending an Escrow Release in the amount of \$100,689.50.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to authorize Escrow Release #8 for the Yardley Woods Development in the amount of \$100,689.50.

Mr. Pockl noted that after this Release, the total amount of financial security remaining on the Yardley Woods Development is \$648,625.69.

Discussion and Rejection of Memorial Park Bids

Mr. Pockl stated they opened Bids on October 30, and they received two Bids with the low Bid from Ocean Construction in the amount of \$874,481.64 for the Base Bid. Mr. Pockl stated compared to the initial estimate, this is approximately double the estimate. Mr. Pockl stated they are recommending that the Bid not be awarded. He stated in discussions with several contractors who had indicated that they were going to Bid and had asked them to extend the Bidding period so that they could have ample time to review it and Bid on it, they indicated that they did not bid because this is a Bidding climate that is skewing high because the contractors are very busy. He stated this is especially true for a project like this which requires multiple different types of work. He stated the prime contractor would have to sub out portions of the work, and one contractor indicated that they did not have the time to discuss it with multiple subcontractors, and that the number that they were getting from subcontractors were inflated, and they chose not to bid on it.

Mr. Pockl stated one of the line items they had in the Memorial Park Bid was for asphalt for the trail and the tennis courts. He stated when he completed his estimate, he used the price that they got for asphalt for the Township Road Program and increased the unit price by 10% because they would not get the economies of scale at Memorial Park that they got for the Road Program; however, the low Bid that they got for asphalt for the Memorial Park project was almost 100% higher.

Mr. Grenier stated there is a Grant involved with this project. Mr. Ferguson stated the Grant is good through the end of 2021. He stated it is a \$500,000 project, and he and Mr. Pockl will work to break the project out into component parts and look at some other creative options. He stated as an example, there is a National Bidding Consortium that the Township is a part of that bids multiple items similar to COSTARS. He stated Mr. Pockl will work with staff to come up with various options to get to \$500,000 although it will not be the project in its entirety. Mr. Ferguson stated if changes need to be made to the project, they will go back to the Grant funder; and they will show them these Bids. He stated provided the Township keeps the intent of the project, he feels the Grant funder will be favorable with their proposal. He stated part of the project may have to be done in a subsequent year.

Mr. Grenier asked what the trail would have cost, and Mr. Pockl stated it would have cost approximately \$60,000 based on what they received in the Bid.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to reject the Memorial Park Bids.

MANAGER'S REPORT

Mr. Ferguson stated he wants to create a culture where the staff feels protected. He stated over the last couple of weeks he has received dozens of calls from people questioning his background, his experience, and his motives. He stated he cares what happens in the Township. He stated he was not the cause of the Township's Bond rating downgrade. He stated Moody's called last week to go over the Township's 2018 Financial Report. He stated the Township is required to upload the Audit every year into a system where bondholders can see the financial standing through the Audit of the Township, and they will be doing that again this year as was done last year in November.

Mr. Ferguson stated when Moody's called last year, it was not about the 2019 Budget, rather it was about the Audit that was released in 2017 which showed that the Township's Fund Balance was \$2.9 million but in the same Audit, it also showed negative balances of over \$2 million. Mr. Ferguson stated that Audit is on the Township Website. Mr. Ferguson stated when Moody's called him in November, it was to express their "extreme alarm" at what they had seen in that Audit.

Mr. Ferguson stated when the Board passed the 2019 Budget, and they had their meeting in February which was a series of conference calls, the first question he was asked by Moody's was "how much money do you think you have." He stated he was asked if it was \$2.9 million, and Mr. Ferguson had advised them that it was not; and their response was that it was good to hear that he recognized that. Mr. Ferguson stated they also asked if the Board had any intention of fixing this, and Mr. Ferguson advised them that the Board as part of the 2019 Budget reconciled all of the accounts.

Mr. Ferguson stated while it is not uncommon for Township's to have negative balances, the problem was in 2017 when the financials came out, unbeknownst to the Board of Supervisors, they amounted to all of the Township's money so

much so that on January 6, 2018 which was the first payroll of the year, the Township could not make payroll, and had to borrow Bond money to make payroll on January 6, 2018.

Mr. Ferguson stated with regard to the Moody's phone call when they asked what was the Board going to do, he advised them that the Board had already reconciled all of the accounts as part of the 2019 Budget; and he was asked to confirm that was done. Mr. Ferguson stated he sent to Moody's all of the documentation, and Moody's subsequently called and advised that this was "good news and that this saved the Township from getting a multiple Bond downgrade."

Mr. Ferguson stated they had a 2019 Audit by a new Auditing firm that advised that there was a clean Audit, and everything was now accounted for.

Mr. Ferguson stated there was \$911,000 in a RACP Grant for the Community Center that was never received, but it was logged in as if it had been received in the 2017 Audit. He stated that has now been reconciled in the 2019 Budget, and the Auditor had indicated that they had to re-state the 2017 financials which was done. Mr. Ferguson stated that money was then received in April.

Mr. Ferguson stated for someone to suggest that he should be fired for doing that, they should "fire him for being ethical and he will never stay here any other way."

Mr. Grenier stated anyone who would question Mr. Ferguson's integrity or his work ethic is grossly misunderstanding of what is going on.

Ms. Tyler stated this is a very "tough business" and they are often subject to criticism by people who do not know the whole story or may have an agenda. She stated Mr. Ferguson should not feel the need to defend himself, and she asked that he continue doing his job the way he has and not let people dictate how he feels about his job. Ms. Tyler stated they are all doing the best they can, and she asked that everyone be more civil and have more mutual respect and understanding for each other.

Mr. Ferguson stated one of the goals he has is to create an environment at the Township so that whenever he leaves or any staff member leaves that it will be felt that this is a place where people want to come to work. He stated there are Towns in Bucks County that cannot get a Manager because no Manager wants to work there, and he does not want that to happen in Lower Makefield; and he wants people to be proud to work here.

Special Meeting Budget Discussion and Setting Date

Mr. Ferguson stated there was discussion about going through the process that was done before which was to have a presentation of the Manager's Recommended Budget which would be an outline of what would be suggested for next year. He stated he is recommending that this would be done on November 13 at 7:30 p.m., and they would consider passing a Preliminary Budget on November 20 which is the Board's regularly-scheduled meeting. He stated the Budget would be displayed for twenty days, and it could be passed in December as a final document.

Ms. Tyler stated previously they had possibly three pre-Budget sessions. Mr. Ferguson stated last year they had a Manager's presentation Budget, but no vote was taken at that time. He stated they then passed a Preliminary Budget, and then a Final Budget before the end of the year. Ms. Tyler asked when they would meet with the staff, and Mr. Ferguson stated that would be at the meeting on November 13 which was how it was handled last year when the staff was present at the initial presentation so that they would be available to answer questions. Mr. Ferguson stated he would be willing to meet in advance of the November 13 with individual Supervisors. Mr. Ferguson stated additional meetings could also be scheduled if necessary. He stated the last scheduled meeting of the Board is December 18, and they would need to pass a Preliminary Budget before the end of November. He stated in the alternative, they could have another meeting after December 18.

Mr. Grenier asked if the meeting on November 13 would be televised, and Mr. Ferguson agreed that it would be. Mr. Ferguson stated if a majority of the Board feels it is too soon to pass a Preliminary Budget on November 20, they could discuss it on November 20, but then add an extra meeting before the end of the year to pass a final Budget. Mr. Ferguson stated they will advertise that there will be a Budget Meeting on November 13, and they will also have to advertise in advance of passing a Preliminary Budget as well.

It was agreed that the Budget meeting will be held on November 13 beginning at 7:30 p.m. Mr. Ferguson stated he will have packets available for the public at that meeting, and he will provide the Board the packet this Friday. He stated the packet will go on the Website after the meeting on November 13. Mr. Ferguson was asked to provide Supervisor-Elect McCartney with a packet as well, and Mr. Ferguson also advised Mr. McCartney that he would be willing to meet with him prior to the meeting on November 13.

SOLICITOR'S REPORT

Mr. Truelove stated that the Board met in Executive Session beginning at 6:30 p.m. and items related to litigation, Contracts, and informational items were discussed.

Approve Resolution No. 2345 Authorizing Acceptance of Easement Agreement for Sanitary Sewer Line for Property Situated in the Oakmont Development

Mr. Truelove stated there was a property sold by the developer to an individual which should have had a Sanitary Sewer Easement Recorded beforehand; however, that was not done. He stated Ms. Kirk has had the property owner sign a Sanitary Sewer Easement document which is ready for approval by the Board.

Ms. Tyler moved, Ms. Blundi seconded and it was unanimously carried to approve Resolution No. 2345 authorizing acceptance of Easement Agreement for Sanitary Sewer Line for the property situated in the Oakmont Development as outlined by the Township solicitor.

Ms. Tyler left the meeting at this time.

ZONING HEARING BOARD MATTERS

With regard to the Bruce Alton on behalf of Pennsylvania American Water Co. Variance request for the property located at the intersection of Quarry and Dolington Roads in order to permit installation of above-ground booster pump building located within setback and requesting Special Exception for utility use, Ms. Blundi moved, Dr. Weiss seconded and it was unanimously carried to have the solicitor participate.

Ms. Blundi asked that they make sure that they notify the surrounding residents, and Mr. Truelove stated Mr. Majewski's office would do this consistent with the requirements of the Ordinance.

SUPERVISORS REPORTS

Dr. Weiss stated the Economic Development Committee is in the process of sending out the 2019 Business Survey.

Ms. Blundi stated the EAC will be holding another Styrofoam collection the first week of December.

Mr. Grenier stated the Park & Rec staff had a last minute request to allow use of the Community Center to Kayden's Korner to hold a Judicial Candidates forum which went very smoothly and was well attended. He stated staff came in on a Sunday in order to do this, and he thanked them for that.

DISCUSSION ABOUT BOARD AND COMMISSION VACANCIES

Mr. Grenier advised those interested in volunteering for one of our Board or Commissions, that there are several openings which are published on the Township Website. He asked those interested to provide an expression of interest letter and a resume to the Township Manager.

OTHER BUSINESS

Mr. Ferguson noted the tree planting will take place on November 16 and November 17, and there is a sign-up sheet. He stated they are currently at sixty volunteers.

Dr. Weiss moved, Ms. Blundi seconded and it was unanimously carried to adjourn the meeting at 9:15 p.m.

Respectfully Submitted,

Kristin Tyler, Secretary